



CHAPTER i.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to St. Andrews Links. [19th December 1946.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. &
1 Edw. 8. c. 52.

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation
of Order in
schedule.
2. This Act may be cited as the St. Andrews Links Order Confirmation Act 1946. Short title.

SCHEDULE.

ST. ANDREWS LINKS.

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

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

57 & 58 Vict.
c. lxxxiv.

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

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

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

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

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

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

And whereas it is expedient that these limitations should be modified as provided in this Order:

And whereas the club are responsible for the repair and maintenance of the Old and New Golf Courses on St. Andrews Links:

And whereas the club have informed the Town Council that they find it impossible to provide the necessary funds to keep the said courses in repair to the necessary standard and have asked for a contribution towards such expenses from the Town Council:

And whereas the Town Council have no funds out of which they can make such contributions:

And whereas it is expedient that the Town Council should be authorised to levy and recover charges from the municipal voters of St. Andrews and their wives and children for playing golf on any of the golf courses on St. Andrews Links as hereinafter provided in this Order:

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

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows:—

1. This Order may be cited as the St. Andrews Links Order 1946 and may together with the St. Andrews Links Acts 1894 to 1932 be cited as the St. Andrews Links Acts 1894 to 1946. Short title and citation.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same. Commencement of Order.

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

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

“The recited Acts” means the St. Andrews Links Acts 1894 to 1932;

“The club” means the Royal and Ancient Golf Club of St. Andrews;

“The Act of 1894” means the St. Andrews Links Act 1894; 57 & 58 Vict.

“The Order of 1913” means the St. Andrews Burgh Extension and Links Order 1913. c. lxxxiv.

4.—(1) Notwithstanding any provision to the contrary contained in the recited Acts or in any other Act of Parliament or Order the Town Council may subject to the provisions of this Order and after consultation with golf clubs in St. Andrews levy and recover such charges as they think fit from the municipal voters of St. Andrews and their wives and children playing golf on any of the golf courses on St. Andrews Links provided that no such charges shall be levied on children under fourteen years of age playing golf on the New the Jubilee and Eden Courses and that the annual charges payable by such municipal voters and their wives and children (other than the children entitled to play free on the New the Jubilee and Eden Courses) shall not exceed two pounds per annum. Power to make charges for playing golf.

(2) In the event of any of the charges so levied being paid to the club or any official thereof the amount so paid shall be remitted by the club to the Town Council.

Contribution to club by Town Council.

5. The Town Council may if they think fit contribute towards the expenditure of the club in improving repairing keeping up and maintaining the Old and New Golf Courses on St. Andrews Links Provided that no such contributions shall be made unless the club have expended on the improving repairing keeping up and maintaining of the Old and New Courses at least a sum of four thousand pounds in the preceding year.

As to moneys received from charges.

6.—(1) All moneys received from charges imposed under the provisions of this Order upon persons playing golf on any of the golf courses on St. Andrews Links shall be paid to the Town Council and may be applied by the Town Council to the upkeep of any golf courses or putting greens on the St. Andrews Links and to any other purpose in connection with the game of golf and any sum remaining after meeting such expenditure shall be credited by the Town Council to the burgh fund.

(2) Section 38 (As to moneys received from charges) of the Order of 1913 is hereby repealed.

Charges on New Course.

7. The provisions of article six of the agreement contained in the Second Schedule to the Act of 1894 in so far as fixing maximum rates chargeable on the New Course are hereby repealed Provided that any rates or charges made in respect of the New Course shall not be greater than the corresponding charges in force at the time in respect of the Old Course.

For protection of proprietor of Strathtyrum Estate.

8. For the protection of the proprietor of the estate of Strathtyrum and his successors as proprietors of the said estate (hereinafter in this section referred to as "the proprietor") the following provision shall apply and have effect (that is to say):—

Nothing contained in this Order shall empower the Town Council to levy or recover charges for playing golf from the proprietor or from any of his family or guests resident for the time being at Strathtyrum House.

Amendment of section 4 of St. Andrews Links Order 1932.
Saving.

9. For the sum of "five shillings" wherever it occurs in section 4 (Charges) of the St. Andrews Links Order 1932 there shall be substituted the sum of "ten shillings."

10. Except as specifically amended by this Order nothing in the Order shall affect or interfere with the provisions of the recited Acts which together with the provisions of this Order shall be read as one Act.

Costs of Order.

11. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Town Council out of any charges on the golf courses of the Town Council.

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