



CHAPTER xxii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to St. Andrews Links and adjoining lands. A.D. 1932.
[16th June 1932.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63 Vict.
c. 47.
16 & 17
Geo. 5. c. 18.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the St. Andrews Links Order Confirmation Act 1932. Short title.

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SCHEDULE.

ST. ANDREWS LINKS.

Provisional Order to confer further powers on the provost magistrates and councillors of the burgh of St. Andrews in reference to the Links of St. Andrews and adjoining lands and for other purposes.

WHEREAS the provost magistrates and councillors of the burgh of St. Andrews (hereinafter referred to as "the Town Council") are the municipal and local authority within the said burgh (hereinafter referred to as "the burgh") :

And whereas by the St. Andrews Links Act 1894 (hereinafter referred to as "the Act of 1894") the then commissioners of the burgh (who were the predecessors of the Town Council) were authorised to acquire the Links of St. Andrews as described in the First Schedule to the said Act for the purposes and with the powers in the said Act set forth :

And whereas the said commissioners acquired and the Town Council now own the said links except a small portion thereof feued to the Royal and Ancient Golf Club of St. Andrews by virtue of the powers conferred on the Town Council by the St. Andrews Links Order 1924 :

And whereas the Act of 1894 amongst other things authorised the Town Council to appropriate any parts of the said links to the playing of golf thereon and the said links are mainly occupied by three golf courses known as the Old Golf Course the New Golf Course and the Jubilee Golf Course :

And whereas by the Act of 1894 and the Second Schedule thereto the green committee of St. Andrews Links as therein constituted was vested inter alia with the sole charge of the Old Golf Course and the New Golf Course :

And whereas by the *St. Andrews Burgh Extension and Links Order 1913* (hereinafter referred to as "the Order of 1913") the Town Council were authorised by agreement to purchase acquire or lease and hold lands for the purpose of an additional golf course and by virtue of the powers so conferred the Town Council took a lease of certain lands adjoining the said links and there is now situated partly on the lands so leased and partly upon the said links a fourth golf course known as the *Eden Golf Course* : A.D. 1932.

And whereas by virtue of the provisions of the Act of 1894 and the Order of 1913 charges have been made by the Town Council and the green committee of *St. Andrews Links* from persons playing golf on the said links and lands with certain exceptions as specified in the Order of 1913 :

And whereas from time to time various important golfing events (including the British amateur golf championship the open golf championship the Scottish golf championship and the Walker cup competition) have been held upon the said links and lands which events have been attended and witnessed by large numbers of spectators without payment :

And whereas owing to the difficulties experienced from time to time in regulating such spectators it is expedient that the terms and conditions upon which the said links and lands are now held by the Town Council should be altered and that powers should be conferred upon the Town Council to close the said links and lands and certain adjoining lands to the public during the holding of golfing events except upon payment of fees of admission as hereinafter in this Order provided :

And whereas it is expedient that the other provisions in this Order contained should be enacted :

And whereas plans of the links and lands hereinbefore referred to and a book of reference containing the names of the owners and lessees or the reputed owners and lessees and of the occupiers of such links and lands were duly deposited with the sheriff clerk of the county of Fife and are in this Order respectively referred to as the deposited plans and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament

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Order Confirmation Act, 1932.

A.D. 1932. under the provisions of the Private Legislation Procedure
— (Scotland) Act 1899 :

Now therefore in pursuance of the powers contained in the last mentioned Act as read with the Secretaries of State Act 1926 the Secretary of State orders as follows :—

Short title and citation. 1. This Order may be cited as the *St. Andrews Links Order 1932* and the *St. Andrews Links Act 1894* the *St. Andrews Burgh Extension and Links Order 1913* the *St. Andrews Links Order 1924* and this Order may be cited together as the *St. Andrews Links Acts 1894 to 1932*.

Interpretation. 2. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction the following words and expressions shall have the meanings hereby respectively assigned to them (namely) :—

“ The Town Council ” means the provost magistrates and councillors of the burgh of St. Andrews ;

“ The Act of 1894 ” means the *St. Andrews Links Act 1894* ;

“ The Order of 1913 ” means the *St. Andrews Burgh Extension and Links Order 1913* ;

“ The recited Acts ” means the Act of 1894 the Order of 1913 and the *St. Andrews Links Order 1924* ;

“ The green committee ” means the green committee of *St. Andrews Links* constituted by the agreement scheduled to the Act of 1894.

Power to close golf courses on special occasions &c. 3.—(1) Notwithstanding any provision to the contrary contained in the recited Acts or in any other Act of Parliament or Order or in the minute of agreement between James Cheape Esquire of Strathtyrum and the Town Council dated the seventh and tenth days of November nineteen hundred and thirteen the Town Council may subject to the provisions of this Order hold use and appropriate the lands and property shown on the deposited plans and marked thereon “ Area A ” and described in the deposited book of reference or any part or parts thereof for or in connection with golf championships or competitions or may permit the said lands and property or any part or parts thereof to be so used and appropriated by others and whilst so used and appropriated the Town Council may close the same to

the public (other than competitors stewards or other persons officially participating in the said golf championships or competitions) and demand and take or permit to be demanded and taken for the admission of persons vehicles goods and things such sums as the Town Council from time to time think fit not exceeding such maximum sums as are hereinafter in this Order set forth and while the said lands and property or any part or parts thereof is or are so used and appropriated as aforesaid the Town Council may exclude therefrom all persons vehicles goods and things unless payment be made of the sums demanded Provided that while any of the golf courses on the said lands and property is or are so used and appropriated as aforesaid the remaining golf courses thereon shall always be open for play The said lands and property are situate within the parish of St. Andrews and St. Leonards and county of Fife and are partly situate within the burgh of St. Andrews and partly outwith the said burgh and are as follows (that is to say) :—

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The lands and other property situate within the area marked "Area A" delineated on the deposited plans and bounded as follows Commencing at the north-eastern extremity of Golf Place where it adjoins the public shelter and tea room thence in an easterly direction for a distance of 60 yards or thereby thence in a northerly direction for a distance of 116 yards or thereby to the north-eastern extremity of the sea wall thence in a westerly direction for a distance of 154 yards or thereby thence south-westwards and westwards in a curved line for a distance of 238 yards or thereby to the Swilcan Burn thence (partly in an irregular course or direction) northwards and north-westwards following the line of the high-water mark of ordinary spring tides in St. Andrews Bay to the high-water mark of ordinary spring tides in the river Eden or estuary thereof thence westwards and south-westwards following the line of the said high-water mark in the said river or estuary to the north-west corner of the Eden Golf Course thence in a southerly direction for a distance of 60 yards or thereby to the north side of the London and North Eastern Railway

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thence eastwards and south-eastwards along the north and east sides of the said railway for a distance of 1567 yards or thereby to the footbridge over the said railway near to Pilmour Cottage thence across the said railway and along the south-east boundary of the property known as Pilmour Cottage to the Mussel Road thence in a south-easterly direction along the west or south-west side of the said Mussel Road for a distance of 293 yards or thereby thence in a south-westerly direction for a distance of 193 yards or thereby along a wall bounding part of the Eden Golf Course to the public highway leading from St. Andrews to Newport thence along a wall bounding the said highway for a distance of 433 yards or thereby to the south-east corner of the Eden Golf Course thence in a north-westerly and north-easterly direction for a distance of 307 yards or thereby along the west and south sides of the said railway thence across the said railway by the level crossing in a south-easterly direction for a distance of 17 yards or thereby to the Mussel Road thence along the south and south-west sides of the Mussel Road for a distance of 350 yards or thereby to the north side of the road formerly part of the highway from St. Andrews to Cupar 255 yards or thereby westwards from the bridge carrying the said last mentioned highway over the Swilcan Burn measured from the centre of the said bridge along the said last mentioned highway thence westwards and south-westwards for a distance of 10 yards or thereby to the south-west corner of the said last mentioned highway thence south-eastwards and eastwards along the south side of the said last mentioned highway (generally known as the Old Station Road) for a distance of 270 yards or thereby thence north-eastwards for a distance of 20 yards or thereby to the junction of the said last mentioned highway with the road or street running along the south side of the links (hereinafter called "the Links Road") from at or near the Swilcan Burn to Golf Place thence from the said junction along the south

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side of the Links Road to its junction with Golf Place thence northwards along the west side of Golf Place for a distance of 62 yards or thereby thence eastwards to the north-western extremity of the road or street called the Scores and thence northwards along the east side of Golf Place to the point of commencement but excluding from the lands and property above described the Royal and Ancient Golf Club house property at the links and the Shepherd's Cottage on the Eden Golf Course;

which lands and other property situate within the said area marked "Area A" are hereinafter in this Order referred to as "the said lands."

(2) The proviso to section 7 (Purposes for which links to be acquired) of the Act of 1894 shall not apply or have effect during such times as the said lands are closed as aforesaid.

(3) During the periods when the portion of the public road known as the Mussel Road (being the portion thereof numbered 44 and 59 on the deposited plans) is closed under the powers of this Order the Town Council shall provide an alternative access by the West Sands to and from the point of termination of the said Mussel Road at the estuary of the river Eden.

(4) The Town Council shall not under the powers of this Order in any one year commencing on the first day of January close the said lands for more than fourteen consecutive days or for more than twenty-five days in all.

(5) The Town Council for the purposes of carrying out the powers of this Order may upon the said lands erect such fences and put up such bars posts and other erections as may be necessary or expedient for preventing access being obtained to the said lands or any part or parts thereof. Provided that in exercising the powers conferred by this subsection on the Old Golf Course and the New Golf Course the Town Council shall act in consultation with the green committee. Provided also that any such fences bars posts and other erections—

(a) shall not prevent any person having access without charge to and from any buildings

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abutting on the roads or streets included within the said lands;

(b) shall not prevent any person having access without charge along the public road known as the Mussel Road to and from the Mussel Scalps at the river Eden by means of vehicular traffic for purposes connected with the said Mussel Scalps;

(c) shall not prevent the occupier of the dwelling-house known as Pilmour Cottage from obtaining access without charge by the said public road known as the Mussel Road to and from the said cottage;

(d) shall be removed as soon as reasonably may be after the termination of the golf championship or competition in respect of which they were erected.

(6) The powers conferred by this section shall only be exercised in respect of the lands which are the subject of the minute of agreement referred to in subsection (1) of this section so long as the said lands are either owned by or leased to the Town Council.

(7) During such time or times as the said lands are closed under the powers of this Order no person other than competitors stewards or other persons officially participating in the said golf championships or competitions shall enter upon them or bring vehicles goods or things upon them without first making payment of the sums demanded unless he has the consent of the Town Council.

(8) Any person offending against the provisions of this section shall be liable to a penalty not exceeding forty shillings and all offences against the provisions of this section may be prosecuted and all penalties in respect of such offences may be recovered before a court of summary jurisdiction.

(9) Nothing in this Order shall prejudicially affect the rights powers and privileges of the green committee and the powers by this section conferred shall not be exercised as regards the Old Golf Course and the New Golf Course or either of them except with reference to golf championships or competitions the holding of which has been approved by the green committee.

4.—(1) The sums which may be demanded and taken under the provisions of the immediately preceding section of this Order shall not exceed five shillings per day or such inclusive charge for the full period of any golf championship or competition as the Town Council may fix but not exceeding the rate of five shillings per day. Provided that the Town Council may in their discretion exempt any person or class of persons from payment of the said charges or may make such reduced charges in the case of any person or class of persons as the Town Council think fit. Provided further that in giving such exemptions or making such reduced charges the Town Council shall not differentiate between (a) regular bona fide ordinary and life members of the Royal and Ancient Golf Club of St. Andrews and (b) the municipal voters of St. Andrews and their wives and children (such wives and children being permanently resident within the burgh of St. Andrews).

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 Charges.

(2) All sums received by the Town Council under this Order shall be applied by them in the first place for defraying the expenses of any golf championship or competition in respect of which such sums are received and thereafter either in accordance with the provisions of section 38 (As to moneys received from charges) of the Order of 1913 or for purposes connected with the game of golf. Provided that in the event of permission being granted by the Town Council to the championship committee of the Royal and Ancient Golf Club of St. Andrews or such other body as may have the control of any golf championship or competition to demand and take the sums for admission as aforesaid then the Town Council may authorise such committee or other body as aforesaid to retain the sums received for defraying the expenses of such championship or competition and for purposes connected with the game of golf. Provided further that the proceeds of the sums demanded and taken under this section in respect of the open golf championship to be held in the year one thousand nine hundred and thirty-three shall be applied towards payment of the costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto.

5. Notwithstanding anything contained in section 42 (Confirming agreement between Town Council and Royal and Ancient Golf Club) of the Order of 1913 or in

Provision as
 to starting
 times &c.

A.D. 1932. — the agreement set forth in the Second Schedule to that Order or in the minute of agreement between James Cheape Esquire of Strathtyrum and the Town Council dated the seventh and tenth days of November nineteen hundred and thirteen the Town Council from time to time and for such periods as may be thought fit may by agreement with the Royal and Ancient Golf Club of St. Andrews vary or alter and increase or diminish the times for the starting places and the starting numbers reserved exclusively for ordinary and life members of the said club referred to in the agreements hereinbefore in this section mentioned and the said agreements shall be read and construed accordingly.

Saving as to ladies putting green. 6. Nothing in this Order shall prejudicially affect any agreement made by the Royal and Ancient Golf Club of St. Andrews in reference to the ladies putting green or the access to and from the said green of persons playing or desirous of playing thereon.

For protection of James Cheape. 7. For the protection of James Cheape and his successors proprietors of the estate of Strathtyrum (all of whom are included in the expression "the said James Cheape") the following provisions shall unless otherwise agreed between the Town Council and the said James Cheape apply and have effect (that is to say):—

(1) Nothing in the section of this Order of which the marginal note is "Power to close golf courses on special occasions &c." (a) shall authorise any sums to be demanded and taken from the said James Cheape or the tenant of Strathtyrum House and their respective families and guests resident for the time being at Strathtyrum House for admission to the lands which are the subject of the minute of agreement between the said James Cheape and the Town Council dated the seventh and tenth days of November nineteen hundred and thirteen or (b) shall prevent the occupier of the shepherd's cottage on the lands which are the subject of the said minute of agreement obtaining access without charge to and from the said cottage:

(2) Except during the period when the lands described in the section of this Order of which the marginal note is "Power to close golf

courses on special occasions &c.” are closed to the public nothing in this Order shall in any way affect or prejudice the right to three starting places in the forenoon and to three starting places in the afternoon reserved to the said James Cheape or the tenant of Strathtyrum House and their respective families and guests resident for the time being at Strathtyrum House by article thirteenth of the agreement set forth in the Second Schedule to the Order of 1913 and article sixth of the minute of agreement referred to in subsection (1) of this section and subject to articles fourteenth fifteenth and sixteenth of the agreement set forth in the said Second Schedule to the Order of 1913 the said three starting places in the forenoon and the said three starting places in the afternoon may in the case of the golf course known as the “ Old Golf Course ” or the “ Old Course ” during the months of August and September in each year be claimed by the said James Cheape or the tenant of Strathtyrum House and others as aforesaid at any time except between the hours of 10 and 11.16 a.m. and between the hours of 2 and 3.16 p.m. and that notwithstanding any agreement which may be come to between the Town Council and the Royal and Ancient Golf Club of St. Andrews by virtue of the terms of the section of this Order of which the marginal note is “ Provision as to starting times &c.”

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8. Except in so far as the Town Council and the London and North Eastern Railway Company may otherwise agree nothing contained in this Order shall apply to any property used or held by the said railway company by virtue of their statutory powers nor empower the Town Council to close or obstruct the access to any station depot or property of the said railway company or to interfere with the full and free access both for vehicular and pedestrian traffic to any such station depot or property.

For protec-
 tion of
 London and
 North
 Eastern
 Railway
 Company.

9. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall in the first place

Costs of
 Order.

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A.D. 1932. — be paid by the Town Council out of any charges on the golf courses of the Town Council to be levied by the Town Council under the recited Acts and shall thereafter be repaid to the Town Council from the proceeds of the sums demanded and taken under the section of this Order of which the marginal note is "Power to close golf courses on special occasions &c." in respect of the open golf championship to be held in the year one thousand nine hundred and thirty-three in so far as the proceeds of the sums so demanded shall enable such repayment to be made.

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