



CHAPTER clv.

An Act to authorise the Burntisland Harbour Commis- A.D. 1896.
 sioners to construct a Wet Dock and other Works to
 provide for an alteration of the constitution of the
 Commissioners and to confer on the Commissioners the
 North British Railway Company and the Magistrates
 and Town Council of Burntisland further powers with
 reference to the Harbour and for other purposes.

[20th July 1896.]

WHEREAS by the Burntisland Harbour Act 1881 (in this Act 44 & 45 Vict.
 referred to as "the Act of 1881") the Burntisland Harbour c. lxxxv.
 Commissioners (in this Act referred to as "the Commissioners")
 were incorporated and by virtue of the powers contained in the
 Act of 1881 the whole of the harbour undertaking and the property
 rights powers authorities duties and liabilities with respect to the
 harbour which before the passing of the Act of 1881 were vested in
 or belonged to the magistrates and council of the Royal Burgh
 of Burntisland (in this Act referred to as "the town council")
 were transferred to and vested in the Commissioners and their
 successors in office for the purposes of the Act of 1881 and of the
 Burntisland Harbour Order 1870 (in this Act referred to as "the
 Order of 1870") confirmed by the Pier and Harbour Orders Con- 33 & 34 Vict.
 firmation Act 1870 (No. 3) the agreement (referred to in the Act c. clix.
 of 1881 and in this Act as "the agreement of 1872") entered into
 between the town council and the North British Railway Company
 (in this Act referred to as "the company") as confirmed by the
 North British Railway Act 1873 (in this Act referred to as "the 36 & 37 Vict.
 Act of 1873") and the Burntisland Harbour Act 1875 (in this Act c. ccix.
 referred to as "the Act of 1875") all recited and referred to in 38 & 39 Vict.
 the Act of 1881 and the Commissioners were by the Act of 1881 c. ccxv.
 empowered to make and maintain a sea wall or embankment
 and other works therein described for improving the harbour and
 to borrow money for carrying into effect the purposes of the Order

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—

of 1870 the agreement of 1872 the Act of 1873 the Act of 1875 and the Act of 1881 all which said order agreement and Acts are in this Act referred to as "the former Harbour Acts":

And whereas in exercise of the powers conferred on them by the former Harbour Acts the Commissioners have from time to time borrowed money on the security of the harbour revenues and rates and the amount now due and owing by them is one hundred and forty-three thousand five hundred and thirty-three pounds nineteen shillings and sixpence:

And whereas under the powers conferred on the company by the Act of 1873 the North British Railway Act 1875 the North British Railway (Additional Works and Powers) Act 1877 and the Act of 1881 the company have from time to time raised and advanced money for the purposes of the said harbour and the amount now due and owing to them by the Commissioners is the said sum of one hundred and forty-three thousand five hundred and thirty-three pounds nineteen shillings and sixpence:

And whereas the existing accommodation at the harbour is insufficient for the shipping and traffic thereat and it is expedient that the Commissioners should be empowered to make and maintain the wet dock and other works by this Act authorised and for such purpose to borrow additional money and that further powers should be conferred on the Commissioners the company and the town council as in this Act provided:

And whereas it is expedient that the company should be empowered to advance additional money on loan to the Commissioners and for that purpose to apply their existing or authorised funds and to raise additional money as in this Act provided:

And whereas it has been arranged and agreed between the Commissioners the company and the town council that the constitution of the Commissioners should be altered and that the former Harbour Acts and the Acts relating to the burgh of Burntisland and the company should be amended as in this Act provided and it is expedient that such arrangement or agreement should receive the sanction of Parliament:

And whereas plans and sections describing the lines situation and levels of the works authorised by this Act and a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Fife in his offices at Cupar-Fife Dunfermline and Kirkcaldy and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act 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 Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. This Act may be cited as the *Burntisland Harbour Act 1896* and the former Harbour Acts and this Act may for all purposes be cited together as the *Burntisland Harbour Acts 1870 to 1896.*

Short title.

2. In this Act the several words and expressions to which meanings are assigned in the Act of 1881 shall have the same respective meanings unless there be something in the subject or context repugnant to such construction. Provided that the expression "the Commissioners" shall mean and include the *Burntisland Harbour Commissioners* incorporated by the Act of 1881 and the Commissioners to be nominated and appointed under the provisions of this Act as the case may be and the expression "the harbour of Burntisland" or "the harbour" shall mean and comprehend the limits of the harbour as extended and defined by this Act.

Interpretation of terms.

3. The *Lands Clauses Acts* are incorporated with and form part of this Act and the expression "the promoters of the undertaking" in the said Acts means with reference to this Act the Commissioners and the provisions of the *Commissioners Clauses Act 1847* and of the *Harbours Docks and Piers Clauses Act 1847* to the extent to which such provisions respectively are incorporated with the Act of 1881 are incorporated with and form part of this Act. Provided that the Commissioners shall for the purposes of sections 14 and 15 of the *Harbours Docks and Piers Clauses Act 1847* provide and maintain on a central and convenient spot a watch-house and boat-house sufficient in the opinion of the Commissioners of Her Majesty's Customs for the whole harbour.

Incorporation of general Acts.

4. The provisions of the *Railways Clauses Consolidation (Scotland) Act 1845* and of Part I. (relating to construction of a railway) of the *Railways Clauses Act 1863* are so far as concerns the railway by this Act authorised incorporated with and form part of this Act and clauses 6 16 18 to 24 and 60 of the said first-mentioned Act and the provisions of that Act with respect to the temporary occupation of lands near the railway during the construction thereof and clauses 13 18 and 19 of the said *Railways Clauses Act 1863* are so far as concerns the other works by this Act authorised also incorporated with this Act and made applicable to such works and in construing the said clauses and provisions as incorporated with this Act the expression "the company" shall mean and include

Incorporation of provisions of Railways Clauses Acts.

A.D. 1896. the Commissioners and the expression "the railway" shall mean and include the works by this Act authorised.

Power to
construct
works.

5. Subject to the provisions of this Act the Commissioners may make and maintain in and according to the lines and levels shown on the deposited plans and sections the works herein-after described with all proper and necessary quays entrances locks sluices wharves pitched slopes bridges walls roads accesses approaches rails tramways sidings and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for that purpose.

Description
of works.

6. The works by this Act authorised to be made and maintained are the following :—

First.—A pier or breakwater (Work No. 1) commencing at a point about thirty yards north-west of the outer end of the west breakwater of the tidal harbour and proceeding for a length of about two hundred and thirty-three yards in a south-easterly direction and terminating in the bed or soil of the Firth of Forth at a point about three hundred and thirty-three yards measured in a south-westerly direction from the centre of the ferry pier at its southern extremity :

Second.—A sea wall or embankment (Work No. 2) commencing at a point on high-water mark on the western side of the Lammerlaws distant about eighty yards measured in a direction south-east by south from the most westerly corner of the terrace of houses called South View and terminating in the bed or soil of the Firth of Forth at a point distant about eight hundred and eighty-six yards from the said point of commencement measured in a south-westerly direction and about two hundred and sixteen yards measured in a south-easterly direction from the centre of Burntisland Harbour Lighthouse:

Third.—A wet dock (Work No. 3) about two hundred and seventeen yards average length and about one hundred and eighty yards average width situated to the eastward of a line drawn parallel to and westward of the ferry pier at a distance of one hundred and fourteen yards from the centre thereof such dock being situated between Work No. 2 and high water mark of ordinary spring tides :

Fourth.—A line of railway (in the deposited plans and sections referred to as Work No. 5) five furlongs 1·14 chains in length commencing by a junction with the North British main line of railway between Burntisland and Kirkcaldy at a point about one hundred and sixty yards to the east of the bridge carrying the railway over the westmost access to the beach east of the

Lammerlaws and terminating on the southern pier or quay of the said intended wet dock at a point about ninety yards measured in a south-westerly direction from the centre of the ferry pier at its southern extremity. A.D. 1896.

7. The said works by this Act authorised and the land enclosed thereby shall for all purposes including rates and charges form part of the harbour as if the same had been part of the undertaking and works authorised by the former Harbour Acts and shall be deemed and held to be situated within the burgh and parish of Burntisland and county of Fife. Works to form part of harbour.

8. The Commissioners may in the construction of the wet dock authorised to be made by this Act demolish and remove the existing ferry pier or landing-place and other works at Burntisland belonging to and vested in the company used for and in connexion with the Granton and Burntisland Ferry Provided always that before the Commissioners shall commence to demolish or remove the said ferry pier or landing-place and other works or to construct any part of the works for forming the said wet dock which would in any way obstruct the said ferry or the use of the said ferry pier or landing-place and other works they shall construct make and complete a new ferry pier or landing-place on the site shown and coloured green on the plans signed in duplicate by the Right Honourable Lord Kensington the Chairman of the Committee of the House of Lords to whom the Bill for this Act was referred and deposited respectively in the Parliament Office House of Lords and in the Private Bill Office of the House of Commons and also make and provide the access to the said new ferry pier or landing-place for passengers goods animals and vehicles delineated and coloured brown on the said plans signed in duplicate as aforesaid with the waiting-room and shelter for passengers shown thereon and the said new ferry pier or landing-place and access waiting-room and shelter shall be constructed of such designs and materials and in such way and manner as may be prescribed by the engineer of the Company and to his satisfaction and the plans and sections of the same shall before the commencement of such operations be submitted by the Commissioners to the county council of the county of Fife and in the event of any objection being taken by the said county council to such plans and sections by notice thereof being sent within twenty-one days of the receipt by the said county council of such plans and sections to the clerk of the Commissioners the question shall (failing agreement between the county council and the Commissioners) be decided by an engineer to be appointed by the Board of Trade on the application of either party and the said new ferry pier or landing-place and other works aforesaid shall

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in all time coming be maintained and lighted by the Commissioners to the satisfaction of the engineer of the company including the provision by the Commissioners of a suitable and sufficient pier-head light and the same when constructed and completed shall be in lieu and place of the said existing ferry pier or landing-place and other works and access to the same and the company shall have the exclusive use and control of the said new ferry pier or landing-place waiting-room and shelter for the said Granton and Burntisland Ferry free of pier dues and other rates or dues and the exclusive control of all vessels when berthed at the said new ferry pier or landing-place and also perpetual and uninterrupted rights of access to and from said new ferry pier or landing-place waiting-room and shelter by the foresaid access and the whole obligations upon the company at and in connexion with the said existing ferry pier or landing-place shall apply to the said new ferry pier or landing-place and shall be undertaken by the Commissioners excepting tenant's rates and taxes both imperial and local which shall be paid by the company Provided further that the conditions obligations and provisions imposed on the Commissioners by this section may be enforced by or at the instance of the said county council Nothing herein contained shall extend to prejudice alter or affect any obligation there may be upon the company to continue and work the ferry between Granton and Burntisland.

Guarantee
of certain
obligations
undertaken
by Commis-
sioners.

9. The company shall guarantee the performance by the Commissioners of the obligations of maintenance and lighting of the said new ferry pier or landing-place and the other obligations undertaken by the Commissioners specified in the immediately preceding section hereof.

Saving
rights of
Caledonian
Railway
Company.

10. The Caledonian Railway Company shall continue to have all the same rights powers facilities and privileges if any in connexion with the new ferry pier or landing-place to be made and provided by the Commissioners as required by the eighth section which they have in connexion with the existing ferry piers or landing-places and nothing contained in this Act shall extend to prejudice affect alter or diminish the right which the Caledonian Railway Company possess under the North British Edinburgh Perth and Dundee and West of Fife Railways Amalgamation Act 1862 to require their traffic by the Carstairs route to be exchanged by the company at Granton or any other point of junction of the railways of the company with the railways of the Caledonian Railway Company or any right which the Caledonian Railway Company may be held by a court of competent jurisdiction to possess to compel the company to provide a pier or piers at Burntisland suitable for the conveyance across the ferry of railway waggons.

11. The Commissioners may when they shall have become owners in possession of the property on both sides thereof stop up and discontinue as public roads or thoroughfares in whole or in part the following roads (*viz.*) :—

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Certain roads may be stopped up.

No. on deposited Plan.	Parish.	Description of Road.
11	Burntisland - - -	Cart road
13	Burntisland - - -	Road
19	Burntisland - - -	Cart road
32	Burntisland - - -	Cart road
34	Burntisland - - -	Road

And the land or soil of the roads or portions of roads so stopped up and discontinued shall be and are hereby vested in the Commissioners freed and discharged from the public use thereof and from all other rights in or over the same.

12. The Commissioners may on lands belonging to them or to be taken or acquired by them under the powers of this Act make provide and maintain in connexion with the works authorised by this Act or any of them or any portions thereof or otherwise all necessary and convenient shipping-places wharves depôts warehouses sheds custom houses watch houses staiths jetties landing-places stages quays slips gates entrances locks cranes hydraulic lifts drops gridirons dolphins buoys moorings stations roads approaches tramways sewers drains and other works and conveniences and may dredge scour and deepen from time to time the harbour and the foreshore and bed of the Firth of Forth for any distance seaward of the harbour and remove and carry away and dispose of sand silt chalk gravel or other obstructions therein.

Subsidiary works.

13. In the construction of the works authorised by this Act the Commissioners may deviate laterally from the lines thereof as shown on the deposited plans to the extent of the limits of lateral deviation marked thereon and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding six feet upwards or six feet 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.

Limits of lateral and vertical deviation.

14. The Commissioners from time to time in connexion with such of the works authorised by this Act as are then completed may subject to the provisions of this Act execute all such works of dredging and scouring and may make and maintain all such

Dredging &c.

A.D. 1896. incidental extensions and enlargements of and additions to the works so completed and all such accommodations and conveniences connected therewith as the Commissioners find requisite.

Period for compulsory purchase of lands.

15. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

16. If the works by this Act authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to purchase additional lands.

17. The Commissioners may from time to time for purposes of the harbour purchase by agreement and hold any lands not exceeding at one time ten acres in addition to lands which they are authorised to take by compulsion. Provided that such additional lands shall not be built over except for purposes connected with the harbour and that nothing in this Act shall exempt the Commissioners from any action or proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so purchased and held.

Certain sections of Act of 1881 made applicable to purposes of this Act.

18. Sections fifty-three fifty-four fifty-five fifty-six fifty-seven and fifty-eight of the Act of 1881 with respect to works authorised by that Act shall be and are hereby made applicable to the works authorised by this Act in the same manner as if such last-mentioned works had formed part of the works authorised by the Act of 1881.

Restrictions on displacing persons of labouring class.

19.—(1) The Commissioners shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the fifteenth day of December next before the passing of this Act were or have been since that day or shall hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

(A) They shall have obtained the approval of the Secretary for Scotland to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December aforesaid or for such number of persons as the Secretary for Scotland shall after inquiry deem necessary having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom and to the amount of vacant suitable accommodation in the immediate neighbourhood of

such houses or to the place of employment of such persons and to all the circumstances of the case ; and

(B) They shall have given security to the satisfaction of the Secretary for Scotland for the carrying out of the scheme.

(2) The approval of the Secretary for Scotland to any scheme under this section may be given either absolutely or conditionally and after the Secretary for Scotland has approved of any such scheme he may from time to time approve either absolutely or conditionally of any modification in the scheme.

(3) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Secretary for Scotland may dispense with the last-mentioned requirement subject to such conditions (if any) as he may see fit.

(4) Any provisions of any scheme under this section or any conditions subject to which the Secretary for Scotland may have approved of any scheme or of any modification of any scheme or subject to which he may have dispensed with the above-mentioned requirement shall be enforceable by an order of the Court of Session to be obtained by the Secretary for Scotland.

(5) If the Commissioners acquire or appropriate any house or houses under the powers of this Act in contravention of the foregoing provisions or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(6) For the purpose of carrying out any scheme under this section the Commissioners may appropriate any lands for the time being belonging to them or which they have power to acquire and may purchase such further lands as they may require and for the purpose of any such purchase section ninety of the Public Health (Scotland) Act 1867 shall be incorporated with this Act and shall apply to the purchase of lands by the Commissioners for the purposes of any scheme under this section in the same manner in all respects as if the Commissioners were a local authority within the meaning of that Act and the scheme were one of the purposes of that Act.

(7) The Commissioners may on any lands belonging to them or purchased or acquired under this section or under any Provisional

A.D. 1896. Order issued in pursuance of this section erect such dwellings for persons of the labouring class as may be necessary for the purpose of any scheme under this section and may sell demise let or otherwise dispose of such dwellings and any lands purchased or acquired as aforesaid and may apply for the purposes of this section to which capital is properly applicable or any of such purposes any moneys which they may be authorised to raise or apply for the general purposes of their undertaking :

Provided that all lands on which any buildings have been erected or provided by the Commissioners in pursuance of any scheme under this section shall for a period of twenty-five years from the date of the scheme be appropriated for the purpose of dwellings and every conveyance demise or lease of such lands and buildings by the Commissioners shall contain proper covenants for securing that the buildings on such lands shall during such period of twenty-five years be used exclusively for the purpose of dwellings and shall be endorsed with notice of this enactment :

Provided also that the Secretary for Scotland may at any time dispense with all or any of the requirements of this subsection subject to such conditions (if any) as he may see fit.

(8) The Secretary for Scotland may direct any inquiries to be held which he may deem necessary in relation to any scheme under this section and for giving effect to any of the provisions of this section and he and any person appointed by him to hold inquiry shall have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them respectively under the Public Health (Scotland) Act 1867 in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act.

(9) The Commissioners shall pay to the Secretary for Scotland a sum to be fixed by him in respect of the preparation and issue of any Provisional Order in pursuance of this section and any expenses incurred by him in relation to any inquiries under this section including the expenses of any witnesses summoned by the person appointed to hold any such inquiry and a sum to be fixed by the Secretary for Scotland not exceeding three guineas a day for the services of the person so appointed.

(10) For the purposes of this section the expression "labouring class" includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings

a week and the families of any such persons who may be residing with them. A.D. 1896.

20. The Commissioners may generate manufacture store and supply electricity and electric or other illuminating or heating means or agency except gas within the limits of the harbour and for that purpose may use any lands for the time being belonging to or held or leased by them and they may upon such lands erect and maintain any necessary workshops engine-houses storehouses (including places for storing electricity) or other buildings and may manufacture buy or hire any machinery steam engines gas engines or other apparatus and may take hold and use patent rights or licences or authorities under letters patent for the use of inventions relative to the generation manufacture conversion utilisation distribution or supply of electricity or other lighting or heating means or agency except gas and may demand take and recover rates rents and charges for the sale and hire of electric and other meters and fittings and may confer vary and extinguish exemptions from the payment of such rates rents and charges Provided that before the Commissioners exercise the powers conferred on them by this section the town council shall for a period of one year from the date of the passing of this Act have the option of agreeing to provide such supply of electricity on terms to be agreed upon between the town council and the Commissioners Provided further that all works constructed under the authority of this Act for supplying electricity shall be so constructed and used as to prevent any interference with telegraphic communication by means of any telegraphs from time to time used or intended to be used by the Postmaster-General.

Commis-
sioners may
provide and
supply
electricity.

21. The limits of the harbour as defined and described in section 11 of the Act of 1881 are hereby extended so as to comprehend and include therein the shore of the Firth of Forth and the tidal harbour existing wet dock and other works constructed under the powers contained in the Order of 1870 and in the Act of 1881 and the wet dock ferry pier and other works authorised by this Act and other property all within the following boundaries and limits (that is to say) A line commencing at the north-east corner of the Sea Mills Bay behind the estate of Rossend at a point indicated by the letter A on the map or plan signed in duplicate by Sir Ughtred James Kay-Shuttleworth Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and deposited as to one copy in the Private Bill Office of that House and as to the other copy in the office of the principal sheriff clerk of the county of Fife at Cupar on or about the sixth day of July 1896 thence proceeding as shown on the said

Limits of
the harbour.

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map or plan in a south-westerly direction for a distance of seven hundred and forty-three yards or thereby to a point seven hundred and thirty-seven yards or thereby measuring in a westerly direction from the south-east corner of the Half Moon House thence proceeding due south eight hundred and sixty-seven yards or thereby thence due east two thousand and twenty-five yards or thereby thence in a direction due north six hundred and forty yards or thereby to a point on the line of high-water mark at or near the southern extremity of the Lammerlaws thence in a northerly direction two hundred and seventy yards or thereby in a straight line to a point on the line of high-water mark on the eastern side of the Lammerlaws and thence in a north-westerly direction three hundred yards or thereby in a straight line to a point on the main line of the North British Railway marked B on the said map or plan thence in a south-westerly direction on the south boundary of the said line of the said North British Railway for a distance of sixty-five yards or thereby to a point immediately on the east side of the subway leading from the public links to the sea beach thence in a southerly direction for a distance of one hundred and twenty yards or thereby along the eastern side of the North British Railway Company's locomotive workshops thence in a south-westerly direction along the south-eastern side of the said locomotive workshops for a distance of one hundred and ten yards or thereby to a point on the road leading from the bridge over the railway to the Low Cottages on the Lammerlaws thence continuing in a south-westerly direction for a distance of one hundred and eighty-seven yards or thereby to a point at the north-east end of the old goods slip pier wall thence in a westerly direction one hundred and forty yards to a point on the southern end of the subway leading to the seashore to the south of the coastguard station thence along the south-side of the North British rails to a point on the north-east corner of the old jetty for a distance of two hundred and fifty-three yards or thereby thence in a westerly direction for a distance of thirty-seven yards or thereby to a point situated at a distance of twenty-two yards from the north-west corner of the present passenger ferry pier measured in a north-easterly direction and thence to a point on the old harbour boundary situated on the sea wall at a distance of one hundred and twenty-three yards from the said north-west corner of the passenger ferry pier measured in a south-westerly direction and thence following the old harbour boundary until it reaches the said point of commencement marked A on the map or plan deposited as aforesaid.

Power to
borrow
additional
money.

22. The Commissioners may from time to time in addition to the money already borrowed or authorised to be borrowed by them

for the purposes of the harbour borrow on mortgage or on cash credit or otherwise as may be deemed expedient such money as may be required for carrying into effect the purposes of the former Harbour Acts and this Act not exceeding in the whole the sum of three hundred thousand pounds on the security of the harbour revenues and the rates authorised by the former Harbour Acts and this Act. A.D. 1896.

23. The provisions contained in sections sixty-six sixty-seven and sixty-eight of the Act of 1881 shall extend and apply to the money by this Act authorised to be borrowed as if such money had formed part of the money authorised to be borrowed by the Commissioners under the powers contained in the Act of 1881. Extending certain provisions of Act of 1881 to money borrowed under this Act.

24. Nothing in this Act contained shall be held or construed to alter affect or diminish any mortgage or assignment or other security granted for money borrowed under the former Harbour Acts and which shall be subsisting at the passing of this Act and all such mortgages or assignments or other securities shall remain as valid and sufficient in favour of the holders thereof as if this Act had not been passed. Saving existing securities.

25. Nothing in this Act shall operate to empower the Commissioners to borrow any money from the Public Works Loan Commissioners. Commissioners not to borrow under this Act from Public Works Loan Commissioners.

26. The company shall from time to time on an application made to them by the Commissioners in writing under the hand of their clerk and delivered to the secretary of the company lend to the Commissioners on mortgage on the security of the rates dues and duties leviable by them and of the other revenues of the Commissioners and on the like terms and conditions as the money heretofore borrowed by the town council and the Commissioners has been lent by the company any sums of money in addition to the money already advanced on loan by the company to the town council and the Commissioners under the former Harbour Acts such sums of money not exceeding in the whole three hundred thousand pounds as the Commissioners may require for the execution of the works authorised by and for otherwise carrying into effect the purposes of this Act and any other purposes of the harbour. Company to lend additional money to Commissioners.

27. The company may subject to the provisions of Part II. of the Companies Clauses Act 1863 raise by the creation and issue at their option of ordinary shares or stock or new preference shares or stock or new preference shares or stock convertible into ordinary preference stock and ordinary stock or wholly or partially by one or more of those modes respectively any additional capital not exceeding in the whole with respect to any advances made by them to the Company may raise additional capital.

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Commissioners under this Act the sum of three hundred thousand pounds but the company shall not issue any share of less nominal value than ten pounds nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid in respect thereof.

Extending provisions of North British Railway Act 1888 to preference stock convertible into ordinary stock.

28. All preference shares or stock convertible into ordinary preference stock and ordinary stock created and issued under the provisions of this Act or any Act or Acts relating to the company may by agreement with the holders thereof be converted on the same terms and subject to the like conditions as all preference shares or stock convertible into ordinary preference stock and ordinary stock authorised to be created and issued under the North British Railway Act 1888.

Except as otherwise provided new shares or stock to be subject to same incidents as present shares or stock.

29. Except as by this Act otherwise provided the capital in new shares or stock created by the company under this Act and the new shares or stock therein and the holders thereof respectively shall be subject and entitled to the same powers provisions liabilities rights privileges and incidents whatsoever in all respects as if that capital were part of the now existing capital of the company of the same class or description and the new shares or stock were shares or stock in that capital and the capital in new shares or stock so created shall form part of the capital of the company.

Dividends on new shares or stock.

30. Every person who becomes entitled to new shares or stock shall in respect of the same be a holder of shares or stock in the company and shall be entitled to a dividend with the other holders of shares or stock of the same class or description proportioned to the whole amount from time to time called and paid on such new shares or to the whole amount of such stock as the case may be.

Restriction as to votes in respect of preferential shares or stock.

31. Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any new shares or stock to which a preferential dividend shall be assigned.

New shares or stock raised under this Act and any other Act of past or present sessions may be of same class.

32. Subject to the provisions of any Act already passed by which the company are authorised to raise capital by new shares or stock and to the provisions of this Act and any other Act passed in the present session of Parliament whether before or after the passing of this Act by which the company may be authorised to raise capital by new shares or stock the company may if they think fit raise by the creation and issue of new shares or stock of one and the same class all or any part of the aggregate capital which they are by such other Act and this Act respectively authorised to raise by the creation and issue of new shares or stock.

33. Twenty per centum on the amount of any share shall be the greatest amount of any call which may be made thereon and there shall be an interval of not less than three months between any two successive calls and the company shall not call up more than three-fourths of a share in any year.

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Calls.

34. Instead of raising the sum of three hundred thousand pounds by this Act authorised to be advanced on loan to the Commissioners by the creation of shares or stock the company may if they think fit apply for the purposes of any such loan any of their existing or authorised funds or may raise the said sum or any part thereof by mortgage or bond on or over the harbour and dock revenues payable to the company under the fifth article of the agreement of 1872 and the Act of 1881 and this Act in like manner as they are by the Act of 1873 the North British Railway Act 1875 and the North British Railway (Additional Works and Powers) Act 1877 collectively authorised to raise the sum of one hundred and sixty thousand pounds and as if the total amount by those Acts authorised to be raised were four hundred and sixty thousand pounds instead of one hundred and sixty thousand pounds.

Company may raise loan to Commissioners by mortgage of harbour revenues.

35. Subject to the provisions of section seventy-five of the Act of 1881 the rates dues and duties to be levied by the Commissioners and their other harbour revenues shall until the principal sums lent by the company to the Commissioners together with interest thereon shall have been repaid to the company be applied as follows:—

Application of harbour revenues.

- (1) In paying the costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto :
- (2) In maintaining working and managing the harbour and works connected therewith and in dredging and cleansing the harbour and the accesses and entrances thereto and the other necessary expenses of the Commissioners including such expenses of working and maintaining the harbour and incident thereto as may have been incurred but not paid before the passing of this Act :
- (3) In paying the annual feu duty to the town council payable by the Commissioners :
- (4) In paying interest on money borrowed by the town council and the Commissioners from the company under the authority of the former Harbour Acts and on money borrowed under the authority of this Act :

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(5) In paying any sums which may be required to be set aside as a sinking fund for the payment of the money already borrowed or which may be borrowed by the Commissioners :

(6) Any surplus which may remain after paying or applying to the purposes aforesaid shall be applied in improving deepening and extending the harbour and works connected therewith or in reducing the rates dues duties and charges leviabie in respect thereof.

Rates for user of lines of railway at harbour.

36. In addition to the rates authorised by sections sixty-three and sixty-four of the Act of 1881 to be levied in respect of vessels passengers animals fish minerals and goods and for the use of cranes and other accommodation at the harbour the Commissioners may for the user by traders at the harbour of all lines of railway within the limits of the harbour as extended by this Act demand and receive any sums not exceeding the several rates specified in the First Schedule annexed to the Act of 1881.

Power to company to run over and use lines of railway at harbour and works connected therewith.

37. The company may for the purpose of conveying traffic of every description between their railways on the one hand and the existing harbour and dock at Burntisland and the dock by this Act authorised on the other hand run over and use with their engines carriages and waggons officers and servants the lines of railway at and connected with or which may hereafter be laid at or in connection with the said harbour and docks and also the works and conveniences upon and connected with such lines The terms and conditions of such running powers and user shall from time to time be agreed upon between the Commissioners and the company and failing agreement shall be settled by an arbiter to be appointed by the Board of Trade If any dispute or difference shall hereafter arise between the Commissioners and the company as to the sufficiency of such lines for the proper working of the company's traffic or as to any additions to or alterations upon the same or as to the proper maintenance of the same or any part thereof such difference shall be referred to an arbiter to be appointed by the Board of Trade Provided always that nothing in this section contained shall give to the company any exclusive right to the use of the said lines of railway or of the works connected therewith.

For the protection of the town council.

38. The following provisions for the protection of the town council shall unless otherwise agreed upon by the Commissioners the town council and the company have effect (that is to say) :—

(1) Notwithstanding anything contained in this Act the Commissioners shall in the event of the present public slaughter-house adjoining the Lammerlaws being required at any time for the purposes of the harbour or in connexion with the works

authorised by this Act be bound before the said slaughter-house and offices adjoining thereto are taken down to provide for the town council another slaughter-house and offices of equal size and dimensions as the present slaughter-house and offices and that on a site to be approved of by the town council within six months after notice has been received by them that the present slaughter-house will be so required and failing agreement between the parties as to such site the same shall be fixed by the sheriff of Fife The cost of the new slaughter-house and offices and of the site therefor and all necessary and proper expenses that may be incurred in acquiring the ground and erecting the new buildings shall be paid by the Commissioners and when completed the said new buildings and offices shall be the property of the town council and shall be used and occupied as the public slaughter-house of the burgh :

- (2) The Commissioners shall in lieu of the present subway leading from the links at the west end thereof to the sea beach make and construct a new subway of a width of not less than twelve feet and at a point one hundred and sixty yards or thereby to the east of the present subway to give access from the links to the sea beach which access shall be open to the public The Commissioners shall also construct a concrete upright retaining wall from the said new subway to form a footpath upon the sea beach to a point opposite the present subway with stone pitching for a further distance of one hundred feet or thereby along the ballast bank in a south-westerly direction :
- (3) Nothing in this Act shall extend to take away or abridge the rights of the public to the use of the road lying to the south of the public footpath running along the north boundary of the existing tidal harbour and to the use of the road leading along Cromwell Pier to the Green Island and Breakwater.

39. When and so soon as the wet dock authorised by this Act is completed and fit for the reception of vessels and a certificate to that effect shall have been granted by the Board of Trade but not sooner the provisions contained in sections seventeen to thirty-eight and in sections forty-two and forty-three of the Act of 1881 shall as at the date of such certificate cease to be operative and instead thereof the following provisions of this section shall come into operation and have effect :—

- (1) The Commissioners shall be nine in number of whom three shall be nominated and appointed by the town council out of their own body and six by the directors of the company of whom two at least shall be directors of the company until the

Provisions as to number nomination appointment &c. of Commissioners after completion of wet dock.

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number of Commissioners to be appointed by the town council and by the company is altered in manner in this Act hereafter provided :

- (2) Within one month after the date of such certificate the town council shall out of their own body nominate and appoint three persons and the directors of the company shall nominate and appoint six other persons of whom two at least shall be directors of the company to be Commissioners who shall continue in office until the third Tuesday in the month of November next succeeding their nomination and appointment respectively :
- (3) On the third Tuesday in the month of November in each succeeding year all the Commissioners shall go out of office and the town council and the directors of the company shall respectively nominate and appoint persons as above provided to be Commissioners in place of the retiring Commissioners :
- (4) Every commissioner going out of office in manner before provided or otherwise ceasing to be a commissioner may be re-nominated and re-appointed :
- (5) If by reason of any neglect or other cause there shall be any default in the nomination and appointment of the said persons or in case any person appointed shall decline to accept or shall die or resign it shall notwithstanding be competent to the other Commissioners to carry the former Harbour Acts and this Act into execution until the vacancies so arising shall have been supplied in manner after provided :
- (6) In case of any such non-appointment or non-acceptance or of the death or resignation of any of the Commissioners it shall be lawful for the town council if such commissioner were appointed by them or for the directors of the company if such commissioner were appointed by them to nominate and appoint another qualified person to supply such vacancy :
- (7) The Commissioners nominated and appointed under this section shall hold their first meeting at some convenient place within the town of Burntisland on the second Tuesday next after their appointment or as soon thereafter as conveniently may be at the hour of twelve o'clock noon and notice to attend such meeting shall be previously sent to each of the Commissioners by the clerk to the Commissioners :
- (8) At such first meeting of the Commissioners they shall by the majority of the votes of the Commissioners present elect one of their body being a commissioner appointed by the Company to be their chairman until the third Tuesday in November next succeeding such first meeting and on the third

Tuesday in November in each succeeding year the Commissioners shall in like manner elect a chairman being also a commissioner appointed by the company for the year then ensuing and in case the chairman die or resign or cease to be a commissioner or otherwise become disqualified to act as such the Commissioners present at the meeting next after the occurrence of such vacancy shall choose some other of their body being a commissioner appointed by the company to fill such vacancy and the chairman so elected shall continue in office so long only as the person in whose place he was elected would have been entitled to continue chairman and if at any meeting of the Commissioners the chairman be not present one of the Commissioners present being a commissioner appointed by the company shall be elected chairman of such meeting by the majority of the votes of the Commissioners present at such meeting :

(9) At all meetings of the Commissioners the questions then considered shall be decided by the votes of the majority present and if there be an equal division of votes upon any question the chairman or commissioner acting as chairman at such meeting shall in addition to his own vote as a commissioner have a second or casting vote :

(10) All powers vested in the Commissioners under the former Harbour Acts and this Act may be exercised by any five or more of the Commissioners present at any meeting holden in pursuance of this section and no business shall be transacted at any meeting of the Commissioners unless save as herein-after provided the said number of Commissioners be present :

(11) The Commissioners nominated and appointed under this section shall after their first meeting hold half-yearly meetings on the fourth Tuesday in May and on the third Tuesday in November in each succeeding year within the town of Burntisland and they may also if thought necessary hold monthly or other meetings for the transaction of general business at such hour and place or places as they may by resolution from time to time determine and the clerk shall give by letter through the post at least six clear days' notice of the time and place of any such meeting to each of the Commissioners :

(12) The Commissioners present at such first meeting or at any half-yearly monthly or other meeting or at any adjourned meeting may from time to time adjourn such meeting and if at any meeting of the Commissioners there be not five Commissioners present within one half hour after the time

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appointed for such meeting the Commissioners present or the major part of them or any one commissioner if only one be present or clerk if no commissioner be present may adjourn such meeting Notice of such adjourned meeting shall be sent to all the Commissioners and at such adjourned meeting three members shall be a quorum :

- (13) The said monthly or other meetings of the Commissioners shall be held for transacting the ordinary business of the Commissioners under the former Harbour Acts and this Act and amongst the rest for appointing and removing the inferior officers of the Commissioners and superintending their conduct and for inquiring into the conduct of the contractors or other persons employed by them to execute any works and into the state and progress of such works and generally for giving such directions from time to time as may be necessary for carrying into effect the purposes of the former Harbour Acts and this Act :
- (14) Where any business other than ordinary routine business is required or intended to be transacted at any monthly or other meeting the clerk shall give notice thereof to each of the Commissioners and no such extraordinary business nor any new rules or regulations shall be adopted at the monthly meetings unless due notice thereof have been given at a prior meeting and sent to each commissioner :
- (15) No resolution at any meeting of the Commissioners shall unless unanimously adopted be valid until it has been reported to and confirmed at the first meeting of the Commissioners held after the passing of such resolution :
- (16) No resolution so confirmed at any meeting of the Commissioners shall be revoked or altered at any subsequent meeting unless notice of the intention to propose such revocation or alteration be given by the clerk to each of the Commissioners six clear days at least before holding the meeting :
- (17) The Commissioners may hold special meetings at such times and places as may be fixed by them and the chairman or any three of the Commissioners may require a special meeting to be held but no such meeting shall be held unless three clear days notice thereof at the least be given and no second special meeting on the requisition of any three Commissioners of whom the chairman is not one shall be held within a shorter interval than two months after the previous special meeting :
- (18) All notices of meetings of the Commissioners shall be in writing or in print or partly in writing and partly in print and

shall be sent by the clerk by post or otherwise to the usual place of abode or place of business of each of the Commissioners six clear days at least previous to any monthly or other meeting and three clear days at least previous to any half-yearly or special meeting and every such notice shall specify the time and place of meeting and shall specify the object thereof and no business shall be transacted at any meeting except such as is stated in the notice thereof :

(19) The Commissioners may at any meeting from time to time appoint committees for any purpose which in the opinion of the Commissioners would be better regulated and managed by means of such committees and they may fix the quorum of any such committee and may continue alter or discontinue such committee :

(20) Every such committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment but no business shall be transacted at any meeting of the committee unless the quorum of members if any fixed by the Commissioners and if no quorum be fixed three members be present and at all meetings of the committee one of the members present shall be appointed chairman and all questions shall be determined by a majority of the votes of the members present and in case of an equal division of votes on any question the same shall be referred to the Commissioners for their decision :

(21) The certificate to be granted by the Board of Trade as in this section before mentioned shall be published by the Commissioners once in the Edinburgh Gazette within ten days from the date thereof.

40. The present town clerk of the burgh of Burntisland shall continue to be the clerk to the Commissioners and after him future appointments of such clerk shall be made by the Commissioners and every such clerk so appointed by them shall reside in Burntisland and in addition to his ordinary salary or other remuneration for his services the clerk shall for attendance at meetings of the Commissioners and committees beyond the town of Burntisland be allowed by the Commissioners reasonable further allowance besides personal and travelling expenses.

Clerk to the
Commissioners.

41. The office of the Commissioners shall be in the town of Burntisland and the same shall be kept open daily (Sundays Christmas Days and Good Fridays and days appointed for general fasts and thanksgivings and public holidays excepted) for the purpose of transacting the ordinary business of the Commissioners.

Office of the
Commissioners.

A.D. 1896.

Providing
for appoint-
ment of
Commis-
sioners after
payment of
harbour
debt.

42. Section seventy-eight of the Act of 1881 is hereby repealed and in lieu thereof the following provision shall have effect (that is to say) :—

When and so soon as the Commissioners shall have repaid to the company the entire amount of money advanced and lent to them by the company or which may hereafter be advanced and lent to them by the company for the works authorised by the former Harbour Acts and this Act and for other harbour purposes with interest thereon together with all pecuniary obligations for which the revenues of the harbour may be chargeable then at the annual nomination and appointment of Commissioners which shall happen next after such repayment and at every subsequent annual nomination and appointment of Commissioners the town council shall be entitled to nominate and appoint six of the Commissioners and the company shall be entitled to nominate and appoint three of the Commissioners and the provisions of this Act with respect to the nomination and appointment of the Commissioners shall thereafter be read and have effect accordingly and the chairman of the Commissioners to be annually appointed thereafter by the Commissioners shall for each succeeding year be alternately a Commissioner appointed by the town council and by the company respectively and if at any meeting of the Commissioners there shall be an equal division of votes upon any question such question shall at the request of the town council or of the company be forthwith referred to the sheriff of the county of Fife who may if necessary attend another meeting of the Commissioners and shall hear parties and decide thereon and his decision shall be final.

Supply of
water by
town
council

43. The provisions of section seventy-nine of the Act of 1881 with respect to a water supply by the town council for the harbour and the other purposes therein specified and also to the powers of the town council to supply water to vessels in the harbour and to charge rates therefor shall extend and apply respectively to the wet dock and other works by this Act authorised and to the area within the extended harbour limits and to vessels accommodated therein as if the said provisions were fully re-enacted herein.

Powers of
magistrates
of burgh
within
harbour

44. The magistrates of the burgh of Burntisland shall in all respects save and except as to the confirmation of byelaws by the sheriff have and exercise within the harbour similar powers and jurisdiction to those possessed by the sheriff under the Harbours Docks and Piers Clauses Act 1847 and Acts incorporated therewith the Merchant Shipping Act 1894 and Acts amending the said Acts or either of them and the mode of procedure before the said

magistrates shall in all respects be similar to that which is prescribed by any Act or by common law in proceedings before the sheriff in Scotland.

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45. Nothing in this Act shall prejudice alter or affect the provisions of the agreement of 1872 or of the agreement between the town council and the company dated the second sixteenth and seventeenth days of February eighteen hundred and eighty-five as scheduled to and confirmed by the North British Railway Act 1885 but the same are hereby expressly saved and reserved except in so far as altered or varied by this Act.

Saving agreements between town council and company.

46. Nothing in this Act shall alter prejudice or affect the rights and powers conferred on the corporation of Burntisland by the Burntisland Burgh Act 1876.

Saving rights under the Burntisland Burgh Act 1876.

47. Nothing in this Act contained shall exempt the harbour or the Commissioners from the provisions of the Merchant Shipping Act 1894 or any general Acts relating to harbours or docks or dues on shipping or on goods carried in ships now in force or which shall be passed during the present or any future session of Parliament or from any future revision or alteration under the authority of Parliament of the harbour rates or duties by the Act of 1881 or this Act authorised.

Provision for Merchant Shipping Acts and general Acts.

48. It shall not be lawful for the Commissioners to construct any work on any land over which a right of salmon fishing belongs to Her Majesty without the previous consent in writing of the Commissioners of Woods and such consent may be given on payment of such compensation as may be agreed upon for any injury which the works by this Act authorised may be reasonably expected to occasion to any such right of salmon fishing as in this section mentioned and in case the amount of such compensation as aforesaid shall not be agreed upon the same shall be settled by two referees one being appointed by the Commissioners and one being appointed by the Commissioners of Woods or by an umpire to be appointed by the said referees and the charges and expenses of such referees or their umpire shall be paid by the Commissioners.

Saving rights of the Crown in salmon fishings.

49. The Commissioners shall make compensation for the damage or injury (if any) which may be sustained by Her Majesty or Her tenants in respect of any right of salmon fishing wheresoever such right may exist through the exercise of the powers of this Act. The amount of such compensation shall be subject to the provisions of the immediately preceding section of this Act.

Compensation for injury to salmon fishings.

50. Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to

Saving rights of the Crown.

A.D. 1896. — the Queen's most Excellent Majesty in right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors.

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

51. The Commissioners 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 being signified as last aforesaid and where any such work may have been constructed the Commissioners 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 Act 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 Commissioners and the amount of such costs and charges shall be a debt due from the Commissioners to the Crown and shall be recoverable accordingly with costs.

Provision against danger to navigation.

52. In case of injury to or destruction or decay of the pier or works or any part thereof the Commissioners shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to the last-mentioned commissioners for directions as to the means to be taken and the Commissioners shall be liable to a penalty not exceeding ten pounds for every month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Saving rights of the Crown in the foreshore.

53. Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any right in respect thereof belonging to the Queen's most Excellent Majesty in right of Her Crown and under the management of the Board of Trade without the previous consent in writing of the Board of Trade on behalf of Her Majesty (which

consent the Board of Trade may give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the Queen's Majesty Her heirs or successors. A.D. 1896. —

54. Nothing contained in this Act or to be done under the authority thereof shall in any manner affect the title to any of the subjects or any rights powers or authorities mentioned in or reserved by sections twenty-one and twenty-two of the Crown Lands Act 1866 and belonging to or exerciseable on behalf of Her Majesty Her heirs or successors. Saving rights of Crown under Crown Lands Act.

55. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of moneys borrowed by them or out of the harbour revenues. Expenses of Act.

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