

[62 VICT.] *St. Andrews Burgh Order Confirmation* [Ch. xxix.]
Act, 1899.



CHAPTER xxix.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 reducing the number of magistrates and councillors in the Royal Burgh of St. Andrews. A.D. 1899.
[6th June 1899.]

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 and it is necessary that the said Order should be confirmed by Parliament: 55 & 56 Vict.
c. 55.

Be it therefore enacted by the Queen'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 shall be and the same is hereby confirmed. Confirmation
of Order.

2. This Act may be cited as the St. Andrews Burgh Order Confirmation Act 1899. Short title.

[Ch. xxix.] *St. Andrews Burgh Order Confirmation* [62 VICT.]
Act, 1899.

A.D. 1899.

SCHEDULE.

PROVISIONAL ORDER.

WHEREAS by section 44 of the Burgh Police (Scotland) Act 1892 (hereinafter referred to as "the principal Act") it is enacted as follows:—

"In any burgh where the magistrates and council are the commissioners under this Act it shall be lawful for the magistrates and council to make application to the Secretary for Scotland for a Provisional Order determining that the number of the magistrates and council or either of them may be altered to any number which would be competent under this Act for the commissioners of police of such burgh and for distributing the number of the magistrates and council so altered among the wards of the burgh if it is divided into wards and that such alteration shall come into effect either immediately at the next election or at successive elections by gradual increase or diminution of the number of the magistrates and council or either of them.

"If such order is made and confirmed by Parliament as hereinafter provided it shall regulate the number of the magistrates and council of such burgh for the future any charter right or Act of Parliament notwithstanding."

And whereas the City and Royal Burgh of St. Andrews is a burgh having magistrates and councillors who are commissioners under the principal Act and the population of the burgh is under ten thousand :

And whereas the election of magistrates and councillors in the said city and royal burgh is regulated by the Act 3 & 4 Will. IV. cap. 76 and Acts amending same :

And whereas the present number of councillors of the said city and royal burgh is twenty-nine being the number fixed according to the sett and usage of the said royal burgh which at the passing of the foresaid Act of 3 & 4 William IV. cap. 76 constituted the common council of the said burgh :

And whereas the present number of magistrates is five consisting of the provost and four bailies :

And whereas the burgh was by a deliverance of the Sheriff of Fife and Kinross dated 22nd March 1898 divided into three wards :

And whereas a petition under the provisions of the principal Act has been presented to me the Right Honourable Alexander Hugh Lord Balfour of Burleigh Her Majesty's Secretary for Scotland by the magistrates and council of the said city and royal burgh setting forth that in consequence of the division of the said burgh into three wards and the existing number of councillors having been found to be too large for the convenient and proper administration of the affairs of the burgh it is expedient that the number of councillors should be altered and reduced from twenty-nine to twelve to be divided equally amongst the three wards of the burgh by a gradual diminution of the existing number and that the number of magistrates should be reduced from five to three consisting of a chief magistrate and two other magistrates being the number authorised by the principal Act :

[62 VICT.] *St. Andrews Burgh Order Confirmation* [Ch. xxix.]
Act, 1899.

And whereas after due inquiry I have resolved to grant a Provisional Order reducing the number of magistrates and councillors in the said burgh accordingly : A.D. 1899.

Now therefore in pursuance of the powers vested in me in this behalf I as Secretary for Scotland do by this Provisional Order under my hand and seal determine that after the passing of any Act of Parliament confirming this Provisional Order the number of councillors in the City and Royal Burgh of St. Andrews shall subject to the provisions hereinafter mentioned be altered and diminished to twelve by a gradual reduction in number of seventeen councillors and that the number of magistrates in the said burgh shall be altered and diminished to three by the reduction in number of two magistrates all of whom (subject to the provisions of this Order) shall be elected in terms of the existing law and practice regulating the elections of councillors and magistrates in royal burghs and I direct that the said twelve councillors shall be divided equally among the three wards of the burgh and I further direct and provide that such alteration in the number of councillors and magistrates shall come into effect by a gradual diminution of the number of councillors and magistrates in the said burgh at the respective periods as hereinafter provided and I also further direct that the non-retiring representatives of the existing first ward of the burgh shall with the diminished number of councillors to be elected by the electors of the first ward as after mentioned represent the first ward that the non-retiring representatives of the existing second ward shall with the diminished number of councillors to be elected by the electors of the second ward as after mentioned represent the second ward and that the non-retiring representatives of the existing third ward shall with the diminished number of councillors to be elected by the electors of the third ward as after mentioned represent the third ward and that until the number of councillors has been reduced to four for each of the said three wards.

For the purpose of the gradual diminution of the number of councillors the following provisions shall have effect :—

There shall retire from the whole council at the elections on the 1st Tuesday of November in the years 1899 1900 and 1901 respectively the following councillors namely In 1899 ten councillors being those elected on the 1st Tuesday of November 1896 or such number of them as may then remain in office and such other councillor or councillors as may fall to retire according to the present law and practice in order to make up the said number In 1900 eight councillors being those elected on the 1st Tuesday of November 1897 or such number of them as may then remain in office and whose terms of office expire on the 1st Tuesday of November 1900 and also any other councillor or councillors whose retirement shall be hereinafter provided for in consequence of the election of a provost and treasurer or one or other of them as after mentioned In 1901 there shall retire from Ward I. three councillors from Ward II. four councillors from Ward III. three councillors being those councillors elected by said respective wards on the 1st Tuesday of November 1898 or such of them as shall then be in office and whose terms of office expire on the 1st Tuesday of November 1901 and such other councillor or councillors as may fall to retire according to the present law and practice from each ward in order to make up the numbers

[Ch. xxix.] *St. Andrews Burgh Order Confirmation* [62 VICT.]
Act, 1899.

A.D. 1899.

before mentioned falling to retire from each ward and there shall also retire any councillor or councillors not then attached to any ward whose term of office expires on the said 1st Tuesday of November 1901.

As regards the election of councillors in room of the councillors so retiring at the elections on the 1st Tuesday of November in the years 1899 1900 and 1901 respectively the following provisions shall have effect:—

First.—As regards the first ward of the burgh the number of councillors to be elected on the 1st Tuesday of November in each of the said two years 1899 and 1900 shall be as follows namely two in 1899 and one in 1900;

Second.—As regards the second ward of the burgh the number of councillors to be elected on the 1st Tuesday of November in each of the said two years 1899 and 1900 shall be as follows namely one in 1899 and one in 1900;

Third.—As regards the third ward of the burgh the number of councillors to be elected on the 1st Tuesday of November in each of the said two years 1899 and 1900 shall be as follows namely one in 1899 and two in 1900;

Fourth.—As regards the First Second and Third Wards of the burgh the number of councillors to be elected on the 1st Tuesday of November in the year 1901 shall be such as shall make up the total and complete number of councillors representing each of said wards to four and the total and complete number of the whole town council to twelve.

With respect to the retirement of councillors from and the election of councillors to the respective wards of the burgh after the year 1901 the following provisions shall have effect:—

First.—As regards the election on the 1st Tuesday of November 1902 two councillors shall in ordinary course retire from Ward I. one councillor from Ward II. and one councillor from Ward III. and the number of councillors to be elected in ordinary course in each ward at the said election shall be the same as the number retiring from each ward respectively;

Second.—As regards the election on the 1st Tuesday of November 1903 one councillor shall in ordinary course retire from Ward I. one councillor from Ward II. and two councillors from Ward III. and the number of councillors to be elected in ordinary course in each ward at the said election shall be the same as the number retiring from each ward respectively;

Third.—As regards the election on the 1st Tuesday of November 1904 one councillor shall in ordinary course retire from Ward I. two councillors from Ward II. and one councillor from Ward III. and the number of councillors to be elected in ordinary course in each ward at the said election shall be the same as the number retiring from each ward respectively;

Fourth.—In every subsequent year after 1904 four councillors shall in ordinary course retire on the 1st Tuesday of November (that is to say) two councillors from Ward I. one councillor from Ward II. and one councillor from Ward III. in 1905. One councillor from Ward I. one councillor from Ward II. and two councillors from Ward III. in 1906. One councillor from Ward I. two councillors from Ward II. and one councillor from Ward III. in 1907 and so on in like manner and rotation in each ward in every year thereafter and the number of councillors to be elected in ordinary course in each ward at the elections above mentioned shall be the same as the number of councillors retiring from each ward respectively:

[62 VICT.] *St. Andrews Burgh Order Confirmation* [Ch. xxix.]
Act, 1899.

A.D. 1899.

Provided always that in the event of the death of any councillor or other contingencies occurring in any ward requiring the election ad interim of a councillor or councillors for such ward the vacancy or vacancies so occasioned shall be filled up and the retirement of such ad interim councillor or councillors and the election of a councillor or councillors in his or their room at the election on the next ensuing 1st Tuesday of November shall be regulated according to the present law and practice regulating the retiral and election of ward representatives.

As regards the election of a Provost and Treasurer or one or other of them by the town council as constituted after the election on the 1st Tuesday of November 1899 the following provisions shall have effect :—

First.—In the event of both the councillors to be then elected to the offices of Provost and Treasurer respectively being councillors not then attached to any ward and who according to the foresaid Act 3 and 4 William IV. cap. 76 would have fallen to retire on 1st Tuesday of November 1900 but who after their respective appointments as provost and treasurer would in accordance with the existing law and practice continue in office for three years from the time of such appointments then as at the 1st Tuesday of November 1900 there shall retire from Ward I. the councillor who had been elected for that ward on the 1st Tuesday of November 1898 by the lowest number of votes and the councillor elected provost as aforesaid shall take his place and thenceforth sit as one of the representatives of Ward I. until the expiry of his term of office and likewise there shall retire from Ward II. the councillor who had been elected for that ward on the 1st Tuesday of November 1898 by the lowest number of votes and the councillor elected treasurer as aforesaid shall take his place and thenceforth sit as one of the representatives of Ward II. until the expiry of his term of office ;

Second.—In the event of one or other of the councillors elected provost or treasurer in November 1899 as aforesaid being a councillor not then attached to any ward and falling to retire as at the 1st Tuesday of November 1900 as aforesaid then there shall retire as at the 1st Tuesday of November 1900 from Ward I. the councillor who had been elected for that ward on the 1st Tuesday of November 1898 by the lowest number of votes and the councillor elected provost or treasurer as above mentioned shall take his place and shall thenceforth sit as one of the representatives of Ward I. until the expiry of his term of office.

As regards the diminution of the number of magistrates I direct that the same shall take place as follows :—

After the election on the 1st Tuesday of November 1899 the number shall be reduced by one and after the election on the 1st Tuesday of November 1900 or on the first occasion thereafter when a vacancy shall occur in the magistracy the number shall be further reduced by one and the election of a chief magistrate and two other magistrates in the said burgh shall thereafter take place in terms of the existing law and practice regulating such elections in royal burghs.

Notwithstanding anything in this Provisional Order the present provost bailies and treasurer shall continue to hold office for the same respective periods as they would have held office if this Provisional Order had not been made

[Ch. xxix.] *St. Andrews Burgh Order Confirmation* [62 VICT.]
Act, 1899.

A.D. 1899.

It is further hereby provided that the Sheriff of Fife and Kinross or any one of his substitutes shall on a summary application by the town council have power to determine any question which may arise in the carrying out of this Provisional Order and to make regulations regarding the retirement of councillors and the filling up of vacancies and other procedure so far as not herein provided for and his decision shall be final and not subject to appeal.

Given under my hand and seal at Whitehall this Sixth day of March
One thousand eight hundred and ninety-nine.

(L.S.)

BALFOUR OF BURLEIGH.

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