



CHAPTER civ.

An Act to extend the boundaries of the city and royal burgh of Dunfermline to authorise the provost magistrates and councillors of the said burgh to construct and maintain sewers drains and works to acquire lands for those purposes to hold and use lands for gasworks to alter the tenure of the office of town clerk to alter the limit of the public libraries rate and for other purposes.

A.D. 911.

[18th August 1911.]

WHEREAS the provost magistrates and councillors of the city and royal burgh of Dunfermline (hereinafter called "the Town Council") acting under the Burgh Police (Scotland) Acts 1892 to 1903 are the municipal local and sanitary authority within the said burgh (hereinafter called "the existing burgh") under those Acts and the Public Health (Scotland) Act 1897:

And whereas the Town Council are the commissioners under the Burghs Gas Supply (Scotland) Act 1876 and have acquired under the provisions of the said Act and now own the gasworks and supply gas within the existing burgh and places adjacent:

And whereas the Town Council are the local authority within the existing burgh under the Electric Lighting Acts 1882 to 1909:

And whereas the existing burgh has a population of about twenty-eight thousand which is rapidly increasing and the industries therein have also greatly expanded:

And whereas a large part of the area proposed to be annexed comprehends the naval base at Rosyth and the lands adjacent thereto held by the Admiralty for purposes connected therewith and for the erection thereon of houses

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Drainage Act, 1911.

A.D. 1911. industrial buildings and manufactories and the development of an industrial community and those lands and other lands adjacent will on the completion of the Admiralty works become a largely populated and industrial district and it is expedient that in anticipation of such development of the said area the same shall form part of the burgh and be comprehended within the jurisdiction of the Town Council and that the said area and the existing burgh should be within the jurisdiction of one local and sanitary authority :

And whereas it is expedient that the boundaries of the burgh should be extended to include the districts contiguous and adjacent thereto all as shown on the map hereinafter mentioned and that the districts so annexed (hereinafter called "the districts annexed") and the existing burgh should be formed into seven wards of the burgh as so extended and should be represented in the Town Council by three members elected for each of the wards :

And whereas it is expedient to provide for the election of the members of the Town Council of the extended burgh :

And whereas it is expedient that the Town Council should be authorised to provide for and extend to the districts annexed the supply of gas by the Town Council :

And whereas it is expedient that the Town Council should be authorised to levy and recover rates assessments and charges in respect of the supply of gas in the districts annexed :

And whereas it is expedient that the Town Council should be empowered to levy rates assessments and charges within the burgh as extended by this Act and to borrow money on the security thereof :

And whereas the existing facilities for the proper and convenient disposal of the sewage of the existing burgh are inadequate it is expedient that provision should be made for the more effectual disposal thereof and of the sewage of the districts annexed :

And whereas the sewerage and subsidiary works authorised by this Act will be sufficient to provide for the disposal of the sewage of the existing burgh and for a large increase of population within the districts annexed it is expedient that the Town Council should be authorised to construct and maintain the sewers and other works and to purchase and acquire lands

for those purposes and for the other purposes of this Act as herein-after provided: A.D. 1911.

And whereas it is expedient that the Town Council should be authorised to borrow money for the aforesaid purposes and for the construction of the said works and for the purchase of lands and to impose assessments and make charges for such purposes:

And whereas estimates have been prepared by the Town Council for the construction and completion of the main sewers and works authorised by this Act and for the acquisition of lands and servitudes for the purposes thereof as follows:—

For the acquisition of lands and servitudes	-	£5,500
For the construction of the main sewers and alteration of existing sewers	- - -	£115,500
For access roads underpinning subsidiary works and contingencies	- - - - -	£14,000

And whereas the said works authorised by this Act are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines and levels of the sewers and other works authorised by this Act to be constructed and the lands to be taken for the purposes thereof and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the said purposes or under the powers of this Act were duly deposited in the offices at Cupar and Dunfermline respectively of the principal sheriff clerk of the county of Fife and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas it is expedient that the Town Council should be authorised to extend and improve the gasworks of the Town Council and to maintain the same and should be authorised to hold use and apply for gasworks purposes the lands hereinafter described belonging to them adjacent to the existing gasworks:

And whereas it is expedient that provision should be made for regulating the tenure of the office of town clerk of the burgh: ●

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And whereas it is expedient that the limit of the public library rate leviable under the Public Libraries Consolidation (Scotland) Act 1887 so far as the same is applicable to the burgh should be increased:

And whereas it is expedient that the further powers in this Act contained should be conferred on the Town Council:

Any whereas these objects cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the *Dunfermline Burgh Extension and Drainage Act 1911.*

Commence-
ment of Act.

2. This Act shall (except as otherwise in this Act provided) commence and have effect on and from the date of the passing of this Act which date is hereinafter referred to as "the commencement of this Act."

Interpreta-
tion.

3. In this Act unless there be something in the subject or context repugnant to such construction the following expressions shall have the meanings respectively herein assigned to them (namely):—

"The existing burgh" means the city and royal burgh of Dunfermline within the limits and boundaries existing immediately previous to the commencement of this Act;

"The burgh" means the city and royal burgh of Dunfermline as extended by this Act;

"The districts annexed" means the districts annexed to the existing burgh by this Act;

"The wards" means the wards of the burgh as defined by this Act;

"The Town Council" means the provost magistrates and councillors of the existing burgh or of the burgh as the case may be;

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- “Magistrates” means the magistrates of the burgh and includes the provost and bailies; A.D. 1911.
- “Dean of guild court” means the dean of guild court of the existing burgh or of the burgh as the case be;
- “Town clerk” means the town clerk of the existing burgh or of the burgh as the case may be;
- “Election Acts” means the Acts in force for the time being relating to the registration of parliamentary and municipal and parish council voters and the election of town councillors;
- “The Town Councils Acts” means the Town Councils (Scotland) Acts 1900 and 1903;
- “The county” means the county of Fife;
- “The county council” means the county council of the county;
- “The district committee” means the Dunfermline district committee of the county council;
- “The Burgh Police Acts” means the Burgh Police (Scotland) Acts 1892 to 1903;
- “The Public Health Acts” means the Public Health (Scotland) Act 1897 and any Acts amending the same;
- “The Gas Act 1876” means the Burghs Gas Supply (Scotland) Act 1876;
- “The Valuation Acts” means the Lands Valuation (Scotland) Act 1854 and any Acts amending and extending the same;
- “Valuation roll” or “valuation rolls” means the valuation rolls made up in terms of the Valuation Acts;
- “The sheriff” means the sheriff of the county and includes his substitutes;
- “Lands and premises” shall have the meaning assigned to that expression in the Burgh Police (Scotland) Act 1892;
- “Daily penalty” means a penalty for every day on which any offence is continued after conviction.

4. The following Acts and parts of Acts (so far as the same respectively are applicable and are not inconsistent with the Incorporation of Acts.

A.D. 1911. provisions of this Act) are hereby incorporated with and form part of this Act:—

The Lands Clauses Acts;

The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said clauses and provisions “the company” means the Town Council “the railway” means the works authorised by this Act and “the centre of the railway” means any part of those works.

PART I.

Burgh Extension.

Extension of boundaries.

5. The municipal and police boundaries of the existing burgh shall be and are hereby extended to and shall include and comprehend the existing burgh and the districts annexed as the burgh as so extended is described in the First Schedule to this Act the description of the said boundaries being subject to the rules of construction laid down in section 5 of the Representation of the People (Scotland) Act 1832.

Map of burgh.

6. A map of the burgh as extended and defined by this Act having been signed in triplicate by the Right Honourable the Earl of Plymouth the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred a copy thereof shall within one month after the commencement of this Act be deposited in the Private Bill Office of the House of Commons and a copy in the Parliament Office House of Lords and a copy shall also be deposited with the town clerk at his office and a copy of such map certified by the town clerk shall be deposited with the Board of Agriculture and Fisheries and with the Board of Trade respectively Provided that if there be any discrepancy between the said map and the description in this Act the said map shall be deemed to be correct and shall prevail.

Act not to affect election of members to serve in Parliament.

7. Nothing in this Act contained shall interfere with the county or the limits thereof or the electors thereof so far as regards the election of members to serve in Parliament and the county shall for parliamentary purposes remain in all respects the same as if this Act had not been passed.

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8. The districts annexed shall be and the same are hereby for the purposes of this Act disjoined from the county.

Districts dis-joined from county.

9. The provisions of all local and private and of all public general Acts and Orders and all byelaws rules regulations orders and determinations made under the same which apply to or have effect within the existing burgh shall except so far as inconsistent with or varied by the provisions of this Act extend and apply in the same way and to the like extent to and have effect within the burgh Provided that nothing in this section shall extend or be deemed or construed to extend the provisions of the Dunfermline and District Electric Lighting Orders 1906 and 1909 or any agreement made thereunder to so much of the districts annexed as is not included in the area of supply defined by the Dunfermline and District Electric Lighting Order 1906.

Provisions of local and general Acts to apply to burgh as extended.

10. The burgh shall be and is hereby divided into seven wards (that is to say):—

Division of burgh into wards.

(A) The part first described in the Second Schedule to this Act shall form the First Ward:

(B) The part second described in the said Second Schedule shall form the Second Ward:

(C) The part third described in the said Second Schedule shall form the Third Ward:

(D) The part fourth described in the said Second Schedule shall form the Fourth Ward:

(E) The part fifth described in the said Second Schedule shall form the Fifth Ward:

(F) The part sixth described in the said Second Schedule shall form the Sixth Ward:

(G) The part seventh described in the said Second Schedule shall form the Seventh Ward.

11. At and after the date of the first election of town councillors after the commencement of this Act the Town Council shall consist of twenty-one members.

Number of councillors.

12. The wards as defined by this Act shall be represented in the Town Council as follows (that is to say):—

Representation of wards.

(1) The First Ward shall be represented by three members:

(2) The Second Ward shall be represented by three members:

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(3) The Third Ward shall be represented by three members :

(4) The Fourth Ward shall be represented by three members :

(5) The Fifth Ward shall be represented by three members :

(6) The Sixth Ward shall be represented by three members :

(7) The Seventh Ward shall be represented by three members.

Retirement
of council-
lors.

13. Subject to the provisions hereinafter mentioned all the members of the Town Council of the existing burgh shall on the first Tuesday of November one thousand nine hundred and eleven or on such other date as may be fixed by the sheriff under the powers conferred by the section of this Act the marginal note of which is "Power to sheriff to sanction procedure with respect to elections" cease to hold their respective offices.

Election of
councillors.

14.—(1) On the first Tuesday in November one thousand nine hundred and eleven or on such other date as may be fixed by the sheriff under the powers conferred by this Act the electors in each of the seven wards into which the burgh is by this Act divided shall elect the number of councillors hereinbefore prescribed for each of the wards before mentioned from among the persons qualified to be councillors and such election and all subsequent elections shall be conducted and the whole procedure in connection with the election induction and tenure of and retirement from office of such councillors under the Election Acts and the election of provost magistrates and other office-bearers shall be regulated in all respects in the way and manner prescribed by the election Acts and this Act.

(2) The right of electing the Town Council shall be in and belong to all such persons as have or shall have the qualifications specified and prescribed in the Town Councils Acts.

Magistrates
and council-
lors &c. to
retain office
until council
elected.

15. The provost magistrates and councillors and other office-bearers of the Town Council of the existing burgh holding office immediately previous to the commencement of this Act shall retain their several offices and exercise the respective functions thereof until the election provided for in the immediately preceding section has taken place.

Power to
sheriff to
sanction pro-
cedure with

16. In the event of circumstances arising in connexion with the first election of councillors magistrates or other office-bearers by this Act authorised which may render it necessary

or expedient to postpone or vary any date prescribed by or in pursuance of the provisions of the Election Acts or this Act or any other matter arising thereunder the sheriff may on the application of the town clerk or interim town clerk sanction such postponement or variation or such procedure as shall in his judgment be best fitted to meet the circumstances of the case and the whole procedure following upon such sanction shall be valid and not challengeable.

A.D. 1911:
—
respect to
elections.

17. The magistrates the dean of guild court and the Town Council respectively shall have possess and may exercise over the burgh and the inhabitants thereof all the jurisdictions (civil and criminal) powers rights and authorities which the magistrates the dean of guild court and Town Council respectively or the existing burgh now have possess and exercise over the existing burgh and the inhabitants thereof whether at common law or by statute or otherwise including all powers of imposing levying and recovering rates taxes and assessments dues and charges as the same are amended and extended by this Act and all rights privileges immunities and obligations at present enjoyed and possessed by or incumbent on the inhabitants of the existing burgh shall subject to the provisions of this Act extend and apply to the inhabitants of the burgh.

Powers of
magistrates
and Town
Council ex-
tended to
burgh.

18. Subject to the provisions of this Act all jurisdictions rights powers functions duties and authorities which previous to the commencement of this Act were exercised or exercisable by the county council the district committee or any committee or other authority or officer within the districts annexed or any part thereof (with the exception of such jurisdictions rights powers functions duties and authorities as are presently exercised or exercisable by such authorities or officers within the existing burgh) shall cease and determine Nothing in this Act shall alter diminish or affect the authority and jurisdiction of the sheriff or any jurisdiction judicial or administrative appertaining or relating to Inland Revenue or the authority and powers of the Admiralty or the King's harbour-master of the dockyard port of Rosyth.

Powers of
other juris-
dictions to
cease.

19. The assessor for the burgh shall for the purpose of enabling the county council to impose and levy the assessments under the Dunfermline District Water Order 1904 within the districts annexed transmit free of all cost and charge to the

Valuation
roll for
districts
annexed.

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A.D. 1911. clerk to the county council not later than the thirtieth day of September in each year a certified copy of so much of the valuation roll of the burgh as relates to the lands and heritages within the districts annexed.

As to levy-
ing assess-
ments by
Town Coun-
cil.

20.—(1) Notwithstanding the date of the commencement of this Act the Town Council shall subject to the provisions of this Act levy within the districts annexed the rates and assessments imposed upon the existing burgh for the year from Whitsunday one thousand nine hundred and eleven to Whitsunday one thousand nine hundred and twelve and may at the commencement of this Act or as soon after as conveniently may be issue such notices and adopt such proceedings as may be necessary with the view of the levying and recovery of such rates and assessments within the districts annexed and no county council or other assessing authorities other than the Town Council shall impose or levy rates or assessments for that year within the districts annexed and all burgh and other assessments and rates and charges leviabie under all public general and local Acts and Orders applicable within the existing burgh shall from and after the fifteenth day of May one thousand nine hundred and eleven be leviabie in the burgh in the same way and manner as the same are leviabie in the existing burgh.

(2) In consideration of the burgh assessments being levied by the Town Council within the districts annexed during the period between Whitsunday one thousand nine hundred and eleven and the commencement of this Act the Town Council shall pay over to the county council a proportion corresponding to such period of the assessments which might have been imposed by the county council within the districts annexed for the year from Whitsunday one thousand nine hundred and eleven to Whitsunday one thousand nine hundred and twelve had this Act not been passed.

Assessments
on occupiers
of agricul-
tural lands.

21. In imposing and levying the rates and assessments within the burgh (other than water rates and assessments) the following provisions shall have effect (that is to say):—

During the period of ten years from and after Whitsunday one thousand nine hundred and eleven the assessments leviabie within the burgh on the occupiers of all lands and heritages within the districts annexed used for agri-

cultural purposes shall while so used during such period not exceed the aggregate amount of the assessments for the time which would have been leviable from the occupiers of such lands if the same had for valuation and assessment purposes remained within the Dunfermline district of the county Provided that this section shall not apply to rates and charges leviable for water supply Provided further that during the said period of ten years the Town Council may impose levy and recover the said assessments in each year on the occupiers of such lands at any time after the imposition by the county council of the yearly assessments within the Dunfermline district of the county.

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22. Every rate charge or assessment which shall have been actually imposed by the county council or any local or other authority who had jurisdiction within the districts annexed or any parts thereof previous to Whitsunday one thousand nine hundred and eleven together with all arrears thereof shall continue to be due and payable and may be collected and levied by the authority which respectively imposed the same and by the same ways and means and under the same restrictions and regulations as if this Act had not been passed and shall be received and applied by such authority respectively to and for the purposes for which the same were authorised to be levied.

Recovery of
assessment
within dis-
tricts an-
nexed.

23. Whereas a joint committee of the House of Lords and House of Commons has been appointed to inquire into the application of the provisions contained in the Local Government Acts 1888 and 1894 and the Local Government (Scotland) Acts 1889 and 1894 relating to financial adjustments consequent on the alteration of the boundaries of a local government area or on an alteration in the constitution or status of the governing body of a local government area and to report if they are of opinion that any amendments in such provisions are desirable Be it therefore enacted as follows:—

Financial
adjustments.

- (1) Notwithstanding the provisions of the Local Government (Scotland) Acts 1889 to 1908 relating to financial adjustments no adjustments to be made between the Town Council and the county council or between any authorities affected by this Act shall be made except by agreement until after the thirty-first day of March one thousand nine hundred and thirteen:

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(2) If the said joint committee report that they are of opinion that amendments are desirable in the provisions contained in the Local Government (Scotland) Acts 1889 to 1908 relating to financial adjustments consequent on the alteration of the boundaries of a burgh the Secretary for Scotland shall make such Provisional Order subject to confirmation by Parliament as shall be necessary for the purpose of applying the recommendations of the joint committee so far as they are applicable to any adjustments to be made between the Town Council and the county council and other authorities referred to in subsection (1) of this section and as to which no agreement shall have been made between the authorities affected:

(3) The provisions of the Local Government (Scotland) Act 1889 as read with subsection (1) of section 16 of the Private Legislation Procedure (Scotland) Act 1899 relating to Provisional Orders shall so far as they are applicable and with any necessary modifications extend and apply to any Provisional Order made in pursuance of this section.

Roads &c.
in districts
annexed.

24. The roads streets sewers bridges foot pavements and footpaths within the districts annexed shall so far as the same are vested in the county council or other public authority be transferred to and vested in and be managed maintained and repaired by the Town Council along with and in the same way and manner and to the same extent as the roads streets sewers bridges foot pavements and footpaths within the existing burgh and the county council or such other authority shall be freed and relieved of the repair and maintenance of all such roads streets sewers bridges foot pavements and footpaths so far as within the districts annexed in all time coming Notwithstanding the terms of the section of this Act the marginal note of which is "Crown rights" exempting Crown property from the provisions of this Act this section shall apply to the road constructed by the Admiralty running from near Brucehaven to Inverkeithing by way of Blackmarch Farm.

Saving
rights in
roads sewers
foot pave-
ments &c.

25. Nothing in this Act contained with respect to the vesting of roads streets sewers bridges foot pavements and footpaths within the districts annexed shall prevent any superiors owners or other persons by whom or by whose predecessors the same

shall have been formed from recovering the cost or any proportion of the cost of forming the same from feuars or other persons under any agreements made between the said parties respectively.

A.D. 1911.

26. The lands within the burgh shall remain parts and portions of the parishes within which they now lie and the powers duties and functions of the parish councils and school boards shall not be affected by any of the provisions of this Act.

Parochial arrangements not to be affected.

27. Subject to the provisions of this Act the common good and all property heritable and movable (including all means revenues and income of every description arising therefrom) belonging to or leviable within the existing burgh or to which the existing burgh is entitled or which is held or administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof shall be and the same is hereby vested in and shall be held by the Town Council for the behoof and benefit of the burgh or as the case may be administered by such person for or on behalf of the community of the burgh or for the public ends and purposes thereof and all debts and obligations due by or exigible from the existing burgh shall be due by and exigible from the burgh and all debts due to the Town Council of the existing burgh by any person prior to the commencement of this Act may be demanded and recovered from such person and received and applied by the Town Council for behoof of the burgh.

Property of burgh vested in Town Council.

28. The Town Council in addition to any other powers of borrowing which they now have or may obtain may for the purpose of the payment (if any) under the provisions of the section of this Act whereof the marginal note is "Financial adjustments" borrow such money as may be necessary under and on the security of an assessment to be imposed under and in the manner and along with and as part of the assessment for the maintenance and repair of highways leviable by the Town Council as local authority under the Roads and Bridges (Scotland) Act 1878 and the Public Health General Assessment leviable under the Public Health (Scotland) Act 1897 or any Acts amending the said Acts or under either of those Acts and the Town Council may assign so much or such part as may be required of such assessment as security for the money which may be so borrowed under the provisions of this section.

Borrowing and assessing power.

A.D. 1911.

Saving as to
water supply
in districts
annexed.

29. Subject to the powers of the Town Council to supply water and to levy rates within the area authorised by the Dunfermline Water Act 1876 nothing in this Act shall authorise the Town Council to supply water or to levy water rates within the districts annexed or prejudice or affect the powers of the county council or the district committee with respect to water supply within the districts annexed so far as such districts are within the limits of supply under the Dunfermline District Water Order 1904.

PART II.

DRAINAGE.

Power to
execute
works.

30. The Town Council may subject to the provisions of this Act make and maintain in the lines and according to the levels shown on the deposited plans and sections the sewers and the other works hereinafter described or some one or more of them or some part or parts thereof together with all necessary drains and storm overflows outfalls junctions syphons culverts manholes walls embankments pumping stations works and conveniences connected therewith and may enter upon take appropriate and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes The said works are—

A main outfall sewer (Work No. 1) commencing in the parish of Dunfermline at the south end of the existing screening chamber on the west bank of the Lyne Burn at a distance of two hundred and forty-two yards or thereby measured in a north-easterly direction from the centre of Liggars Bridge over the said Lyne Burn and terminating in the parish of Inverkeithing at a point on the south side of Long Craig Island at a distance of one hundred and eighty yards or thereby measured in a north-westerly direction from the south-west corner of the railway pier at North Queensferry which main outfall sewer will pass through the parishes of Dunfermline and Inverkeithing and the burgh of Inverkeithing all in the county of Fife:

A storm water sewer (Work No. 2) commencing in the parish and burgh of Inverkeithing by a junction with the main outfall sewer (Work No. 1) hereinbefore described on the east side of the public highway from Inverkeithing

to Kinross at a point thirty-eight yards or thereby measured in a southerly direction from the centre of Bois Bridge over the Brankholm Burn and terminating in the parish of Inverkeithing at low-water mark in the Firth of Forth at a point five hundred and forty yards or thereby measured in a north-easterly direction from the end of the pier at East Ness Inverkeithing which said sewer (Work No. 2) will pass through the parish of Inverkeithing and burgh of Inverkeithing and county of Fife:

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A road of access (Work No. 3) wholly situate in the parish of Dunfermline and county of Fife commencing by a junction with the public highway leading from Dunfermline to Limekilns at a point eighteen yards or thereby measured in a northerly direction from the centre of Liggars Bridge over the Lyne Burn and terminating at the point hereinbefore described as the commencement of Work No. 1:

A road of access (Work No. 4) wholly situate in the parish of Inverkeithing and county of Fife commencing by a junction with the road immediately north of the North Queensferry Goods Station at a point fifty-seven yards or thereby measured in an easterly direction from the north-east corner of the house known as Craighdu North Queensferry and terminating at high-water mark on the Firth of Forth at a point one hundred yards or thereby measured in a south-easterly direction from the said north-east corner of Craighdu.

31. In the event of the main outfall sewer (Work No. 1) being made to pass through any of the lands shown on the deposited plans within the limits of deviation between the point indicated on the said plans by five miles nine chains to the point on the said plans five miles six furlongs five chains the Town Council shall within one year from the commencement of this Act fix the line of the said sewer so far as the same will pass through any of the said lands and shall give notice to the Tilbury Contracting and Dredging Company Limited of the route of the sewer so fixed.

Part of line of sewer to be fixed within one year.

32. If there be any omission misstatement or erroneous description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Town Council after giving ten

Errors and omissions in plans and book of reference may be corrected

A.D. 1911. days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appear to the sheriff that the omission misstatement or erroneous description arose from mistake he shall certify the same accordingly and he shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk of the county and kept by such principal sheriff-clerk with the other documents to which the same relates and thereupon the deposited plans or book of reference (as the case requires) shall be deemed to be corrected according to the certificate and the Town Council may enter on take hold and use those lands and execute the works in accordance with such certificate.

Limits of lateral and vertical deviation.

33. Subject to the provisions of this Act the Town Council may in the construction of the aforesaid works deviate laterally from the lines thereof as shown or referred to on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

Power to alter roads &c. temporarily.

34. For the purposes and during the execution of the several works which the Town Council are by this Act authorised to make and in maintaining the same and subject to the provisions of this Act the Town Council may temporarily break up or cross over or under alter or stop up any streets roads highways lanes paths bridges railway sidings passages sewers drains watercourses gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing a proper temporary substitute before interrupting the traffic on any such street road highway lane path bridge railway siding or passage or the flow of water gas sewage or electricity in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend

to authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of the said Act apply. A.D. 1911.

35. For the protection of the county council and the district committee who for their respective rights jurisdictions and interests under and in virtue of the Local Government (Scotland) Acts 1889 to 1908 the Roads and Bridges (Scotland) Acts the Public Health (Scotland) Acts and the Dunfermline District Water Order 1904 are respectively under this section included in the expression "the county authorities" the following provisions (unless otherwise agreed upon between the Town Council and the county authorities) shall apply and have effect (that is to say):— Disposal of county district sewage.

(1) In the event of the county authorities giving notice to the Town Council within nine months of the commencement of this Act of their intention to avail themselves of the facilities hereinafter mentioned the Town Council shall take and permit to be discharged into the sewer (Work No. 1) or any sewers now or hereafter connected therewith the sewage from all premises situate within (1) the area of Crossgates special drainage district (2) the areas lying between Crossgates special drainage district and the burgh of Cowdenbeath (3) the areas lying between Crossgates special drainage district and the burgh and (4) the area of the North Queensferry special drainage district but not exceeding in the whole the sewage of a population of six thousand persons and such sewage shall be so discharged into the said sewers at such point as shall be fixed by the Town Council on the boundary of the burgh or as near thereto as may be nearest or most convenient to the said areas respectively:

(2) The county authorities shall pay to the Town Council in respect of the premises drained under the provisions of the preceding subsection such annual

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
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A.D. 1911.

sum to commence at the date of the first connexion as may be agreed upon and in default of such agreement such annual sum as may be determined by the sheriff principal of the county upon the application of either the Town Council or the county authorities and in determining the said annual sum the said sheriff principal shall be entitled to take into consideration any additional cost of construction of or incidental to the said sewers and interest payment to the sinking fund and management and maintenance charges in respect of the said facilities afforded to the county authorities and shall also be entitled to take into consideration the length of sewer used for the drainage of the said premises :

- (3) The sum to be paid by the county authorities to the Town Council as aforesaid shall be subject to revision by the said sheriff principal at the instance of either party at the expiration of each period of seven years from the commencement of this Act :
- (4) The execution of all necessary works of junction between the sewers of the county authorities and the sewers of the Town Council shall be done by the Town Council at the expense of the county authorities.

For protec-
tion of Dun-
fermline and
District
Tramways
Company.

36. For the protection of the Dunfermline and District Tramways Company (in this section called "the company") the following provisions shall unless otherwise agreed upon between the Town Council and the company have effect (that is to say) :—

- (1) Fourteen days before commencing any part of the outfall sewer Work No. 1 by this Act authorised in any road street or place where the tramways of the company are laid or authorised to be laid the Town Council shall submit to the company plans sections specifications and drawings showing the method of constructing such sewer and shall not commence such construction until the company shall have signified their reasonable approval of such plans

sections specifications and drawings or have disapproved of the same Provided that in case the company shall not have notified to the Town Council their disapproval of such plans sections specifications and drawings within fourteen days from the receipt thereof they shall be deemed to have approved the same and the Town Council may proceed to execute the said sewer in accordance with such plans sections specifications and drawings Any difference between the Town Council and the company with reference to any of the matters aforesaid shall be determined by arbitration as hereinafter provided :

A.D. 1911.

- (2) The Town Council shall carry out the said sewer as aforesaid so as not to cause any interruption of or impediment to the traffic on the tramways of the company and in all respects in accordance with such plans sections specifications and drawings as may have been reasonably approved as aforesaid or settled in case of difference by arbitration as hereinafter provided :
- (3) The Town Council shall pay to the company all reasonable expenses to which the company may be put by or in connexion with the construction of the said sewer and in payment of watchmen and inspectors on the tramways of the company during construction and any reasonable additional expense which may be caused to the company by or in consequence of the construction or maintenance of the said sewer :
- (4) If any difference shall arise under this section between the Town Council and the company the same shall be determined by an arbiter to be appointed in case of difference by the President of the Institution of Civil Engineers on the application of either party.

37. For the protection of the provost magistrates and councillors of the royal burgh of Inverkeithing (hereinafter in this section referred to as "the town council of Inverkeithing") the following provisions shall unless otherwise agreed in writing between the Town Council and the town council of Inverkeithing apply and have affect (that is to say) :—

For protection of royal burgh of Inverkeithing.

- (1) Before the Town Council proceed with the execution of the works authorised by this Act within the burgh

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
Drainage Act, 1911.

A.D. 1911.

of Inverkeithing so far as such works shall interfere with any road sewer drain watercourse water pipe or other property belonging to or vested in the town council of Inverkeithing the Town Council shall give notice in writing to the town council of Inverkeithing twenty-one days at least before commencing such works (except in cases of emergency when such notice shall be given as the circumstances reasonably permit) and shall furnish to the town council of Inverkeithing a plan and section of such works with a description of the nature and extent of the operations for the carrying out of the said works and the method of providing any temporary substitute where the same is required Provided that if the town council of Inverkeithing shall not have expressed approval or disapproval of such plan and section within twenty-one days after the same shall have been furnished they shall be deemed to have approved thereof and in the case of any repairs of such works interfering with any of such roads sewers drains watercourses water pipes or other property of the town council of Inverkeithing reasonable notice shall be given before proceeding with such repairs All existing sewers drains watercourses or water pipes interfered with by or in consequence of the construction of the intended works shall be raised lowered diverted or otherwise dealt with as the case may require so as not to stop or impede the flow through such sewers drains watercourses or water pipes All such raising lowering diversions or otherwise shall be executed by and at the expense of the Town Council to the reasonable satisfaction of the engineer to the town council of Inverkeithing who shall have all reasonable access thereto for that purpose and any damage at any time arising to the roads or footpaths or the sewers drains watercourses water pipes or other property of the town council of Inverkeithing by reason of subsidence or other cause connected with the construction or existence of the works authorised by this Act shall be made good by and at the expense of the Town Council :

[1 & 2 GEO. 5.] *Dunfermline Burgh Extension and* [Ch. civ.]
Drainage Act, 1911.

(2) In the event of difference of opinion between the engineer of the town council of Inverkeithing and the Town Council or their engineer as to the reasonableness or practicability of the requirements of the engineer of the town council of Inverkeithing the matter shall be referred to an engineer to be agreed upon by the Town Council and the town council of Inverkeithing or failing their agreeing then by an engineer to be named by the sheriff on the application of either party whose decision shall be final and binding upon the parties to said reference :

A.D. 1911.

Any expenses reasonably incurred by the town council of Inverkeithing in connexion with the supervision of the works so far as they affect the property of the town council of Inverkeithing shall be borne by the Town Council:

(3) On the completion of the works authorised by this Act so far as the same are situate within the burgh of Inverkeithing the Town Council shall furnish to the town council of Inverkeithing a plan and section thereof showing the exact situation of the same within the said burgh.

38. The section of this Act of which the marginal note is "For protection of royal burgh of Inverkeithing" shall apply and have effect mutatis mutandis for the protection of the county council and the district committee.

For protection of county council and district committee.

39. The following provisions for the protection of the North British Railway Company and the Forth Bridge Railway Company (in this section called "the railway companies") shall unless otherwise agreed upon apply and have effect (that is to say) :—

For protection of North British and Forth Bridge Railway Companies.

(1) The Town Council shall not under the powers of this Act take or acquire by compulsion any railways lands or property of the railway companies respectively but shall be entitled to purchase and acquire such servitudes in and under any railways lands or property of the railway companies respectively as may be required for making and maintaining in accordance with the provisions of this Act the works authorised by the

A.D. 1911.

section of this Act whereof the marginal note is
"Power to execute works":

(2) Before commencing the construction under the powers of this Act of the said works in or under or within thirty yards of the railways lands or property of the railway companies respectively the Town Council shall submit plans sections and specifications of such works to the railway companies respectively for their approval and the said works shall be constructed and carried out in conformity only with such plans sections and specifications as approved and at the sight and to the reasonable satisfaction of the engineer of the railway companies respectively and at such times as he shall reasonably direct and such works shall thereafter be maintained by the Town Council to the reasonable satisfaction of such engineer Provided that the approval of the railway companies respectively shall not be unreasonably withheld and that it shall be deemed to have been given unless the railway companies respectively signify their disapproval within twenty-eight days after submission of the said plans sections and specifications Provided also that any expense which the railway companies respectively may reasonably incur for inspection or superintendence of the said works so far only as the same affect the railways lands or property of the railway companies during execution or in connexion with the maintenance or repair of those works at any time or in protecting their property during or in connexion with the construction maintenance or repair of the said works shall be repaid to them by the Town Council Provided also that when the said works interfere with the lines of rails or works of the railway companies respectively the said railway companies shall have the option of carrying out such works with their own men at the expense of the Town Council:

(3) All the works and operations of the Town Council under this Act shall be constructed executed and completed so as not to injuriously affect the structure of any bridge or other work of the railway companies

respectively or for the maintenance of which they are liable or to cause any injury thereto or to any railway or other works of the railway companies respectively or any interruption to the passage or conduct of traffic on any such railway and if any injury or interruption shall arise from or be in any way owing to the works or operations of the Town Council or the bursting leakage or failure at any time hereafter of any sewers or other works or any of them the Town Council shall forthwith make good or remove such injury or interruption at their own expense or the railway companies respectively may do the same and the Town Council shall pay to the railway companies respectively all reasonable costs and expenses for loss damage or delay including loss of traffic incurred or sustained by them in respect thereof: A.D. 1911.

(4) Nothing in this Act contained or which may be done in pursuance thereof shall prevent the railway companies respectively from maintaining and repairing and when necessary altering or reconstructing any bridge or other work railway or siding without interference on the part of the Town Council and without incurring any liability to the Town Council for any loss injury damage expense or interruption to any of said works which may rise from such maintenance repair alterations or reconstruction. Provided that all such operations shall be executed by the railway companies in such manner as to cause as little interruption or inconvenience as practicable to the maintenance and use of the works of the Town Council and the railway companies respectively shall give twenty-eight days' notice in writing to the Town Council before commencing any such operations and the same so far as interfering with the works of the Town Council shall be conducted at the sight and to the reasonable satisfaction of the engineer of the Town Council:

(5) The Town Council shall pay to the railway companies respectively any extra expense which the railway companies respectively may reasonably incur or be put to in maintaining repairing altering or reconstructing

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A.D. 1911.

their bridges railways or sidings by reason of the construction use or existence of the works of the Town Council and such extra expense if any shall be determined by the arbiter appointed as hereinafter in this section mentioned :

- (6) If at any time the discharge at the outfall of sewage from Work No. 1 authorised by this Act shall become a nuisance or shall cause a nuisance at or upon any property of the railway companies or either of them the Town Council shall at their own expense carry out such works as may be necessary for remedying and removing such nuisance and shall relieve the railway companies of all liability in respect of any nuisance so caused and the Town Council shall from time to time when called upon by the railway companies or either of them to do so remove any sewage from the said Work No. 1 which may have been washed into or deposited at or near the railway pier or other property of the railway companies or either of them at North Queensferry or between the railway pier and the Forth Bridge to the reasonable satisfaction of the engineers of the railway companies :
- (7) If any difference shall arise between the Town Council and the railway companies respectively or their respective engineers as to the meaning of this section or as to any plans and sections or as to any work or the method of executing the same or as to any expenses referred to in this section the same shall be determined by an arbiter to be agreed upon between the Town Council and the railway companies respectively or failing agreement to be nominated by the Board of Trade on the application of any of the parties.

Town Council empowered or may be required to underpin or otherwise strengthen houses near works.

40. And whereas in order to avoid in the execution and maintenance of the works by this Act authorised injury to the houses and buildings within one hundred feet of any of such works it may be necessary to underpin or otherwise strengthen the same Therefore the Town Council at their costs and charges may and if required by the owners or lessees of any such house or building shall subject as hereinafter provided underpin or

otherwise strengthen the same and the following provisions shall have effect (that is to say):— A.D. 1911.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened:
- (2) Each such notice if given by the Town Council shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners or lessees of the premises to be underpinned or strengthened shall be sent to the town clerk:
- (3) If any owner lessee or occupier of any such house or building or the Town Council as the case may require shall within seven days after the giving of such notice give a counter notice in writing that he or they as the case may be disputes the necessity of such underpinning or strengthening the question of the necessity shall be referred to an engineer to be agreed upon or in case of difference to an engineer to be appointed at the instance of either party by the Board of Trade:
- (4) Such referee shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be executed and the Town Council may and shall proceed forthwith so to underpin or strengthen the said house or building:
- (5) The Town Council shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment:
- (6) If in any case in which any house or building shall have been underpinned or strengthened on the requisition of the Town Council such underpinning

A.D. 1911.

or strengthening shall prove inadequate for the support or protection of the house or building against further injury arising from the execution or use of the works of the Town Council then and in every such case unless such underpinning or strengthening shall have been done in pursuance of and in the mode prescribed by the referee the Town Council shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof:

- (7) Nothing in this enactment contained nor any dealing with any property in pursuance of this enactment shall relieve the Town Council from any liability to compensate under the Lands Clauses Consolidation (Scotland) Act 1845 or under any other Act:
- (8) Every case of compensation to be ascertained under this enactment shall be ascertained according to the provisions of the Lands Clauses Acts:
- (9) Nothing in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Power to
agree for
servitudes
&c.

41. Any person by the Lands Clauses Acts or otherwise enabled to sell or discharge lands may grant to the Town Council any estate servitude interest right or privilege (not being a servitude interest right or privilege of water in which persons other than the grantors have an interest) in over affecting or belonging to lands at a price or yearly rent feu duty or otherwise but in the case of a person not enabled otherwise than by the said Acts to sell lands then subject and according to the provisions relative to the taking of lands by agreement contained in the said Acts and for the purposes of this section any such estate servitude interest right or privilege or wayleave shall be deemed to be lands within the meaning of those Acts.

Lands for
valvehouses.

42. The Town Council may acquire compulsorily or by agreement the lands first described in the Third Schedule to this Act and shown on the deposited plans and described in the book of reference or some part or parts thereof and may construct

thereon and maintain and use a valvehouse or valvehouses in connexion with the existing sewers of the Town Council and the sewers and works authorised by this Act together with all necessary and proper appliances mains buildings apparatus and works for the purposes of such valvehouse or valvehouses. A.D. 1911.

43. The Town Council may acquire compulsorily or by agreement the lands second described in the Third Schedule to this Act and shown on the deposited plans and described in the book of reference or some part or parts thereof and may construct thereon and maintain and use a screening chamber or screening chambers in connexion with the existing sewers of the Town Council and the sewers and works authorised by this Act together with all necessary and proper appliances tanks mains buildings apparatus and works for the purposes of such screening chamber or screening chambers. Lands for screening chambers.

44. The Town Council may by means of the existing sewers outfalls of sewers and drains of the Town Council and the sewers and works authorised by this Act or any part thereof discharge or permit to flow into the Firth of Forth any sewage or other matter passing through or discharged from the sewers or drains or works of the Town Council but not so as to cause a nuisance. Discharge of sewage.

45. The agreement between the Town Council of the one part and the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland of the other part as set forth in the Seventh Schedule to this Act is hereby confirmed and shall be carried into effect by the parties thereto respectively according to the true intent and meaning thereof. Confirmation of agreement between Town Council and Admiralty.

46. In addition to the lands authorised to be taken as aforesaid the Town Council may by agreement purchase any lands not exceeding ten acres for the purpose of making depôts and other buildings and conveniences in connexion with the works by this Act authorised Provided that the Town Council shall not create or permit a nuisance on such last-mentioned lands. Lands for extraordinary purposes.

47. And whereas in the construction of the sewers and works by this Act authorised or otherwise in the exercise of the powers of this Act it may happen that portions only of certain properties shown on the deposited plans may be sufficient for Owners may be required to sell parts only of certain properties.

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
Drainage Act, 1911.

A.D. 1911. the purposes of the same and that such portions may be severed from the remainder thereof without material detriment thereto. Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in such properties described in the Fourth Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbiter or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder thereof without material detriment thereto be required to sell and convey to the Town Council the portions only thereof so required without the Town Council being obliged or compellable to purchase the whole or any greater portion thereof the Town Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof or other parties interested therein by severance or otherwise.

Owners may be required to grant servitudes only under certain properties.

48. With respect to the properties shown on the deposited plans which are described or referred to in the Fifth Schedule to this Act and notwithstanding anything contained in this Act or shown on the deposited plans the Town Council shall not be required wholly to take the same or any part of the surface thereof where there shall be a depth of thirty feet or more between such surface and the crown of the work but they may purchase take and use and the owners of and other persons interested in any such property shall sell and grant a servitude or right of using the subsoil or under surface thereof for the purposes for which but for this enactment they might have been required to sell such property and the provisions of the Lands Clauses Acts with respect to land shall extend and apply to such subsoil servitude or right of user. Provided that no such subsoil servitude or right of user shall be deemed part of a house or other building or manufactory within the meaning of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

Town Council may acquire servitudes.

49. Subject to the provisions of this Act the Town Council may instead of acquiring lands for the purpose of any sewers or any other works where the same are intended to be laid underground or any deviations by this Act authorised acquire such servitudes over and rights in such lands as they may require for the purpose of from time to time constructing

reconstructing placing laying inspecting maintaining cleansing
replacing repairing enlarging adding to conducting or managing
the same and may give notice to treat in respect of such
servitudes and rights and may in such notice describe the nature
thereof and the several provisions of the Lands Clauses Acts
(inclusive of those with regard to limited owners and to arbitra-
tion and the summoning of a jury) shall apply to such servitudes
and rights as fully as if the same were lands within the meaning
of such Acts :

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Provided always that nothing herein contained shall authorise
the Town Council to acquire by compulsion any such servitude
under this section in any case in which the owner in his
particulars of claim shall require the Town Council to acquire
the lands in respect of which they have given notice to treat
for the acquisition of a servitude only and every notice to treat
for the acquisition of a servitude shall be endorsed with notice
of this proviso :

Provided that as regards any lands taken or used by the
Town Council for the purpose of laying sewers therein where
such sewers are laid underground the Town Council shall not
(unless they give notice to treat for such lands and not merely
for servitudes therein) be required or entitled to fence off or sever
such lands from the adjoining lands but the owners or occupiers
for the time being shall at all times after the completion of the
works have the same rights of passing over such lands for all
purposes of or connected with the use or enjoyment of the
adjoining lands as if such lands had not been taken or used
by the Town Council.

50. The powers by this Act conferred upon the Town Council
for the compulsory purchase of lands for the construction of the
works before described shall not be exercised after the expiration
of three years from the commencement of this Act.

Limiting
time for
exercise of
compulsory
powers of
purchase.

51. If the main outfall sewer (Work No. 1) before described
is not completed within five years and the storm-water sewer
(Work No. 2) within ten years from the commencement of this
Act then on the expiration of those periods respectively the powers
by this Act granted to the Town Council for executing the same
so far as not so completed shall cease to be exercised except as
to so much thereof as is then completed.

Period for
completion
of works.

52. The Town Council may make and maintain all such
sewers drains or pipes and appurtenances as may be necessary for

Existing
sewers and
drains to be

A.D. 1911. connecting any existing sewers outfalls of sewage or drains with the works by this Act authorised or any of them and for such purpose may remove replace diminish enlarge or alter any existing sewers outfalls of sewage or drains and may vary the direction and levels of the same.

Power to
Town Council to combine with other authorities.

53. The Town Council may combine with the local authority of any other district for the purpose of the exercise and performance of the powers and duties of the Town Council under this Part of this Act and may enter into and carry into effect any agreements for such purpose.

Provision as to discharge of sewage and rain-water.

54.—(1) Where in any street separate sewage sewers and surface water drains or channels shall have been provided or are available no sewage shall be allowed to pass from any lands or premises into the surface water drains or channels and no rain or surface or storm or flood or condensing or subsoil water shall be allowed to pass into the sewage sewers except with the consent in writing of the Town Council.

(2) Any person who shall offend against the foregoing provision of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

PART III.

GAS.

Power to construct works and supply gas.

55. The Town Council may hold apply and use the lands now belonging or reputed to belong to them described in the Sixth Schedule to this Act as part of their existing gasworks and gas undertaking and may on the said lands or any part or parts thereof erect lay down provide and maintain alter improve enlarge extend and renew or discontinue gasworks retorts gasometers receivers drains sewers mains pipes sidings meters lamps lamp-posts burners stopcocks machinery and other works and apparatus and conveniences and may do all such other acts as they may think proper for making and storing gas and for supplying gas within the area of supply and for the carriage or transport of coal coke and other materials used or manufactured in connexion therewith and may make store and supply gas accordingly for lighting heating cooking motive power warming ventilating and any other purpose for which gas is or may be used and for converting or utilising and distributing

materials used in and about the manufacture of gas and residual products resulting from such manufacture. A.D. 1911.

56. The Town Council may on the said lands manufacture sell provide supply and deal in coke tar and all other residual products or refuse of any materials employed in or resulting from the manufacture of gas. Power to deal in bye-products &c.

PART IV.

FINANCE.

57. The purposes of the sewerage and drainage and subsidiary works connected therewith and the purchase of lands authorised by this Act shall be held to be purposes within the meaning of the Burgh Police Acts with respect to which the sewer assessment under those Acts may be imposed. Sewer assessment.

58. The Town Council may in accordance with the provisions of the Burgh Police Acts and subject to the provisions of this Act in addition to any statutory powers they now possess from time to time borrow on mortgage or otherwise for and in connexion with the sewerage purposes of this Act the sums following:— Power to borrow.

- (1) For the purchase of lands and servitudes any sum not exceeding five thousand five hundred pounds;
- (2) For the construction of the main outfall sewer and the storm-water sewer and works connected with the said sewers any sum not exceeding one hundred and fifteen thousand five hundred pounds;
- (3) For the roads of access and for underpinning and subsidiary works and contingencies any sum not exceeding fourteen thousand pounds;
- (4) For the repayment of the costs charges and expenses of and incidental to the obtaining and passing of this Act as hereinafter provided the sum requisite for the said purpose;

and may make and grant mortgages or other securities in the manner authorised by the Burgh Police Acts of the sewer assessment authorised by those Acts in security of the money so borrowed for sewerage purposes and interest thereon.

A.D. 1911.

Town Council may re-borrow.

59. If after having borrowed the sums of money by this Act authorised or any part thereof the Town Council shall pay off the same or any part thereof otherwise than by means of the sinking fund hereinafter mentioned or by instalments it shall be lawful for the Town Council again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time Provided that the Town Council shall not have power to re-borrow for the purpose of paying off moneys repaid by instalments or annual payments or by means of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided that all moneys so borrowed by the Town Council shall for the purpose of repayment be deemed part of the sum originally borrowed by them and shall be repaid within the period prescribed for the repayment of the money in lieu of which such re-borrowing has been made.

Town Council may borrow on cash account.

60. The Town Council may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Town Council according to the usage of bankers in Scotland to the extent of the aggregate amount which the Town Council are at the time authorised to borrow under this Act or any part thereof and may make and grant mortgages and assignments of the sewer assessment authorised and leviable under the authority of the Burgh Police Acts in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole sums due and owing by the Town Council on such cash account and borrowed by them on mortgage shall never when taken together exceed the aggregate amount of the sum by this Act authorised to be borrowed and not repaid by instalments or by sinking fund.

Mode of repayment of borrowed money.

61. The Town Council shall pay off all moneys borrowed by them for capital expenditure under this Act either by means of a sinking fund formed under the provisions of this Act or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of these methods and partly by another or others of them.

62. The Town Council shall pay off all moneys borrowed by them within the periods following (hereinafter referred to as "the prescribed period") (that is to say):—

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—
Repayment
of borrowed
moneys.

As to moneys borrowed for the purposes of the section of this Act of which the marginal note is "Financial adjustments" within twenty-five years from the date or dates of borrowing the same:

As to moneys borrowed for the purchase of lands and servitudes and other property and rights authorised by this Act within sixty years from the date or dates of borrowing the same:

As to moneys borrowed for the construction of the main outfall and storm-water sewers and access roads and works connected therewith authorised by this Act within fifty years from the date or dates of borrowing the same:

As to moneys borrowed for payment of the costs of this Act within five years from the commencement of this Act.

63.—(1) If the Town Council determine to repay by means of a sinking fund any moneys borrowed for the purposes of this Act such sinking fund shall be formed or maintained either—

Sinking
fund.

(A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a non-accumulating sinking fund; or

(B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an accumulating sinking fund.

(2) Every sum paid to a sinking fund and in case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately

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A.D. 1911. invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Town Council the Town Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Town Council towards the equal annual payments to the fund.

(4) The Town Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Town Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Town Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Town Council in addition to the payments provided for by this Act.

(7) If it appears to the Secretary for Scotland or to the Town Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for

the repayment of which the sinking fund is formed it shall be the duty of the Town Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. A.D. 1911.

(8) If the Town Council desire to accelerate the repayment of any loan they may increase the amount payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Town Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Town Council may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Town Council be sufficient to repay the loan in respect of which it is formed within the prescribed period the Town Council may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Town Council may determine.

(12) The period at which the payments into the sinking fund shall commence shall be one year after the date or dates of borrowing.

64. The chamberlain of the burgh shall within four months after the expiration of each year during which any sum is by this Act required to be paid as an annual instalment or to be set apart for a sinking fund transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so paid or

Annual
return to
Secretary
for Scotland
with respect
to sinking
fund.

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
Drainage Act, 1911.

A.D. 1911. set apart in respect of that year and the description of the securities upon which any investment has been made and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such chamberlain so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable If it appear to the Secretary for Scotland by any such return or otherwise that the Town Council have failed to pay any instalment or to set apart the sum required by this Act to be set apart for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Act the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be paid or set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Protection of
lenders from
inquiry.

65. Any person lending or paying money to the Town Council shall not be bound to inquire as to the observance by the Town Council of any provisions of this Act or of any Act incorporated herewith or to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Appoint-
ment of a
judicial
factor.

66. The mortgagees of the Town Council under this Act may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than five thousand pounds.

Application
of penalties.

67. All penalties and forfeitures exigible under this Act shall (except any penalties payable by the Town Council) be payable to the Town Council and shall when recovered be applied by them to the purposes of this Act.

PART V.

A.D. 1911.

MISCELLANEOUS.

68. The present interim town clerk on his appointment as town clerk and every person who shall hereafter be appointed to the office of town clerk shall hold office during the pleasure of the Town Council or during such period as may be fixed in any agreement already made or to be made between the Town Council and the present interim town clerk or any such person and upon such terms and conditions as may have been or may be agreed on. Provided that the town clerk shall not be removed from office except by a vote of not less than two-thirds of those members of the Town Council who shall be present at a meeting of the Town Council specially called for the purpose by a circular addressed to the members of the Town Council not less than seven nor more than fourteen days before such meeting.

Tenure of office of town clerk.

69. Notwithstanding anything to the contrary contained in the Public Libraries Consolidation (Scotland) Act 1887 the Town Council may for the purposes of the public library of the burgh levy a public library rate of any amount up to but not exceeding twopence in the pound of yearly rent or annual value as appearing on the valuation roll.

Library rate.

70.—(1) The districts annexed shall for the purposes of the Electric Lighting Acts 1882 to 1909 be within the jurisdiction of the Town Council as the local authority under those Acts but nothing in this Act shall extend or be deemed or construed to extend the area of supply defined by the Dunfermline and District Electric Lighting Order 1906.

Extension of limits of electric supply and gas supply.

(2) The area of the gas supply of the Town Council under the Gas Act 1876 shall be the burgh as extended by this Act.

71. The Town Council shall not under the powers of this Act construct on the shore of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval

Works below high-water mark not to be commenced without consent of Board of Trade.

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
Drainage Act, 1911.

A.D. 1911. being signified as last aforesaid and where any such work may have been constructed the Town Council shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Town Council and the amount of such costs and charges shall be a debt due from the Town Council to the Crown and shall be recoverable as a Crown debt or summarily.

Crown
rights.

72. Nothing in this Act shall prejudicially affect any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Act any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing in this Act contained shall authorise the Town Council to take use or in any manner interfere with any portion of the shore or bed of the Firth of Forth or any land hereditaments subjects or rights of whatsoever description belonging to the Admiralty without the consent in writing of the Admiralty first had or obtained for that purpose or belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of Act.

73. All costs charges and expenses of and incidental to the preparing for obtaining and passing this Act or otherwise in relation thereto shall be paid by the Town Council out of any moneys to be borrowed by them for that purpose under this Act or out of any rates or assessments leviable within the burgh.

The SCHEDULES referred to in the foregoing Act. A.D. 1911.

THE FIRST SCHEDULE.

AREA OF THE BURGH.

The area within the parishes of Dunfermline and Inverkeithing and county of Fife bounded as follows:—

Commencing at a point on the existing burgh boundary on the south-eastern side of the plantation near the junction of the Whitefield and Kingseat Roads one hundred and thirty-two yards or thereby north-eastwards from the south-western corner of enclosure numbered 330 on the Ordnance Survey map 1/2500 scale first edition 1896 (new series) thence south-eastwards in a straight line to a point in the centre of the West of Fife section of the North British Railway near Wester Whitefield one hundred and sixty-seven yards or thereby eastwards from the eastern face of the bridge carrying the Whitefield Road over the said railway thence southwards in a straight line to a point in the centre of the Stirling and Dunfermline section of the North British Railway one hundred yards or thereby eastwards from the centre of the bridge near Sheephousell carrying the said railway over the Whitefield Road thence south-eastwards in a straight line to a point on the southern side of the Halbeath Road at the north-eastern corner of the enclosure numbered 559 on the said map thence south-eastwards along the western boundary of the enclosure numbered 600 on the said map to the south-western corner of the said enclosure thence southwards in a straight line to a point in the southern boundary of the enclosure numbered 827 on the said map one hundred yards or thereby north-eastwards from the southern corner of the said enclosure numbered 827 thence southwards in a straight line to a point in the centre of the Aberdour Road one hundred yards or thereby eastwards from the junction of the centre line of Masterton Road with the centre line of the said Aberdour Road thence southwards in a straight line to a point in the centre of the road leading to Annfield one hundred yards or thereby eastwards from the centre of Masterton Road thence south-eastwards in a straight line to the north-western corner of the enclosure numbered 1177 on the said map thence south-eastwards along the western boundary of the said enclosure numbered 1177 and the prolongation thereof across the Inverkeithing and Perth section of the North British Railway to a point on the

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
Drainage Act, 1911.

A.D. 1911. south-western boundary of the said railway where intersected by the said prolongation thence south-eastwards along the south-western boundary of the said railway to where the boundary of the parish of Dunfermline intersects the said south-western boundary of said railway thence south-westwards along the said parish boundary to a point one hundred and nine yards or thereby south-westwards from the eastern corner of enclosure numbered 1181 on said map thence south-westwards in a straight line to a point in the western boundary of enclosure numbered 269 on said map forty yards or thereby northwards from where the south-eastern boundary of enclosure numbered 268 on said map joins the said western boundary of said enclosure numbered 269 thence southwards along the said western boundary of said enclosure numbered 269 to the northern boundary of enclosure numbered 301 on said map thence westwards and southwards along the northern and western boundaries of said enclosure numbered 301 to the point where the northern boundary of enclosure numbered 302 on said map joins said western boundary of said enclosure numbered 301 thence southwards in a straight line to a point in the southern boundary of enclosure numbered 303 on said map six yards or thereby eastwards from the south-western corner of said enclosure numbered 303 thence south-eastwards in a straight line to the Ordnance Survey bench mark on the southern side of Dunfermline Wynd and marked B.M. 195.0 on said map thence southwards in a straight line to the north-western corner of enclosure numbered 321 on said map one hundred and sixty-five yards or thereby southwards from the western corner of the Hills Farm Steading thence south-westwards in a straight line to the north-western corner of Inverkeithing Cemetery thence southwards along the western boundary of said cemetery and the western boundary of enclosure numbered 427 on said map to the southern corner of enclosure numbered 403 on said map thence southwards in a straight line to the southern corner of enclosure numbered 431 on said map thence north-eastwards along the south-eastern boundary of said enclosure numbered 431 to where the eastern boundary of enclosure numbered 450 joins the said south-eastern boundary of said enclosure numbered 431 thence southwards along the said eastern boundary of said enclosure numbered 450 to the north-western side of the Inverkeithing and North Queensferry Road thence south-westwards along the north-western boundary of the said road and the continuation thereof across the Dunfermline and North Queensferry Road to the southern corner of the enclosure numbered 448 on the said map thence southwards in a straight line across the Rosyth Road to where the prolongation of the north-western boundary of the land attached to the Ferry Toll intersects the prolongation of the front wall of the said toll thence south-westwards along the said north-western boundary of the said land attached to the said toll and the prolongation of the said

boundary to the western corner of the said land thence due south-westwards in a straight line into the Firth of Forth for a distance of one thousand two hundred and fifty yards or thereby thence due westwards in a straight line along the said Firth of Forth for a distance of three thousand and twelve yards or thereby thence due northwards in a straight line for a distance of one thousand nine hundred and twelve yards or thereby to the point where the western boundary of the parish of Inverkeithing intersects the low-water mark of ordinary spring tides delineated on the said map thence north-eastwards northwards south-eastwards and northwards along the said western boundary of the said parish to the northern side of the Rosyth Road near Brucehaven thence westwards along the northern side of the said road to the western side of the road leading to Burnside Cottages thence northwards north-westwards and northwards along the western boundary of the road or pathway leading past Burnside Cottages to Bellknowes Plantation to a point where the said western boundary joins the southern boundary of the enclosure numbered 1212 on the said map thence eastwards and northwards along the northern boundary of the enclosure numbered 1211 on the said map to the southern boundary of the enclosure numbered 1083 on the said map thence westwards northwards westwards northwards eastwards and northwards along the southern western and northern boundaries of the said enclosure numbered 1083 thence northwards along the western boundary of the enclosure numbered 1080 on the said map to the southern side of the road leading from Leckerstone Cottages to Wester Gellet thence northwards in a straight line to a point on the south-eastern boundary of the Limekilns Road one hundred yards or thereby south-westwards from the western boundary of the road leading to Wester Gellet thence north-westwards in a straight line to a point in the centre of the Charlestown branch of the North British Railway twenty-seven yards or thereby westwards from the junction of the Nethertown Branch Railway with the said railway thence north-westwards in a straight line in continuation of said last-mentioned straight line to the centre of the Lyne Burn thence north-eastwards and eastwards along the centre of the said Lyne Burn to the western face of the bridge carrying the said Nethertown Branch Railway over said burn thence northwards along the western boundary of the said Nethertown Branch Railway to the north-eastern corner of enclosure numbered 1537 on said map thence eastwards to and along the southern boundary of enclosure numbered 1545 on said map to the western boundary of the Limekilns Road thence northwards along the western boundary of said Limekilns Road to the existing burgh boundary near Lady's Mill thence south-westwards and north-westwards along the existing burgh boundary to the southern boundary of the Pittencrieff Park thence westwards and north-westwards along the southern and south-western boundaries of said Pittencrieff

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
Drainage Act, 1911.

A.D. 1911. Park to the existing burgh boundary at the north-western corner of said park thence southwards westwards north-westwards and eastwards along the existing burgh boundary to the Coal Road thence north-westwards along the existing burgh boundary to the north-western side of the access road to Colton Farm Steading thence south-westwards along the north-western side of said access road to the eastern boundary of said steading thence north-westwards and westwards along the eastern and northern boundaries of said farm steading to the eastern boundary of enclosure numbered 1752 on said map thence north-westwards along the south-western boundary of the mineral depôt and the Stirling and Dunfermline section of the North British Railway to where the said south-western boundary of said railways is intersected by the parliamentary boundary of the burgh thence north-westwards in a straight line along the said parliamentary boundary to the centre of the bridge at Milesmark carrying the West of Fife section of the North British Railway over the road leading from Dunfermline to Carnock thence eastwards to and along the existing burgh boundary to Broomhead Park thence south-eastwards north-eastwards south-eastwards north-eastwards eastwards and north-eastwards along the existing burgh boundary to the southern corner of enclosure numbered 733 on said map thence south-westwards eastwards northwards eastwards north-westwards and north-eastwards along the existing burgh boundary to the south-western corner of enclosure numbered 682 on said map thence eastwards northwards eastwards northwards north-westwards north-eastwards eastwards and northwards along the existing burgh boundary to the north-eastern corner of enclosure numbered 195 on the said map thence north-eastwards along the existing burgh boundary following the windings of Meldrums Mill Burn and the said boundary to Loch Fitty thence south-eastwards southwards south-eastwards southwards eastwards and south-eastwards along the existing burgh boundary to the eastmost corner of the burgh at Kingseat thence south-westwards north-westwards and south-westwards along the existing burgh boundary to the point first above described.

THE SECOND SCHEDULE.

WARDS.

I.—AREA FORMING FIRST WARD.

Commencing at a point in Pilmuir Street at the centre of the bridge carrying said street over the Stirling and Dunfermline section of the North British Railway thence north-westwards along the centre

[1 & 2 GEO. 5.] *Dunfermline Burgh Extension and* [Ch. civ.]
Drainage Act, 1911.

of said railway to the centre of the bridge carrying the said railway over Mill Street thence southwards along the centre of Mill Street to a point opposite the centre of Harrie Brae thence westwards along the centre of Harrie Brae Buffies Brae and Golfdrum Street and the continuation thereof to the western side of Coal Road thence south-eastwards along the south-western boundary of Coal Road to the north-western side of the access road of Colton Farm Steading thence south-westwards along the north-western side of said access road to the eastern boundary of said steading thence north-westwards and westwards along the eastern and northern boundaries of said farm steading to the eastern boundary of enclosure numbered 1752 on the Ordnance Survey map 1/2500 scale first edition (new series) 1896 thence north-westwards along the south-western boundary of the mineral depôt and the Stirling and Dunfermline section of the North British Railway to where the said south-western boundary of said railway is intersected by the parliamentary boundary of the burgh thence north-westwards in a straight line along the said parliamentary boundary to the centre of the bridge at Milesmark carrying the West of Fife section of the North British Railway over the road leading from Dunfermline to Carnock thence eastwards to and along the existing burgh boundary to Broomhead Park thence south-eastwards north-eastwards south-eastwards north-eastwards and eastwards along the existing burgh boundary to the centre of the road leading from Dunfermline to Wellwood thence southwards along the centre of said road Grantsbank and Pilmuir Street to the point first above described.

A.D. 1911.

II.—AREA FORMING SECOND WARD.

Commencing at a point in Pilmuir Street at the centre of the bridge carrying said street over the Stirling and Dunfermline section of the North British Railway thence northwards along the centre of Pilmuir Street Grantsbank and the road leading to Wellwood till it reaches the existing burgh boundary thence north-eastwards and eastwards along the existing burgh boundary to the southern corner of enclosure numbered 733 on the said map thence south-westwards eastwards and northwards along the existing burgh boundary to the centre of the road leading from Townhill Road to Headwell Farm thence eastwards along the centre of the said road to said farm to the centre of Townhill Road thence south-westwards along the centre of said Townhill Road to the centre of the bridge carrying the Stirling and Dunfermline section of the North British Railway over said Townhill Road thence westwards along the centre of the said railway to the point first above described.

III.—AREA FORMING THIRD WARD.

Commencing at a point in Townhill Road at the centre of the bridge carrying the Stirling and Dunfermline section of the North British

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
Drainage Act, 1911.

A.D. 1911. Railway over the said road thence north-eastwards along the centre of said Townhill Road to a point opposite the centre of the road leading to Headwell Farm thence westwards along the centre of said road leading to Headwell Farm till it reaches the burgh boundary thence north-westwards and north-eastwards along the existing burgh boundary to the south-western corner of enclosure numbered 682 on said map thence eastwards northwards eastwards northwards north-eastwards eastwards and northwards along the existing burgh boundary to the north-eastern corner of enclosure numbered 195 on the said map thence north-eastwards along the existing burgh boundary following the widenings of Meldrums Mill Burn and the said boundary to Loch Fitty thence south-eastwards southwards south-eastwards southwards eastwards and south-eastwards along the existing burgh boundary to the easternmost corner of the burgh at Kingseat thence south-westwards north-westwards and south-westwards along the existing burgh boundary to a point on the south-eastern side of the plantation near the junction of the Whitefield and Kingseat Roads one hundred and thirty-two yards or thereby north-eastwards from the south-western corner of enclosure numbered 330 on the said map thence south-eastwards in a straight line to a point in the centre of the West of Fife section of the North British Railway near Wester Whitefield one hundred and sixty-seven yards or thereby eastwards from the eastern face of the bridge carrying the Whitefield Road over the said railway thence southwards in a straight line to a point in the centre of the Stirling and Dunfermline section of the North British Railway one hundred yards or thereby eastwards from the centre of the bridge near Sheephouswell carrying the said railway over the Whitefield Road thence south-eastwards in a straight line towards the north-eastern corner of enclosure numbered 599 on said map till it reaches the centre of the road leading from Dunfermline to Halbeath thence westwards and south-westwards along the centre of said road Appin Terrace and Appin Crescent to Townhill Road (Downieville Crescent) thence north-eastwards along the centre of Townhill Road to the point first above described.

IV.—AREA FORMING FOURTH WARD.

Commencing at a point at the centre of Golfdrum Street opposite the centre of Woodhead Street thence south-eastwards along the centre of Woodhead Street and Chalmers Street to the south end thereof thence eastwards along the centre of Bridge Street to Kirkgate thence southwards along the centre of Kirkgate and Saint Catherine's Wynd to the southern side of the Pends thence south-westwards in a straight line to the centre of the Tower Burn at the Linn thence southwards and south-eastwards following the windings of the said Tower Burn to the centre of the bridge carrying Forth Street over the said burn

[1 & 2 GEO. 5.] *Dunfermline Burgh Extension and* [Ch. civ.]
Drainage Act, 1911.

thence westwards along the centre of the public road known as Lovers Loan to the existing burgh boundary near Milton Green thence north-westwards along the said existing burgh boundary to the southern boundary of the Pittencrieff Park thence westwards and north-westwards along the southern and south-western boundaries of said Pittencrieff Park to the existing burgh boundary at the north-western corner of said Park thence southwards westwards north-westwards and eastwards along the existing burgh boundary to the Coal Road thence north-westwards along the existing burgh boundary and the western side of Coal Road to where it is intersected by the prolongation of the centre line of Golfdrum Street thence eastwards along the centre of Golfdrum Street to the point first above described. A.D. 1911.

V.—AREA FORMING FIFTH WARD.

Commencing at a point in Pilmuir Street at the centre of the bridge carrying the said street over the Stirling and Dunfermline section of the North British Railway thence southwards along the centre of Pilmuir Street Bath Street and Douglas Street to High Street thence eastwards along the centre of High Street to New Row thence south-eastwards along the centre of New Row to Priory Lane thence westwards along the centre of Priory Lane to Reid Street thence southwards along the centre of Reid Street to Nethertown Broad Street thence westwards along the centre of Nethertown Broad Street and West Nethertown Street to the centre of the bridge carrying Forth Street over the Tower Burn thence north-westwards and northwards along the centre of the Tower Burn to the Linn near the Palace Ruins thence north-eastwards in a straight line to the centre of Saint Catherine's Wynd at the southern side of the Pends thence northwards along the centre of Saint Catherine's Wynd and Kirkgate to Bridge Street thence westwards along the centre of Bridge Street to the west end thereof thence north-westwards along the centre of Chalmers Street and Woodhead Street to a point in the centre of Golfdrum Street thence eastwards along the centre of Buffie's Brae and Harrie Brae to Mill Street thence northwards along the centre of Mill Street to the centre of the bridge carrying the Stirling and Dunfermline section of the North British Railway over said street thence south-eastwards along the centre of said railway to the point first above described.

VI.—AREA FORMING SIXTH WARD.

Commencing at a point in Townhill Road at the centre of the bridge carrying the Stirling and Dunfermline section of the North British Railway over the said road thence south-westwards along the centre of Townhill Road (Downieville Crescent) to the centre of Appin Crescent thence north-eastwards and eastwards along the centre of Appin Crescent Appin Terrace and the road leading from Dunfermline to Halbeath to a point in the new boundary of the burgh.

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
Drainage Act, 1911.

A.D. 1911. eight yards or thereby north-westwards from the north-eastern corner of enclosure numbered 599 on said map thence south-eastwards in a straight line to the said north-eastern corner of said enclosure numbered 599 thence south-eastwards along the western boundary of enclosure numbered 600 on said map to the south-western corner of said enclosure thence southwards in a straight line to a point in the northern boundary of enclosure numbered 806 on said map one hundred and forty-four yards or thereby eastwards from the north-western corner of said enclosure thence westwards along the said northern boundary of said enclosure numbered 806 to the eastern side of the road leading from Touch to Mastertown thence eastwards in a straight line to a point in the centre of the Inverkeithing and Perth section of the North British Railway where intersected by the prolongation of the south-western boundary of enclosure numbered 802 on said map thence south-westwards westwards and south-westwards along the centre of said railway to the centre of the bridge carrying said railway over Bothwell Place thence westwards along the centre of Bothwell Place and Nethertown Broad Street to Reid Street thence northwards along the centre of Reid Street to Priory Lane thence eastwards along the centre of Priory Lane to New Row thence north-westwards along the centre of New Row to High Street thence westwards along the centre of High Street to Douglas Street thence northwards along the centre of Douglas Street Bath Street and Pilmuir Street to the centre of the bridge carrying the said street over the Stirling and Dunfermline section of the North British Railway thence eastwards along the centre of said railway to the point first above described.

VII.—AREA FORMING SEVENTH WARD.

Commencing at a point in the existing burgh boundary in the centre of the public road known as Lovers Loan thence eastwards along the centre of the said road West Nethertown Street Nethertown Broad Street and Bothwell Place to the centre of the bridge carrying the Inverkeithing and Perth section of the North British Railway over said Bothwell Place thence north-eastwards eastwards and north-eastwards along the centre of said railway to a point where intersected by the prolongation of the south-western boundary of enclosure numbered 802 on said map thence westwards in a straight line to the eastern boundary of the road leading from Touch to Mastertown at the north-western corner of enclosure numbered 806 on said map thence eastwards along the northern boundary of said enclosure numbered 806 to a point in the new burgh boundary one hundred and forty-four yards or thereby eastwards from the eastern boundary of said road thence southwards in a straight line to a point in the southern boundary of the enclosure numbered 827 on said map

one hundred yards or thereby north-eastwards from the southern corner of said enclosure numbered 827 thence southwards in a straight line to a point in the centre of the Aberdour road one hundred yards or thereby eastwards from the junction of the centre line of Mastertown Road with the centre line of said Aberdour Road thence southwards in a straight line to a point in the centre of the road leading to Annfield one hundred yards or thereby eastwards from the centre of Mastertown Road thence south-eastwards in a straight line to the north-western corner of enclosure numbered 1177 on said map thence south-eastwards along the western boundary of said enclosure numbered 1177 and the prolongation thereof across the Inverkeithing and Perth section of the North British Railway to a point on the south-western boundary of the said railway where intersected by the said prolongation thence south-eastwards along the south-western boundary of the said railway to where the boundary of the parish of Dunfermline intersects the said south-western boundary of said railway thence south-westwards along the said parish boundary to a point one hundred and nine yards or thereby south-westwards from the eastern corner of enclosure numbered 1181 on said map thence south-westwards in a straight line to a point in the western boundary of enclosure numbered 269 on said map forty yards or thereby northwards from where the south-eastern boundary of enclosure numbered 268 on said map joins the said western boundary of said enclosure numbered 269 thence southwards along the said western boundary of said enclosure numbered 269 to the northern boundary of enclosure numbered 301 on said map thence westwards and southwards along the northern and western boundaries of said enclosure numbered 301 to the point where the northern boundary of enclosure numbered 302 on said map joins said western boundary of said enclosure numbered 301 thence southwards in a straight line to a point in the southern boundary of enclosure numbered 303 on said map six yards or thereby eastwards from the south-western corner of said enclosure numbered 303 thence south-eastwards in a straight line to the Ordnance Survey bench mark on the southern side of Dunfermline Wynd and marked B.M. 195.0 on said map thence southwards in a straight line to the north-western corner of enclosure numbered 321 on said map one hundred and sixty-five yards or thereby southwards from the western corner of the Hills Farm Steading thence south-westwards in a straight line to the north-western corner of Inverkeithing Cemetery thence southwards along the western boundary of said cemetery and the western boundary of enclosure numbered 427 on said map to the southern corner of enclosure numbered 403 on said map thence southwards in a straight line to the southern corner of enclosure numbered 431 on said map thence north-eastwards along the south-eastern boundary of said enclosure numbered 431 to where the eastern boundary of enclosure

[Ch. civ.] *Dunfermline Burgh Extension and* [1 & 2 GEO. 5.]
Drainage Act, 1911.

A.D. 1911. numbered 450 joins the said south-eastern boundary of said enclosure numbered 431 thence southwards along the said eastern boundary of said enclosure numbered 450 to the north-western side of the Inverkeithing and North Queensferry Road thence south-westwards along the north-western boundary of the said road and the continuation thereof across the Dunfermline and North Queensferry Road to the southern corner of the enclosure numbered 448 on said map thence southwards in a straight line across the Rosyth Road to where the prolongation of the north-western boundary of the land attached to the Ferry Toll intersects the prolongation of the front wall of the said toll thence south-westwards along the said north-western boundary of the said land attached to the said toll and the prolongation of the said boundary to the western corner of the said land thence due south-westwards in a straight line into the Firth of Forth for a distance of one thousand two hundred and fifty yards or thereby thence due westwards in a straight line along the said Firth of Forth for a distance of three thousand and twelve yards or thereby thence due northwards in a straight line for a distance of one thousand nine hundred and twelve yards or thereby to the point where the western boundary of the parish of Inverkeithing intersects the low-water mark of ordinary spring tides delineated on the said map thence north-eastwards northwards south-eastwards and northwards along the said western boundary of the said parish to the northern side of the Rosyth Road near Brucehaven thence westwards along the northern side of the said road to the western side of the road leading to Burnside Cottages thence northwards north-westwards and northwards along the western boundary of the road or pathway leading past Burnside Cottages to Bellknowes Plantation to a point where the said western boundary joins the southern boundary of the enclosure numbered 1212 on the said map thence eastwards and northwards along the northern boundary of the enclosure numbered 1211 on the said map to the southern boundary of the enclosure numbered 1083 on the said map thence westwards northwards westwards northwards eastwards and northwards along the southern western and northern boundaries of the said enclosure numbered 1083 thence northwards along the western boundary of the enclosure numbered 1080 on the said map to the southern side of the road leading from Leckerstone Cottages to Wester Gellet thence northwards in a straight line to a point on the south-eastern boundary of the Limekilns Road one hundred yards or thereby south-westwards from the western boundary of the road leading to Wester Gellet thence north-westwards in a straight line to a point in the centre of the Charlestown Branch of the North British Railway twenty-seven yards or thereby westwards from the junction of the Nethertown Branch Railway with the said railway thence north-westwards in a straight line in continuation of said last-mentioned straight line to the centre of the Lyne Burn thence north-eastwards

and eastwards along the centre of the said Lyne Burn to the western face of the bridge carrying the said Nethertown Branch Railway over said burn thence northwards along the western boundary of said Nethertown Branch Railway to the north-eastern corner of enclosure numbered 1537 on said map thence eastwards to and along the southern boundary of enclosure numbered 1545 on said map to the western boundary of the Limekilns Road thence northwards along the western boundary of said Limekilns Road to the existing burgh boundary near Lady's Mill thence south-westwards and north-westwards along the existing burgh boundary to the point first above described. A.D. 1911.

THE THIRD SCHEDULE.

LANDS FOR VALVEHOUSES.

(1) A piece of land situate in the parish of Dunfermline and county of Fife and lying within the following boundary (namely) Beginning within enclosure numbered 949 on the twenty-five-inch Ordnance map (first edition 1896) at a point two hundred yards or thereby measured in a north-easterly direction from the centre of Ligger's Bridge over the Lyne Burn thence north-westwards for a distance of fifty-eight yards or thereby thence north-eastwards for a distance of sixty-six yards or thereby thence south-eastwards for a distance of fifty-eight yards or thereby and thence south-westwards for a distance of sixty-six yards or thereby to the point first described.

LANDS FOR SCREENING CHAMBERS.

(2) A piece of land situate in the parish of Inverkeithing and county of Fife and lying within the following boundary (namely) Beginning within enclosure numbered 530 on the twenty-five-inch Ordnance map (first edition 1896) at a point eighty-two yards or thereby measured in a south-easterly direction from the north-east corner of the house known as Craighdu in North Queensferry thence eastwards for a distance of twenty-four yards or thereby thence southwards for a distance of twenty-five yards or thereby thence westwards for a distance of twenty-four yards or thereby thence northwards for a distance of twenty-five yards or thereby to the point first described.

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THE FOURTH SCHEDULE.

SCHEDULE OF LANDS AND BUILDINGS OF WHICH PORTIONS ONLY
MAY BE TAKEN WITHOUT TAKING THE WHOLE.

Parish.	Numbers on deposited Plans.
Dunfermline - - -	(Work No. 1) 14 15 26.
Inverkeithing - - -	(Work No. 1) 24 26 27 30 32 36 39 44 45 45A 46 47 48 49 50 51 52 53 54 55 56 57 58 59 69 79 81 85 86 88 90 91 92 93 94 107 108.
Inverkeithing - - -	(Work No. 2) 6.
Inverkeithing - - -	(Work No. 4) 107 108.
Inverkeithing - - -	(Land for Screening Chamber) 108.

THE FIFTH SCHEDULE.

LANDS AND PROPERTIES UNDER WHICH OWNERS MAY BE
REQUIRED TO GRANT SERVITUDES.

Parish.	Numbers on deposited Plans.
Dunfermline - - -	(Work No. 1) 9 12 13 14 15 16 17 18 19 20 21 22 23 25 26 27 28 29 31 32 33 34 35 36 37 38 39 40 41 41A 42 43 44.
Inverkeithing - - -	(Work No. 1) 45A 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 64 68 69 69A 70 72 77 97 98 99 100 101 102 103 104 105 108.
Inverkeithing - - -	(Work No. 2) 12 13 14 15 16 17 18.

THE SIXTH SCHEDULE.

LANDS FOR GASWORKS.

A piece of ground extending to four acres imperial measure or
thereby situate in the parish of Dunfermline and county of Fife and
bounded as follows viz. On the north by ground belonging to the

Town Council of Dunfermline as gas commissioners along which it extends four hundred and twenty-two feet or thereby on the east or north-east by the public road from Dunfermline to Rosyth called Grange Road along which it extends three hundred and eight feet or thereby on the south by subjects belonging to the Earl of Elgin along which it extends eight hundred feet or thereby and on the west or north-west by a strip of ground belonging to the Town Council of Dunfermline as gas commissioners along which it extends four hundred feet or thereby. A.D. 1911.

THE SEVENTH SCHEDULE.

AGREEMENT between the PROVOST MAGISTRATES AND COUNCILLORS OF THE CITY AND ROYAL BURGH OF DUNFERMLINE (hereinafter called "the Town Council") of the one part and the COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH ADMIRAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND (hereinafter called "the Commissioners") of the other part.

WHEREAS the Commissioners are forming a naval establishment at Rosyth in the neighbourhood of Dunfermline and are now constructing docks and works in connection therewith:

And whereas it is necessary that provision should be immediately made for efficiently draining the said naval establishment and area adjoining the same to be occupied by the community to be employed in and in connection with the said naval establishment and in the industries to be established in the development of the district:

And whereas it is expedient that provision should be made for affording the community within the said area such facilities as are necessary for the welfare and proper administration thereof:

And whereas the Town Council are promoting a Bill in the present session of Parliament for statutory powers to construct the main outfall sewer (Work No. 1) described in the Bill sufficient for the sanitary requirements of the said naval establishment and the area lying between the same and the existing burgh of Dunfermline and of the said existing burgh and also for extending the boundaries of the existing burgh of Dunfermline to include the said naval establishment and the lands belonging to the Commissioners at Rosyth and other lands adjoining thereto all as shown on the map referred to in the Bill:

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And whereas the Commissioners have agreed to contribute a sum towards the cost of the construction of the said main outfall sewer of the Town Council :

And whereas the Commissioners have also agreed to contribute an annual sum towards the cost of the administration of the districts annexed to the said burgh during the period hereinafter mentioned :

And whereas it is expedient that an agreement should be entered into between the Town Council and the Commissioners subject to the provisions hereinafter contained :

Therefore it is hereby agreed between the Town Council and the Commissioners as follows (videlicet):—

First The Commissioners shall be entitled at all times freely and without restrictions to connect any establishments at Rosyth belonging to the Commissioners or to any other Government department and also any buildings presently existing and farm drains on the Commissioners' property with the main outfall sewer of the Town Council (Work No. 1) at or near Ferry Toll in the parish of Inverkeithing shown on the deposited plans referred to in the Act by a sewer to be constructed by the Commissioners for the purpose of carrying the sewage and storm-water from such establishments buildings and farms to the outfall of the said main outfall sewer (Work No. 1).

Second The Commissioners shall pay to the Town Council immediately on the completion for use of that portion of the said main outfall sewer (Work No. 1) extending from the outfall thereof to the said point of connection at or near the said Ferry Toll a capital sum of ten thousand pounds as a contribution towards the cost of construction by the Town Council of the said main outfall sewer (Work No. 1) The plans for the said main outfall sewer and relative works shall be submitted to and approved of by the Commissioners prior to their construction.

Third If at any time the discharge at the outfall of sewage from the said main outfall sewer (Work No. 1) shall become a nuisance or if in the opinion of the Commissioners it shall be necessary to modify the outfall the Town Council shall carry out such works as the Commissioners may consider necessary for remedying or removing such nuisance or effecting such modification.

Fourth If in any year during the period of five years from and after the passing of the Act the administrative costs and charges incurred by the Town Council within the districts annexed to the burgh by the Act shall exceed the sum which would be yielded by assessments of $3\frac{1}{4}d.$ per £1 on owners and $1s. 9\frac{1}{4}d.$ per £1 on occupiers of all lands and heritages in these districts then in each

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such year the Commissioners shall pay a sum equal to one half of such deficiency but not exceeding in any year the sum of eight hundred pounds. A.D. 1911.

Fifth For the purposes of and incidental to the construction and maintenance of the said main outfall sewer (Work No. 1) and for access thereto the Commissioners shall grant to the Town Council a servitude or easement in over or under their lands and property and the Town Council shall in consideration of such servitude or easement pay to the Commissioners a sum of five pounds per annum The Town Council shall in addition to such payment pay to the Commissioners the sum of five shillings per annum for licence duty in respect of the outfall of the said main outfall sewer (Work No. 1) being within the limits of the naval port of Rosyth Provided always and it is hereby agreed that if any street or road shall be constructed at any time along the route of the said main outfall sewer (Work No. 1) or any part thereof so far as it passes through the lands and property of the Commissioners the said payment of five pounds per annum in respect of the said servitude or easement or such proportion thereof as may be applicable to the portion of the lands and property so appropriated to such street or road shall cease and determine.

Sixth Nothing in this agreement shall prejudicially affect the rights powers and exemptions of the Commissioners except so far as expressly stated herein.

Seventh This agreement is made subject to the approval of Parliament and shall be scheduled to and confirmed by the Act but if any material alteration shall be made on this agreement or if any material alteration shall be made on the Bill that affects the Commissioners during the progress of the Bill through Parliament it shall be competent to either party to withdraw from this agreement.

In witness whereof these presents consisting of this and the two preceding pages are subscribed in duplicate by the parties hereto as follows (namely) By Robert Husband Provost of the said city and royal burgh of Dunfermline and John Louttit Jack interim town clerk of the said city and royal burgh and sealed with the seal of the said city and royal burgh (all as duly authorised by the Town Council) at London on the twenty-ninth day of March one thousand nine hundred and eleven before these witnesses Andrew Beveridge parliamentary solicitor 18 Abingdon Street Westminster and Alfred Rowdon his clerk and by Vice-Admiral Sir George Le Clere Egerton K.C.B. and Captain Charles Edward Madden C.V.O. A.D.C. two of the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland for and on behalf

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—

of the said Commissioners both at London on the said date last above mentioned before these witnesses James Sidney Barnes and Charles Reginald Brigstocke both Admiralty clerks London.

ROBT. HUSBAND Provost

JOHN L. JACK Interim Town Clerk

AND. BEVERIDGE Witness

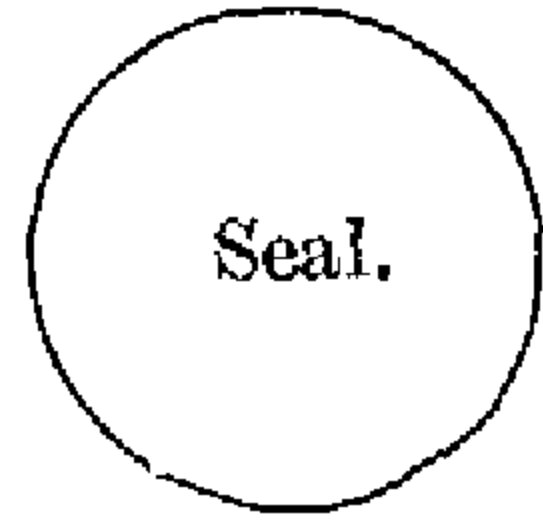
ALFRED ROWDON Witness

G. LE C. EGERTON

C. E. MADDEN

J. S. BARNES Witness

C. R. BRIGSTOCKE Witness.



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