



## CHAPTER Iv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Acts 1899 and 1933 relating to Ayr Burgh Extension &c.      A.D. 1935.  
[2nd August 1935.]

**W**HEREAS a Provisional Order relating to the extension of Ayr Burgh and other matters has after inquiry held before Commissioners been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 as read with the Secretaries of State Act 1926 and it is expedient that the said Order should subject to amendment be confirmed by Parliament :

62 & 63 Vict.  
c. 47.  
23 & 24  
Geo. 5. c. 37.  
16 & 17  
Geo. 5. c. 18.

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

1. The Provisional Order so made which as amended is set forth in the schedule hereunto annexed is hereby confirmed.      Confirmation of Order in schedule.

2. This Act may be cited as the Ayr Burgh Extension &c. Order Confirmation Act 1935.      Short title.



the burgh as extended by this Order and to the inhabitants thereof : A.D. 1935.

And whereas it is expedient that subject to the provisions of this Order the said area should be separated and disjoined for the purposes of this Order from the county of Ayr and that subject to the provisions of the Local Government (Scotland) Act 1929 and of this Order all matters of administration and management and all jurisdictions powers functions and authorities within the said area should devolve upon and be vested in the Corporation :

And whereas it is expedient that the said area should be added to certain existing wards of the burgh as in this Order provided :

And whereas it is expedient that the Corporation should be authorised to acquire lands and to execute the street improvements and construct the dam or weir across the river Ayr described in this Order :

And whereas the Corporation are the owners of waterworks and powers in connection with their water undertaking have been conferred upon them by the Ayr Burgh Act 1873 the Ayr Burgh Act 1885 the Ayr Burgh Act 1899 the Ayr Burgh (Tramways &c.) Order 1922 and the Ayr Burgh (Water &c.) Order 1927 and the Corporation supply water within their limits of water supply defined by the said Act of 1885 which comprise the burgh and certain parishes and parts of parishes in the county of Ayr :

And whereas the period limited by the said Order of 1927 for the completion of the works in that Order described will expire on the twenty-ninth day of July one thousand nine hundred and thirty-seven and it is expedient that the period for the completion of the Works Nos. 1 2 and 3 authorised by that Order should be extended as by this Order provided :

And whereas it is expedient that the further powers in this Order contained should be conferred upon the Corporation in relation to their water undertaking :

And whereas it is expedient that the Corporation should be authorised to borrow money for the purposes in this Order mentioned :

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— And whereas estimates have been prepared by the Corporation for and in relation to the purposes hereinafter mentioned in respect of which they are by this Order authorised to borrow money and such estimates are as follows :—

For and in connection with the purchase of land for and the execution of the street improvements - - - -	£ 11,912
For and in connection with the purchase of land for and the construction of the dam - - - - -	7,500

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas it is expedient to make further provision with regard to the finances of the Corporation :

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

And whereas plans and sections showing the lines and levels of the works authorised by this Order with 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 and other property required or which may be taken for the purposes or under the powers of this Order have been deposited with the sheriff clerk of the county of Ayr and such plans sections and book of reference are in this Order respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Acts 1899 and 1933 :

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

PART I.

PRELIMINARY.

Short title and citation. 1.—(1) This Order may be cited as the *Ayr Burgh Extension &c. Order 1935.*

(2) The Ayr Burgh Acts 1873 to 1929 and this Order may be cited together as the Ayr Burgh Acts 1873 to 1935. A.D. 1935.  
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2. This Order except where otherwise expressly provided shall commence and have effect on and from the date of the passing of the Act confirming this Order which date is in this Order referred to as "the commencement of this Order." Commence-  
ment of  
Order.

3. This Order is divided into Parts as follows :— Order  
divided into  
Parts.

- Part I.—Preliminary.
- Part II.—Extension of boundaries.
- Part III.—Lands.
- Part IV.—Street improvements.
- Part V.—Dam or weir across river Ayr.
- Part VI.—Water.
- Part VII.—Finance.
- Part VIII.—Establishment of burgh fund.
- Part IX.—Miscellaneous.

4.—(1) The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Order are hereby incorporated with and form part of this Order (namely) :— Incorpora-  
tion of  
Acts.

The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845) :

Provided that the bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be under the seal of the Corporation and shall be sufficient without the addition of the sureties mentioned in that section ;

The provisions of the Railways Clauses Consolidation Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in the construction of those provisions "the railway" shall mean the works authorised by the section of this Order of which the marginal note is "Power to construct dam."

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(2) This Order shall be deemed a special Act within the meaning of the Acts incorporated herewith.

Interpreta-  
tion.

5. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by the Acts incorporated with this Order or by any public or local Act of Parliament or Order applicable within the burgh shall subject to the provisions of this Order have the same respective meanings. And in this Order unless the context otherwise requires the following expressions shall have the meanings assigned to them in this section (that is to say) :—

“ Existing burgh ” means the burgh of Ayr within the limits and boundaries defined by the Act of 1885 ;

“ Burgh ” means the existing burgh as extended by this Order ;

“ Added area ” means the portion of the county by this Order incorporated with the existing burgh and shown on the map to be deposited as hereinafter mentioned ;

“ Wards ” means wards of the burgh ;

“ Corporation ” means the provost magistrates and councillors of the existing burgh or of the burgh as the case may be ;

“ Magistrates ” means the magistrates of the existing burgh or of the burgh as the case may be ;

“ Town clerk ” and “ chamberlain ” mean respectively the town clerk and the chamberlain of the existing burgh or of the burgh as the case may be ;

“ County ” means the county of Ayr ;

“ County council ” means the county council of the county ;

“ Town Councils Acts ” means the Town Councils (Scotland) Acts 1900 to 1923 and any Acts amending or extending the same ;

“ Police Acts ” means the Burgh Police (Scotland) Acts 1892 to 1911 and any Acts amending or extending the same ;

- “ Act of 1873 ” “ Act of 1885 ” “ Act of 1899 ”                      A.D. 1935.  
“ Order of 1904 ” “ Order of 1908 ” “ Order of  
1922 ” “ Order of 1927 ” and “ Order of 1929 ”  
mean respectively the Ayr Burgh Act 1873  
the Ayr Burgh Act 1885 the Ayr Burgh Act  
1899 the Ayr Corporation Tramways Order  
1904 the Ayr Corporation Tramways Order  
1908 the Ayr Burgh (Tramways &c.) Order  
1922 the Ayr Burgh (Water &c.) Order 1927  
and the Ayr Burgh Order 1929 ;
- “ Acts of 1873 to 1929 ” means the Act of 1873  
the Act of 1885 the Act of 1899 the Order of  
1904 the Order of 1908 the Order of 1922  
the Order of 1927 and the Order of 1929 ;
- “ Street improvements ” means the street improve-  
ments authorised by Part IV of this Order ;
- “ Dam ” means the dam or weir across the river  
Ayr authorised by Part V of this Order ;
- “ Water limits ” means the limits of water supply  
of the Corporation as defined by the Act of  
1885 or any Act or Order altering or amending  
the same ;
- “ Water undertaking ” means the water undertaking  
of the Corporation ;
- “ Public utility undertakings ” means the water  
undertaking and the cemetery undertaking  
of the Corporation ;
- “ Consolidated rate ” means the consolidated rate  
of the burgh ;
- “ Local rates ” means the consolidated rate and the  
domestic water rate ;
- “ Statutory borrowing power ” means any power  
whether or not coupled with a duty of borrowing  
or continuing on loan or re-borrowing money  
or of redeeming or paying off or creating or  
continuing payment of or in respect of any  
annuity rentcharge rent or other security re-  
presenting or granted in lieu of consideration  
money for the time being existing under any  
Act of Parliament public or local passed or to  
be passed or under any Provisional Order  
confirmed by Act of Parliament passed or to

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be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed or any Provisional Order confirmed by Act of Parliament passed or to be passed;

“ Statutory security ” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority including the Corporation but does not include any security transferable by delivery;

“ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931;

“ Tribunal ” means the arbiter or other authority to whom any question of disputed purchase money or compensation under this Order is referred;

“ Sheriff ” means the sheriff of the county and includes his substitutes.

## PART II.

### EXTENSION OF BOUNDARIES.

Commence-  
ment of  
Part II of  
Order.

6. This Part of this Order shall except as hereinafter provided be deemed to have come into operation on and from the sixteenth day of May one thousand nine hundred and thirty-five.

Extension of  
boundaries.

7. The municipal and police boundaries of the existing burgh shall be and are hereby extended to and shall include and comprehend in addition to the area embraced in the existing burgh the added area as described in the First Schedule to this Order and the burgh shall be comprised within the boundaries set

forth and described in the Second Schedule to this Order : A.D. 1935.

Provided that the rules prescribed by the Representation of the People Acts shall be observed and receive effect with reference to the description of boundaries contained in the said Second Schedule.

8. A map of the burgh of which eleven copies have been signed by Neil Maclean the chairman of the commissioners to whom this Order was referred shall within one month after the passing of the Act confirming this Order be deposited as follows (that is to say) one copy with the town clerk one copy with the sheriff clerk of the county at his office at Ayr one copy in the office of the Clerk of the Parliaments House of Lords one copy in the Committee and Private Bill Office of the House of Commons one copy at the Scottish Office Whitehall one copy with the Registrar-General of Births Deaths and Marriages in Scotland one copy with the Minister of Agriculture and Fisheries one copy with the Commissioners of Inland Revenue one copy with the Commissioners of Customs and Excise one copy with the Minister of Transport and one copy with the Board of Trade. Map of burgh.

If there be any discrepancy between the said map and the description in the Second Schedule to this Order the said map shall be deemed to be correct and shall prevail.

9. Nothing in this Order contained shall interfere with the election of members to serve in Parliament for the county and the county shall for parliamentary purposes remain in all respects as if the Act confirming this Order had not been passed. Order not to affect election of members to serve in Parliament.

10. The added area shall be and the same is hereby for the purposes of this Order disjoined from the county. Added area disjoined from county.

11.—(1) Subject to the provisions of this Order the added area shall be added to the existing wards in the burgh as follows (that is to say) :— Added area added to existing wards.

- (a) The portion of the added area described in Part I of the Third Schedule to this Order shall be added to and form part of the first ward;

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(b) The portion of the added area described in Part II of the said Third Schedule shall be added to and form part of the second ward;

(c) The portion of the added area described in Part III of the said Third Schedule shall be added to and form part of the third ward;

(d) The portion of the added area described in Part IV of the said Third Schedule shall be added to and form part of the sixth ward.

(2) Nothing in this section shall affect the application to the burgh of the provisions of the Local Government (Scotland) Act 1929 with regard to the alteration of the number of magistrates and councillors in burghs and to the number of councillors in each ward and to the division or re-division into wards.

Application  
of Acts as to  
municipal  
elections.

12. The provisions of the Town Councils Acts so far as the same apply to the existing burgh regarding the election of town councillors in burghs divided into wards or districts shall subject to the provisions of this Order apply to the six wards and to the elections therein and to the election qualification continuance in office declinations resignations and retirements of councillors and to supplying vacancies in the council by death disability resignations or other causes or otherwise.

Corporation  
to adminis-  
ter affairs of  
burgh.

13. The Corporation shall in all respects stand in relation to the administration of the affairs and property of the burgh and of property under the care and management of the Corporation in the same position in which the Corporation of the existing burgh shall stand previous to the commencement of this Part of this Order and the Corporation shall have the same rights and powers of administration of the property and affairs of the burgh and of making all usual and necessary appointments as shall have lawfully belonged to and been exerciseable or exercised by the Corporation of the existing burgh in regard thereto anything in the set usage or customs of the existing burgh to the contrary notwithstanding.

Powers of  
Corporation  
and magis-  
trates ex-

14. The Corporation the magistrates and the dean of guild court shall have possess and may exercise over the burgh and the inhabitants thereof all the jurisdictions

powers rights and authorities which they respectively 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 and assessments dues and charges and all rights and privileges and 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 Order extend and apply to the inhabitants of the burgh.

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 tended to  
 burgh.

15. Subject to the provisions of this Order all jurisdictions rights powers and duties which previous to the commencement of this Part of this Order were exercised or exerciseable by the county council or any local or licensing or other authority within the added area or any part thereof under any public general or local or private Act of Parliament or Order shall cease and determine.

Powers of  
 other juris-  
 dictions to  
 cease.

16. Subject to the provisions of this Order all property belonging to the Corporation at the commencement of this Part of this Order or to which the Corporation 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 vested in and be held by the Corporation 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 Corporation at the commencement of this Part of this Order shall be due by and exigible from the Corporation and all debts due to the Corporation by any person prior to the commencement of this Part of this Order may be demanded and recovered from such person and received and applied by the Corporation for the behoof of the burgh.

Property of  
 existing  
 burgh  
 vested in  
 Corpora-  
 tion.

17.—(1) Subject to the provisions of this Order all property vested in held by or due or belonging to the county council in the added area shall by virtue of this Order be transferred to vested in held by and be due and belong to the Corporation and shall form part of the property and assets of the Corporation for all the estate and interests therein of the county council and shall be received held and enjoyed by the Corporation accordingly.

Property  
 and liabili-  
 ties in added  
 area vested  
 in Corpora-  
 tion.

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(2) Subject to the provisions of this Order all the powers duties liabilities debts obligations contracts and agreements of the county council in relation to the added area shall by virtue of this Order be transferred and attached to the Corporation and shall form part of the powers duties liabilities debts obligations contracts and agreements of the Corporation and be enjoyed performed paid and discharged by them.

Assessment  
of burgh.

18. Subject to the provisions of this Order every rate charge or assessment authorised to be requisitioned for levied and collected by the county council over the added area or any part or parts thereof which shall not have been actually imposed previous to the commencement of this Part of this Order shall thereupon cease and determine within the added area and thereafter all assessments and rates leviable within the existing burgh by the Corporation shall be leviable on and within the burgh in the same way and manner as the same are leviable on and within the existing burgh.

Recovery of  
assessments  
within  
added area.

19. Every rate charge or assessment which shall have been actually imposed by the county council within the added area or any part thereof before the commencement of this Part of this Order together with all arrears thereof shall continue to be due and payable to and may be collected and levied by the county council and by the same ways and means and under the same restrictions and regulations as if the Act confirming this Order had not been passed and shall be received and applied by the county council to and for the purposes for which the same were authorised to be levied.

As to con-  
tribution  
by burgh  
to county  
council.

20. Whereas the requisition for the sum apportioned and allocated by the county council to the burgh pursuant to section twenty-one of the Local Government (Scotland) Act 1929 for the year commencing on the sixteenth day of May one thousand nine hundred and thirty-five was in terms of that section sent to the Corporation by the county council before the date of the passing of the Act confirming this Order It is hereby enacted that the county council may and shall not later than the first day of September one thousand nine hundred and thirty-five cause to be sent to the Corporation a substituted requisition for the sum which would have been so apportioned and allocated if the added area had at the

date of such apportionment and allocation formed part of the burgh and such substituted requisition shall for all purposes have effect as if it had been sent by the county council to the Corporation as a requisition pursuant to the said section twenty-one on or before the fifteenth day of July one thousand nine hundred and thirty-five. A.D. 1935.  
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21. The roads streets highways lanes bridges foot-pavements and footpaths and the sewers and drains in the added area so far as the same are vested in and managed maintained and repaired by the county council shall by virtue of this Order be transferred to and vested in and managed maintained and repaired by the Corporation along with and in the same way and manner and to the same extent as the roads streets highways lanes bridges foot-pavements and footpaths and the sewers and drains within the existing burgh and the county council shall be freed and relieved of the repair and maintenance of all such roads streets lanes bridges foot-pavements and footpaths and sewers and drains so far as within the added area in all time coming. Roads &c. in added area.

22. Nothing in this Order contained with respect to the vesting in the Corporation of roads streets lanes bridges foot-pavements footpaths sewers or drains within the added area 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 such persons respectively. Saving rights in roads &c.

23.—(1) All books documents maps and plans directed or authorised to be kept by the county council in the added area by any Act or otherwise shall so far as they relate solely to the added area belong and be transferred to the Corporation and in so far as they would at the commencement of this Part of this Order be receivable in evidence shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers of the county council. Books to be evidence.

(2) The foregoing provision shall not apply to the books documents maps and plans kept by the county council which relate to parts of the county other than the added area but the Corporation and their officers shall be entitled to access to such books documents maps and plans in so far as may be necessary in relation to matters affecting the added area and the respective

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Application of general and local Acts and byelaws.

24.—(1) Except so far as inconsistent with or varied by this Order the provisions of all public and general and local and personal Acts and Orders which apply to the existing burgh and all byelaws rules regulations and orders made thereunder shall extend and apply to the burgh in the same way and to the like extent as they apply to and have effect within the existing burgh.

(2) Subject to the provisions of this Order all byelaws rules regulations and orders made under the provisions of any Acts or Orders relative to and in force in the added area or any part thereof shall cease to have effect except in so far as the same may have been acted upon.

Variation of procedure under Temperance (Scotland) Act 1913.

25. The Secretary of State may in order to meet the circumstances arising from the extension of the existing burgh under this Order by order vary the procedure prescribed by or in pursuance of the Temperance (Scotland) Act 1913 in connection with the taking of polls under the last-mentioned Act or otherwise including any dates fixed in connection with such procedure.

Insurance committees.

26. The powers of the Department of Health for Scotland (hereinafter in this section referred to as "the department") shall operate for the purpose of re-constituting by order made by the department the insurance committees for the county and for the burgh as from the commencement of this Part of this Order or such subsequent date as shall be determined by the department and that in such manner and to such extent if any as the department may deem necessary in consequence of the provisions of this Order and for the adjustment consequent on the said provisions of the boundaries of the areas and the financial rights and obligations of the said committees and any such order made by the department may contain such incidental supplemental and consequential provisions as may appear to the department necessary or expedient for carrying the order made by them into effect and for adapting thereto the provisions of the National Health Insurance Acts 1924 to 1932 Provided that any order so made shall be laid before both Houses of Parliament as soon as may be after it is made.

27.—(1) Every person whose settlement is derived from birth or residence for the statutory period of three years in the added area shall be deemed to have a settlement within the burgh.

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Poor law  
settlement.

(2) Every person who at the commencement of this Part of this Order is resident in the added area and is in course of acquiring a settlement in the county by reason of such residence shall for the purposes of his settlement be deemed to have resided within the burgh during the period during which he has prior to the commencement of this Part of this Order resided within the added area.

(3) Where at the commencement of this Part of this Order a person has a settlement within the county by reason of residence partly in the added area and partly in another part of the county the burgh or the county as the case may be shall be deemed to be the area of settlement of that person according as the place of his residence at the time of his acquiring a settlement was within the added area or within another part of the county.

(4) The foregoing provisions of this section shall subject to the necessary modifications apply as respects the status of irremovability under the Poor Law (Scotland) Act 1934 as they apply as respects settlement.

28.—(1) Subject and without prejudice to any of the provisions of this Order the Corporation and the county council may make and carry into effect agreements with respect to the transfer of property from the county council to the Corporation and for settling and adjusting any claims or any doubt or difference arising in relation thereto.

Power to  
Corporation  
and county  
council to  
enter into  
agreements.

(2) The provisions of any such agreement shall be deemed to be within the powers of the Corporation and the county council and if and when made shall have and be carried into effect accordingly.

(3) Any difference or dispute arising as to any such agreement or as to any other matter or thing in relation to the transference under this Order of the property of the county council shall be determined by an arbiter to be agreed upon or failing agreement to be appointed

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Financial  
adjust-  
ments.

29. The financial adjustments as between the Corporation and the county council consequent upon the inclusion within the boundaries of the burgh of the added area shall be made upon the basis of the provisions of the Local Government (Adjustments) (Scotland) Act 1914 and in accordance with the rules contained in the schedule to that Act and section 50 of the Local Government (Scotland) Act 1889 shall apply and have effect on the extension of the boundaries of the existing burgh by this Order and any dispute or difference arising in connection with such adjustments shall be settled by arbitration by an arbiter to be agreed upon or failing agreement to be appointed by the Secretary of State on the application of the Corporation or the county council.

Actions &c.  
not to abate.

30. No action arbitration prosecution or proceeding commenced pending or existing by or against the county council in relation to any powers liabilities or property by this Order transferred to the Corporation shall in any wise abate or be discontinued or prejudicially affected by reason of the passing of the Act confirming this Order but may be continued prosecuted and enforced by or in favour of or against the Corporation as successors of the county council as fully and effectually as they could have been continued prosecuted and enforced by or in favour of or against the county council if the Act confirming this Order had not been passed.

Repeal of  
laws &c. in-  
consistent  
with Order.

31. All laws statutes jurisdictions powers privileges and usages now in force in relation to the existing burgh or within the added area in so far as they are inconsistent or at variance with the provisions of this Part of this Order are subject to the provisions of this Part of this Order hereby repealed and extinguished.

Saving of  
existing  
jurisdic-  
tions &c.

32. Nothing in this Part of this Order contained shall transfer or be deemed or construed to transfer to the Corporation—

(a) the existing water main of the county council passing through the added area and necessary for the supply by the county council of water in other parts of the county;

(b) any jurisdiction power or right hitherto exercised or exerciseable by the county council within

the added area which was also exercised or exerciseable within the existing burgh by the county council previous to the commencement of this Part of this Order; A.D. 1935.

- (c) any liability debt duty or obligation incurred by or incumbent on the county council in connection with the exercise of any such jurisdiction power or right; or
- (d) any property officer or servant held or employed for the future exercise of any such jurisdiction power or right or for the discharge of any such liability debt duty or obligation.

### PART III.

#### LANDS.

33. Subject to the provisions of this Order the Corporation 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 the purposes of the street improvements and the dam. Power to acquire lands for street improvements and dam.

34. And whereas in the construction of the works authorised by this Order or otherwise in exercise of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties described in the Fourth Schedule to this Order and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the tribunal be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. Owners may be required to sell parts only of certain properties.

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Persons  
under  
disability  
may grant  
servitudes  
&c. by  
agreement.

35. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

As to  
private  
rights of  
way over  
lands taken  
compul-  
sorily.

36. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919 with reference to the acquisition of land compulsorily.

Period for  
compulsory  
purchase of  
lands.

37. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease on the first day of October one thousand nine hundred and thirty-eight.

Power to  
retain sell  
&c. lands.

38.—(1) Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit and may from time to time sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands houses or property or any interest therein acquired by them under this Order.

(2) The Corporation shall not (unless the Secretary of State otherwise directs) sell lease or otherwise dispose of any of the lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Secretary of State is necessary or has been obtained.

39. If there be any omission misstatement or wrong 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 Corporation after giving ten 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 appears to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited in the office of the sheriff clerk of the county and a duplicate thereof shall also be deposited with the town clerk and such certificate and duplicate shall be kept by such sheriff clerk and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to exercise the powers of this Order in accordance therewith.

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Correction  
of errors in  
deposited  
plans and  
book of  
reference.

#### PART IV.

##### STREET IMPROVEMENTS.

40. Subject to the provisions of this Order the Corporation may make and execute the street improvements hereinafter described in the lines and within the limits of deviation shown on the deposited plans and according to the levels shown on the deposited sections together with all necessary and proper works improvements junctions connections approaches and conveniences connected therewith or incidental thereto and may enter upon open break up and interfere with any such street or road as may be necessary for such purpose.

Power to  
execute  
street  
improvements.

The street improvements hereinbefore referred to will be situate in the burgh and are—

Work A A widening of Dalblair Road on the south side commencing in line with the east front of the Ayrshire and Galloway Hotel in Killoch Place and terminating at the west boundary of the properties Nos. 74 and 76 Dalblair Road;

Work B A widening of Midton Road commencing in line with the north side of Carrick Avenue

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and terminating at a point ten yards or thereby north of the north side of Carrick Avenue in Midton Road;

Work C A widening of Midton Road commencing at a point in line with the mutual boundary of the properties Nos. 45 and 47 Midton Road and terminating at a point thirteen yards or thereby north in line with the south side of Ronaldshaw Park Road;

Work D A widening of Midton Road commencing at the north side of Ronaldshaw Park Road and terminating at a point thirty-eight yards or thereby north of the north side of Ronaldshaw Park Road in Midton Road;

Work E A widening of Midton Road commencing at the north side of Springvale Road and terminating at a point twenty-nine yards or thereby north of the north side of Springvale Road in Midton Road;

Work F A widening of New Bridge Street and High Street commencing at a point on the east side of New Bridge Street eight yards or thereby north from the junction of New Bridge Street and High Street and terminating at a point on the north side of High Street eight yards or thereby east from the junction of High Street and New Bridge Street.

Limit of deviation for street improvements.

41. In executing the street improvements the Corporation may deviate laterally from the line or situation thereof shown on the deposited plans to any extent not exceeding the limits of deviation shown upon those plans and they may also deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding three feet.

Power to make subsidiary works.

42. Subject to the provisions of this Order and within the limits of deviation shown on the deposited plans the Corporation in connection with the street improvements and for the purposes thereof may make junctions and communications with any existing street or road which may be interfered with or be intercepted by or be contiguous to such work and may make diversions widenings or alterations of lines or levels of any existing street or road for the purpose of connecting the same with such work or of crossing under or over the same.

43. The Corporation may for the purposes of or in connection with the street improvements and within the limits of deviation shown on the deposited plans raise sink or otherwise alter the position of any watercourse water pipe or gas pipe belonging to or connected with any house or building adjoining or near to the said works and also any gas main drain or other pipe and also any telegraphic line and any pipe tube wire or apparatus laid down for supplying electricity and may remove any other obstructions making in cases of alteration proper substituted works in the meantime and causing as little detriment and inconvenience as circumstances admit and making reasonable compensation to any person who suffers damage by any such alteration :

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—  
Alteration  
of position  
of mains  
and pipes.

Provided that the Corporation shall not raise sink or otherwise alter or in any way interfere with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by His Majesty's Postmaster-General except in accordance with and subject to the provisions of the said Act.

44. If the street improvements are not completed within five years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Corporation for executing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for  
completion  
of street  
improve-  
ments.

## PART V.

### DAM OR WEIR ACROSS RIVER AYR.

45.—(1) Subject to the provisions of this Order the Corporation may in the line and according to the levels shown on the deposited plans and sections make and maintain the dam or weir hereinafter described together with all necessary works and conveniences connected therewith.

Power to  
construct  
dam.

The dam or weir hereinbefore referred to will be situate in the burgh and is—

Work G A dam or weir to be constructed across the river Ayr commencing at a point in the north river wall one hundred and sixty-four yards or thereby west of the north-west corner of the parapet of the new bridge and running in a curved line for a distance of one hundred and two

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—

yards or thereby southwards to and terminating at a point in the south river wall one hundred and sixty yards or thereby west of the south-west corner of the parapet of the new bridge.

(2) Subject to the provisions and for or in connection with the purposes of this Part of this Order the Corporation may within the limits of deviation shown on the deposited plans make and maintain all necessary and convenient embankments fences culverts drains intakes watercourses weirs sluices fish passes gantries and all such machinery works and appliances as may be required and may within those limits deposit materials excavated or dredged in the making and maintenance of the works authorised by the foregoing provisions of this section.

Provision of salmon pass.

46.—(1) For the purpose of enabling and facilitating the passage of salmon in the river Ayr the Corporation shall construct a salmon pass at or near the dam and within the limits of deviation shown on the deposited plans.

(2) Such salmon pass shall be constructed maintained and operated to the reasonable satisfaction of the Fishery Board for Scotland and with the approval of the said board may be modified or altered or other works substituted therefor.

Limit of deviation for dam.

47. In the construction of the dam the Corporation may deviate laterally from the line thereof as shown on the deposited plans to any extent not exceeding the limits of deviation shown on those plans and they may also deviate vertically from the levels thereof as shown on the deposited sections to any extent not exceeding two feet upwards or downwards Provided that no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Board of Trade.

Works below high-water mark to be subject to approval of Board of Trade.

48.—(1) Subject to the provisions of this Order any work authorised by this Part of this Order shall only be constructed so far as the same shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides in accordance with plans and sections approved by the Board of Trade under the hand of one of the secretaries under secretaries or assistant secretaries of

the Board of Trade and subject to such restrictions and regulations as the said Board may prescribe before such work is begun. A.D. 1935.  
—

(2) Any alteration or extension of any such work shall be subject to the like approval.

(3) 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 cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

49.—(1) The Corporation shall at or near such part of the works by this Part of this Order authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve. Lights on works during construction.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

50. If at any time the Board of Trade deems it expedient for the purposes of this Part of this Order to order a survey and examination of any work constructed by the Corporation under the powers of this Part of this Order which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly. Survey of works by Board of Trade.

51.—(1) In case of injury to or destruction or decay of the works by this Part of this Order authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Corporation shall lay down such buoys exhibit such lights or take such Provision against danger to navigation.

A.D. 1935. — 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 those commissioners for directions as to the means to be taken.

(2) If the Corporation fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Abatement  
of work  
abandoned  
or decayed.

52.—(1) Where any work constructed by the Corporation under the powers of this Part of this Order and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Corporation at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) If during the period of thirty days from the date when the notice is served upon the Corporation they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and shall be recoverable accordingly.

Period for  
completion  
of dam.

53. If the dam is not completed within five years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Corporation for the construction thereof shall cease except as to so much thereof as is then completed.

For protec-  
tion of  
London  
Midland

54. For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the railway company") the following provisions shall notwithstanding anything contained in this Order or

shown on the deposited plans and sections and unless otherwise agreed between the railway company and the Corporation apply and have effect (that is to say):—

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—  
and Scottish  
Railway  
Company.

- (1) The Corporation shall not under the powers of this Order take or acquire by compulsion any land or property of the railway company but the Corporation may purchase and the railway company shall sell if required by the Corporation such servitude in or over the property of the railway company as may be required for making and maintaining the works (in this section referred to as "the said works") by this Part of this Order authorised :
- (2) The consideration to be paid by the Corporation for such servitude shall be such sum as failing agreement shall be determined by an arbiter to be agreed between the Corporation and the railway company or failing agreement to be appointed as hereinafter in this section provided :
- (3) In constructing the said works the Corporation shall not without the consent in writing of the railway company deviate laterally from the line thereof as shown on the deposited plans or vertically upwards from the level as shown on the deposited sections :
- (4) Before making the said works in over or affecting the railway company's property or works the Corporation shall deposit with the engineer of the railway company (in this section referred to as "the engineer") for his approval proper and sufficient plans sections working drawings and specifications of the said works. If the engineer for the space of one month after such deposit does not signify his disapproval of the said plans sections working drawings and specifications he shall be deemed to have approved thereof and if he shall disapprove thereof then such plans sections working drawings and specifications shall failing agreement be submitted to the arbiter to be appointed as hereinafter in this section provided for his approval. The said works shall be constructed entirely at the expense of the Corporation and only according to such plans sections working

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—

drawings and specifications as shall be approved by the engineer or by the arbiter and under the superintendence and to the reasonable satisfaction of the engineer :

- (5) The said works when completed shall at all times thereafter be maintained by the Corporation at their own expense :
- (6) The Corporation shall not without the previous consent in writing of the railway company enter upon or alter or interfere with the railway company's property or works further than may be necessary for making and maintaining the said works and they shall give the railway company twenty-eight days' notice in writing (except in cases of emergency in which case notice shall be given as early as possible) of their intention to enter on the railway company's property or works :
- (7) The engineer and any persons authorised by him shall at all times have free access to the said works and every facility shall be afforded to him or them for the inspection thereof :
- (8) The said works so far as they may affect the railway company's property or works shall be made and maintained by the Corporation so as not to alter interfere with injure or endanger such property or works :
- (9) If by the making of the said works or any of them the railway company's property or works becomes sodden waterlogged or flooded so that their inspection reconstruction maintenance or repair is rendered more difficult or expensive the Corporation notwithstanding anything in this section shall repay any additional expense the railway company may incur in such inspection reconstruction maintenance or repair of their property or works and where in the opinion of the railway company it is necessary that additional works to protect the railway company's property or works should be made such protective works shall be made and maintained by the Corporation to the satisfaction of the engineer :
- (10) Any additional expense which the railway company may reasonably incur by reason of

the existence of the said works in enlarging extending improving altering or maintaining their property or works shall be paid by the Corporation :

- (11) The Corporation shall bear and on demand pay to the railway company all expenses which the railway company may reasonably incur in connection with the making or maintaining of the said works including any expenses the railway company may incur in employing inspectors watchmen and others and for superintendence of the said works and for extra precautions taken for the safety of the railway company's property or works and the traffic thereon or therein :
- (12) The Corporation shall be responsible for and shall make good to the railway company all loss and damage which the railway company may suffer by or in consequence of the making or the maintenance or failure to maintain the said works or any of them or by or in consequence of the existence of the said works or any of them The Corporation shall also effectually indemnify and hold harmless the railway company from and against all claims and demands made upon the railway company arising out of or in any way due to the making or the maintenance or failure to maintain the said works or any of them or arising out of or in any way due to the existence of the said works or any of them :
- (13) The fact that any of the said works has been made in accordance with any plan section working drawing or specification approved or not objected to by the engineer or approved by the said arbiter or under the superintendence of the engineer or any person acting for him shall not relieve the Corporation from any liability for damage caused to the railway company's property or works :
- (14) The Corporation shall not in virtue of the making or maintenance of the said works be entitled to interfere with or in any way hamper or obstruct the railway company in the working maintenance extension or improvement of their property or works nor shall the Corporation

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deposit within the harbour limits any material dredged excavated or collected in connection with the making or maintenance of the said works :

(15) If any difference shall arise between the railway company and the Corporation respecting the matters and provisions aforesaid or any of them such difference shall be settled by an arbiter to be agreed upon between the parties or in case of difference to be appointed on the application of either party by the sheriff :

(16) For the purposes of this section the word "sheriff" shall mean the sheriff of the county and shall not include his substitutes.

For protec-  
tion of  
Crown  
salmon  
fishings.

55. The Corporation shall make compensation for the damage or injury (if any) which may be sustained by His Majesty or His tenants in respect of His right of salmon fishing through the exercise of the powers of this Part of this Order and in case the amount of such compensation shall not be agreed upon the same shall be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed the one by the Commissioners of Crown Lands and the other by the Corporation or of an oversman to be named by the said arbiters to act in the event of their differing in opinion and the Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section.

For protec-  
tion of  
Robert  
Lawrence  
Angus and  
others  
owners of  
salmon  
fishings.

56.—(1) Robert Lawrence Angus of Ladykirk in the county of Ayr as proprietor of the net and coble salmon fishings in the harbour and estuary of the river Ayr and of other salmon fishings in the river Ayr or his successor as proprietor of such fishings and also Robert Jack Dunlop of Barskimming Mauchline John Cunningham Montgomerie of Dalmore Stair Walter Stewart Kennedy of Gadgirth Annbank John Guthrie Cuthbertson Wyllie of Riverston Ayr James Archibald Campbell of Craigie Ayr James Arthur of Montgomerie Tarbolton Alexander Edward Stephen of Auchenfail Mauchline Cassillis and Culzean Estate Company William Hobart Campbell of Daldorch Catrine John Roland Bell of Enterkine Annbank Mrs. Charlotte Henrietta Primrose or Tufnell residing at 3 Royal Crescent Bath widow of Carleton Tufnell Commander in the Royal Navy and George Douglas Findlay Hamilton of Carnell Hurlford Ayrshire surviving trustees original and assumed of the said Carleton Tufnell (Captain Tufnell's trustees) Sir Claud Alexander Baronet

of Ballochmyle Mauchline and Robert McCosh Writer to the Signet Edinburgh (trustees of Sir Claud Alexander) Mrs. Charlotte Ross Wintour or Campbell widow residing at 4 Randolph Crescent Edinburgh sole trustee of the deceased Arthur Campbell of Catrine James Gordon McIntyre of Sorn Mauchline Mark Farquhar Oliver of Glenlogan Mauchline and William Frederick Charles Howie of Templetonburn Kilmarnock as owners of other salmon fishings in the river Ayr or their respective successors as owners of such fishings shall be entitled if the said salmon fishings belonging to them or any of them be injuriously affected by the exercise of the powers of this Part of this Order within ten years after the completion of the works by this Part of this Order authorised to receive compensation for any loss or damage sustained by them respectively by reason of such injurious affection. A.D. 1935.

(2) The question whether any such loss or damage has been so sustained shall be decided and the amount of such compensation (if any) shall in the event of difference be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed one by all or any of the above named parties who claim compensation and the other by the Corporation or of an oversman to be named by the said arbiters to act in the event of their differing in opinion and in the case of either of the parties failing to appoint an arbiter such arbiter shall be appointed by the sheriff on the application of the other party.

## PART VI.

### WATER.

57. The period limited by the Order of 1927 for the completion of the reservoir (Work No. 1) the embankment (Work No. 2) and the catchwater (Work No. 3) authorised by that Order is hereby extended for the period of five years from the twenty-ninth day of July one thousand nine hundred and thirty-seven and on the expiration of that period the powers by the Order of 1927 and this Order granted to the Corporation for executing the said works or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed. Extending period for completion of certain works authorised by Order of 1927.

58. The Corporation may for the protection of the waterworks of the Corporation from injury by subsidence or otherwise by agreement purchase acquire and hold any Acquisition of minerals by agreement.

A.D. 1935. — mines or minerals under any lands for the time being vested in the Corporation for the purposes of the water undertaking or servitudes or wayleaves in or through which are vested in the Corporation for such purposes or in on or through which any works of the Corporation are for the time being situate or pass or under any land adjoining any such lands respectively.

Power to  
afforest  
lands.

59. The Corporation may plant with trees any land vested in them or acquired by them for the purposes of or in connection with the water undertaking which may be suitable for afforestation. The exercise of the power conferred by this section shall be deemed to be a purpose of this Order to which capital may be applied and in respect of which the Corporation may borrow in terms of the section of this Order of which the marginal note is "Further borrowing powers."

Supply to  
houses  
partly used  
for trade  
&c.

60.—(1) The Corporation shall not be bound to supply with water otherwise than by meter—

- (a) any building used by an occupier as a dwelling-house whereof a part is used by the same occupier for any trade or manufacturing purpose for which water is required; or
- (b) any public institution mental or other hospital (whether public or private) sanatorium school club hotel assembly hall restaurant public-house or inn; or
- (c) any boarding house capable of accommodating twelve or more persons including the persons usually resident therein.

(2) Section 43 (Supply to houses partly used for trade &c.) of the Order of 1927 is hereby repealed.

Charges for  
supplies for  
refrigerating  
apparatus  
&c.

61. Where a person who takes a supply of water for domestic purposes from the Corporation desires to use any water so supplied for or in connection with a refrigerating apparatus or for or in connection with any apparatus (other than apparatus used for softening water for domestic supplies which does not require water for cleaning cooling regenerating or for motive power or similar purposes) depending while in use upon a supply

of continuously running water the Corporation shall be entitled to require that all water so used shall— A.D. 1935.

- (a) be taken by meter and paid for accordingly and in that event the minimum quarterly charge for the water shall be ten shillings; or
- (b) be paid for at such rates as may be agreed between the consumer and the Corporation.

62.—(1) Notwithstanding anything in the Acts of 1873 to 1929 or this Order contained a person shall not be entitled to demand or continue to receive from the Corporation a supply of water to any caravan shack hut tent or other like structure unless he has agreed with the Corporation to take a supply of water by meter and to pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the supply or supplies required by him and will cover other standing charges incurred by them in order to meet the possible maximum demand for his caravan shack hut tent or structure and will yield a reasonable return on the cost of the water consumed or used by him and unless he has secured to the reasonable satisfaction of the Corporation by way of deposit or otherwise payment of such a sum as may be reasonable having regard to the possible maximum demand of such person for his caravan shack hut tent or structure.

Special terms for supplies to caravans &c.

(2) The sum to be so paid and the security to be so given shall be determined in default of agreement by the sheriff who may also order by whom the costs of the proceedings shall be paid and the decision of the sheriff shall be final and binding on all parties.

63. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording a supply of water to such house or building or part of a house or building or premises shall be deemed to commit an offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for interfering with valves and apparatus.

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PART VII.

FINANCE.

Borrowing powers for Part II of Order.

64. The Corporation may from time to time borrow at interest for the purposes of—

- (a) the payment of any capital sum which may be paid under the provisions of the section of this Order of which the marginal note is “Financial adjustments”; and
- (b) the payment of any capital sum in respect of any land buildings drainage works or others taken over by the Corporation;

such sums of money as may be necessary Provided that money so borrowed shall be repaid within twenty-five years from the date or dates of borrowing.

Further borrowing powers.

65.—(1) The Corporation may from time to time borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods from the date or dates of borrowing (each of which is in this Order referred to as “the prescribed period”) mentioned in the third column thereof (namely):—

Purpose.	Amount.	Period for repayment.
(a) For and in connection with the purchase of land for and the execution of the street improvements.	£ 11,912	Fifty years.
(b) For and in connection with the purchase of land for and the construction of the dam.	7,500	Thirty years.
(c) For paying the costs charges and expenses of this Order.	The sum requisite.	Five years from the commencement of this Order.

(2) (a) In addition to the moneys which the Corporation are by the foregoing provisions of this section authorised to borrow they may borrow—

- (i) Such sums of money for any of the purposes of this Order (including afforestation) as the Secretary of State may sanction;

(ii) Such sums of money for the purposes of the establishment of an aerodrome within or without the burgh as the Secretary of State after consultation with the Secretary of State for Air may sanction. A.D. 1935.  
—

(b) Any money borrowed under this subsection shall be repaid within such period and by such method as the Secretary of State may prescribe.

(c) The Secretary of State shall have and may exercise in relation to any such sanction as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889 and such sanction shall be subject to such conditions (if any) as the Secretary of State may consider proper. Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

66. The provisions of sections 65 to 67 69 to 81 and 84 of the Order of 1927 shall subject to the provisions of this Order extend and apply mutatis mutandis to and in relation to the moneys borrowed by the Corporation under the powers of this Order and to the repayment thereof respectively and the expression "revenues of the Corporation" where used in the said sections shall have the meaning assigned to that expression by section 5 (Interpretation) of the Order of 1927. Application of financial provisions of Order of 1927.

67.—(1) Subject to the provisions of this Order the Corporation may from time to time by resolution create redeemable stock for the purpose of raising moneys which they are authorised to borrow and such stock may be issued from time to time for such amount within the limit of the borrowing power at such price and to bear such half-yearly or other dividends as the Corporation may direct. Creation of Corporation redeemable stock.

(2) Stock so created shall be designated "Ayr Corporation three per centum (or such other rate of dividend per centum as shall be payable thereon) redeemable stock" (in this Part of this Order referred to as "Corporation stock").

(3) The resolution for the first creation of any class of redeemable stock shall provide that such stock shall be redeemed by the Corporation at par at the expiration of a period to be fixed by the resolution not exceeding sixty years from the first creation of each class of redeemable

A.D. 1935. — stock and subject to the provisions of the section of this Order the marginal note of which is "Provisions respecting stock certificates with coupons to bearer" the stock shall be transferable by deed only.

Extinction  
of stock  
redeemed or  
purchased.

68. All Corporation stock redeemed by the Corporation or purchased by the Corporation for extinction shall be forthwith cancelled by the Corporation and on such cancellation the same and all dividends thereon (not already accrued) shall be and the same are by virtue of this Order extinguished.

Payment off  
or substitu-  
tion for  
existing  
securities.

69.—(1) Where any security granted or created before or after the commencement of this Order by the Corporation under any statutory borrowing power is outstanding or payable and the Corporation have power with the consent of the holder of that security or otherwise to pay off the amount thereby secured or represented or to redeem the same they may pay off or redeem the security accordingly with money raised by Corporation stock or they may with the consent of the holder thereof issue Corporation stock in substitution for the security.

(2) The Corporation may in every such case make such reasonable payment as they may think fit to the holder of any security for his consent or for otherwise compensating him for the payment off or redemption of or substitution for his security and any such payment may be either in money or Corporation stock or partly in one and partly in the other.

(3) The Corporation may create and issue Corporation stock to such amount as may be requisite for the purposes of this section and that stock shall be deemed to be created and issued and any money raised thereby shall be deemed to be raised by virtue of the statutory borrowing power under which the security was granted or created and any money so raised shall be applied in payment off or redemption of the security.

(4) Where the holder of the security is one of the persons described in section 7 of the Lands Clauses Consolidation (Scotland) Act 1845 or in section 7 of the Lands Clauses Consolidation Act 1845 and thereby enabled to sell land thereunder that person may consent to payment or redemption of or substitution for the money secured or represented by that security and may

accept money for giving that consent as if the person so consenting were the absolute owner of that security and that person is hereby indemnified for so doing and his receipt shall be a good discharge for the same.

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(5) Money received by the holder of any security as authorised by this section and Corporation stock issued to him in substitution for any security shall be subject to the same trusts powers testamentary and other dispositions provisions and incumbrances as the money secured or represented by the security was subject to immediately before the payment off redemption or substitution and every deed or other instrument or any testamentary or other disposition shall take effect with reference to the whole or a proportionate part of the money or stock received or substituted as the case may be.

70. The Corporation in relation to the provisions of this Part of this Order in regard to stock shall be deemed a banker within the Bankers' Books Evidence Act 1879.

Application  
of Bankers'  
Books  
Evidence  
Act 1879.

71.—(1) The Corporation shall keep a register in which shall be entered the names and addresses of holders from time to time of Corporation stock and the amounts held by them (in this Part of this Order referred to as "the Corporation stock register").

Corporation  
stock regis-  
ter.

(2) The Corporation stock register shall be prima facie evidence of any matter entered therein in accordance with this Part of this Order and of the title of the persons entered therein as stockholders.

72.—(1) On demand of a holder of Corporation stock the Corporation may if they think fit give to him a certificate of the proprietorship thereof specifying the amount of Corporation stock to which he is entitled (in this Part of this Order referred to as a "stock certificate").

Certificates  
of proprie-  
torship of  
stock.

(2) Every stock certificate shall be sealed with the common seal of the Corporation and signed by one member of the Corporation and by the town clerk.

(3) A stock certificate shall be prima facie evidence of the title of the person therein named his executors administrators successors or assignees to the stock therein specified but the want of a stock certificate if such want be accounted for to the satisfaction of the Corporation

A.D. 1935. shall not prevent the holder of stock from disposing of  
— and transferring the same.

(4) If a stock certificate is worn out or damaged the Corporation on production thereof may cancel it and give a similar stock certificate to the party in whom the property in the stock certificate and in the stock therein specified is then vested.

(5) If a stock certificate is lost or destroyed the Corporation on proof thereof to their satisfaction may give a similar stock certificate to the party entitled to the stock certificate lost or destroyed.

(6) An entry of the issue of a stock certificate or a substituted stock certificate as the case may be shall be made in the Corporation stock register.

Power for  
stockholder  
to transfer.

73. Subject to the provisions of this Order every stockholder may transfer all or any part of his stock.

Transfer by  
deed.

74. The provisions of this section shall apply to transfers of Corporation stock—

- (1) Every transfer of Corporation stock shall be by deed and the consideration shall be duly stated therein :
- (2) The deed of transfer shall relate only to the transfer and shall not contain any recital trust power or proviso whatsoever but this provision shall not prevent any of the parties to the transfer being described as a trustee or as possessing any official character :
- (3) The deed of transfer when duly executed shall be delivered to the Corporation and the Corporation shall cause the transfer to be entered in a book to be called " the register of transfers of Corporation stock " :
- (4) The Corporation shall on demand and on delivery up of the old stock certificate or on proof satisfactory to the Corporation of its absence deliver a new stock certificate to the purchaser or shall at the option of the purchaser make an indorsement of the transfer on the existing stock certificate which indorsement being signed by direction of the Corporation shall be equivalent to a new stock certificate :

(5) Until the deed of transfer has been so delivered to the Corporation the Corporation shall not be affected thereby and the purchaser of the stock shall not be entitled to receive any dividend thereon. A.D. 1935. —

75.—(1) The Corporation before allowing any transfer of stock may if the circumstances of the case appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer. Evidence on transfer.

(2) That evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require.

76.—(1) The Corporation may as regards any portion of Corporation stock close the register of transfers of Corporation stock on any day in the month next before that in which dividends on that portion of Corporation stock are payable but so that the books be not at any time kept closed for more than twenty-one days. Closing of transfer books.

(2) The persons who on the day of closing are registered as stockholders shall as between them and the transferees of Corporation stock be entitled to the dividend next payable thereon.

77.—(1) The interest in Corporation stock of a stockholder dying shall be transferable by his executors or administrators notwithstanding any specific bequest thereof. Transmission on death &c.

(2) The Corporation shall not be required to allow any executors or administrators to transfer any stock until the confirmation or probate of the will or the letters of administration has or have been produced to the Corporation for registration.

(3) If the interest in any Corporation stock has been transmitted in consequence of the bankruptcy of a stockholder or by any lawful means other than a transfer by deed or than the death of a stockholder that transmission shall be authenticated by a statutory declaration of one or more competent persons or in such other manner as the Corporation may require.

(4) The name of the person entitled under the transmission shall be entered in the Corporation stock register.

A.D. 1935.

(5) Until the transmission has been so authenticated the Corporation shall not be affected thereby and no person claiming by virtue thereof shall be entitled to receive any dividend on the stock.

(6) In this section the expression "transmission" includes any case of apparent transmission in consequence of the change of name of the stockholder although the actual ownership of the stock may remain unaltered.

Dividends  
to executors  
&c.

78. The Corporation shall not be required to allow any executors or administrators to receive any dividend on Corporation stock until the confirmation or probate of the will or the letters of administration has or have been produced to the Corporation for registration.

Evidence of  
title.

79. The Corporation before allowing the receipt of any dividend on any Corporation stock may if the circumstances of the case appear to them to make it expedient require evidence of the title of any person claiming a right to receive the dividend and that evidence shall be a statutory declaration of one or more competent persons or of such other nature as the Corporation may require.

Dividends  
to joint  
holders.

80.—(1) Where more persons than one are registered as joint holders of any Corporation stock any one of them may give an effectual receipt for any dividend thereon unless notice to the contrary has been given to the Corporation by any other of them.

(2) Where Corporation stock is standing in the name of a minor pupil infant or person of unsound mind jointly with any person not under legal disability a letter of attorney for receipt of the dividends on the stock shall be sufficient authority in that behalf if given under the hand of the person not under disability attested by two or more credible witnesses but the Corporation before acting on the letter of attorney may if they think fit require proof to their satisfaction of the alleged minority pupilarity or infancy or unsoundness of mind by a statutory declaration of one or more competent persons.

Dividend  
warrants by  
post.

81.—(1) Unless where otherwise desired by a stockholder in writing his dividend warrant shall be sent to him by post to the address given by him to the Corporation.

(2) The posting by the Corporation of a letter containing a dividend warrant addressed to a stockholder

at the address so given by him shall as respects the liability of the Corporation be equivalent to the delivery of the warrant to the stockholder himself. A.D. 1935.  
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(3) Every warrant so sent by post shall be deemed a cheque and the Corporation shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

82.—(1) On demand of a stockholder the Corporation may issue to the stockholder a Corporation stock certificate to bearer that is to say a certificate of title to his stock or any part thereof entitling the bearer to the stock therein specified and transferable by delivery with coupons entitling the bearer of the coupons to the dividends on the stock but so that no such certificate or coupons shall give a title to dividends beyond the time limited for redemption of the stock. Provisions  
respecting  
stock certi-  
ficates with  
coupons to  
bearer.

(2) Where a Corporation stock certificate to bearer is outstanding the stock represented thereby shall cease to be transferable by deed under and according to the provisions of this Order.

(3) The bearer of a Corporation stock certificate to bearer may on delivery up to the Corporation of the certificate and of all unpaid coupons belonging thereto require to be entered in the Corporation stock register as the holder of the stock described in the certificate under which he derives title and thereupon the stock shall be re-entered in the register as transferable and shall become and again be transferable by deed and shall as regards the mode of payment of the dividends thereon be in the like condition as if no stock certificate to bearer had been issued in respect thereof.

(4) The coupons issued with a Corporation stock certificate to bearer shall comprise the dividends to be paid in respect of the stock therein specified for such period as the Corporation approve.

(5) At the end of that period fresh coupons may be issued for such further period as the Corporation approve and so for successive periods during the continuance in force of the stock certificate but the Corporation may in lieu of issuing fresh coupons in respect of any stock certificate give in exchange a fresh stock certificate with coupons.

(6) Payment to the bearer of a coupon of the amount expressed therein shall be a full discharge to the

A.D. 1935. Corporation from all liability in respect of that coupon  
— and the dividend represented thereby.

(7) If a Corporation stock certificate to bearer or coupon is worn out or damaged the Corporation on production and delivery up thereof may cancel it and issue a new certificate or coupon.

(8) If a Corporation stock certificate to bearer or coupon is lost or destroyed the Corporation may issue a new certificate or coupon on receiving indemnity to the satisfaction of the Corporation against the claims of all persons deriving title under the certificate or coupon lost or destroyed.

(9) All coupons issued under this Order in respect of any Corporation stock certificate to bearer shall for the purposes of the Acts relating to stamp duties be deemed to have been attached to and issued with such stock certificate.

(10) Corporation stock specified in a stock certificate to bearer shall be subject to the same powers of redemption and other powers and save as regards the mode of transfer and of payment of dividends thereon and save so far as a stock certificate to bearer is a negotiable instrument shall be subject to the same incidents in all respects as if that stock had continued to be registered in the Corporation stock register as transferable by deed.

Nature of  
Corporation  
stock.  
Notice of  
trusts.

83.—(1) Corporation stock is moveable or personal property.

(2) No notice of any trust express implied or constructive in respect of any Corporation stock or of any Corporation stock certificate to bearer or coupon shall be entered in the Corporation stock register or in any other book kept by the Corporation or be receivable by the Corporation or shall affect the Corporation but this provision shall not prevent any stockholder from being described as a trustee or as possessing any official character.

Saving for  
power of  
revocation.

84. Notwithstanding anything in this Order the Corporation may revoke at any time in whole or in part any resolution for creation of Corporation stock theretofore passed by the Corporation if and as far as the same has not been acted on by the issue of stock thereunder.

85.—(1) Corporation stock shall be deemed capital stock of a body corporate within the Forgery Act 1861 as amended and extended to Scotland by the Forgery Act 1870. A.D. 1935.  
—  
Forgery.

(2) A Corporation stock certificate to bearer and a coupon connected therewith shall be deemed a stock certificate and coupon within the Forgery Act 1870.

86. The forms given in the Fifth Schedule to this Order may be used for the purposes therein indicated and the same or forms to the like effect with such variations or additions as circumstances require shall be effectual for those purposes. Forms.

87. Fees not exceeding those specified in the Sixth Schedule to this Order may be taken by or on behalf of the Corporation in the cases therein mentioned. Fees.

## PART VIII.

### ESTABLISHMENT OF BURGH FUND.

88. This Part of this Order shall be deemed to have come into operation on and from the sixteenth day of May one thousand nine hundred and thirty-five. Commence-  
ment of  
Part VIII  
of Order.

89.—(1) The Corporation shall establish and administer a fund to be called the "burgh fund" to which shall be carried and credited in each year the moneys grants and revenues following which moneys grants and revenues shall form part of the burgh fund (that is to say):— Establish-  
ment of  
burgh fund

- (a) The total moneys raised on account of the local rates;
- (b) The total amount of Government grants received by the Corporation;
- (c) All moneys received by the Corporation on account of the revenues of the public utility undertakings (including the revenues of any reserve depreciation or renewal fund of such undertakings) and on account of all other undertakings or services carried on by the Corporation out of or on the security of the local rates; and

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(d) The revenues of any repairs fund for housing and all other revenues of the Corporation as rating authority.

(2) There shall be defrayed out of the said fund—

(a) All expenditure of the Corporation payable out of the local rates; and

(b) All expenditure of the Corporation in respect of the public utility undertakings and in respect of all other undertakings or services carried on by the Corporation out of or on the security of the local rates.

(3) In all cases in which the Corporation keep separate accounts for separate purposes they shall so far as reasonably practicable apportion between those accounts or carry to any of them any receipts credits payments and liabilities which from time to time ought to be so apportioned or carried.

Accounts

90.—(1) The Corporation shall notwithstanding the provisions of any Act or Order to the contrary keep their accounts so as to distinguish capital from revenue and as to revenue so as to show under a separate heading or division in respect of each of the undertakings or services of the Corporation for the time being (each of which is in this section separately referred to as the “undertaking”) on the one side all receipts in respect of the undertaking and on the other side all payments and expenses in respect of the undertaking such payments and expenses being divided so as also to show in each case the amounts representing—

(a) The working and establishment expenses and costs of maintenance of the undertaking;

(b) The interest on moneys borrowed by the Corporation for the purposes of or connected with the undertaking;

(c) The requisite appropriations instalments or sinking fund payments in respect of moneys borrowed for the purposes of the undertaking;

(d) All other expenses (if any) of the undertaking properly chargeable to revenue including any sums appropriated to the reserve renewals and repairs funds of the undertaking;

(e) Any money applied out of the revenues of the burgh fund to any of the purposes mentioned in subsection (1) of the section of this Order of which the marginal note is "Application of revenue of undertakings." A.D. 1935.  
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(2) The Corporation shall show in their accounts relating to any undertaking all items (including receipts and payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose.

(3) Sections 77 (Form of accounts) and 78 (Apportionment of items) of the Order of 1927 are hereby repealed.

91.—(1) If in any year the moneys received by the Corporation on account of the revenue of any undertaking of the Corporation for the time being exceed the moneys expended by the Corporation in respect of the expenses of that undertaking mentioned in paragraphs (a) (b) (c) and (d) of subsection (1) of the section of this Order of which the marginal note is "Accounts" the Corporation may in that year (if they think fit) apply out of the revenues of the burgh fund a sum equal to the amount of such excess in any of the following ways:—

Application of revenue of undertakings.

- (a) In reduction of capital moneys borrowed for the purposes of the undertaking;
- (b) In the construction renewal extension and improvement of the works and conveniences for the purposes of the undertaking;
- (c) In providing or maintaining reserve renewals and repairs funds in respect of each of the undertakings by setting aside such an amount as they may from time to time think reasonable not exceeding in the case of the water undertaking the sum prescribed by section 68 (Water reserve fund) of the Order of 1927.

(2) If in any year the moneys received by the Corporation on account of any undertaking of the Corporation for the time being are less than the moneys expended by the Corporation in respect of that undertaking and the deficiency cannot be met out of the reserve fund of such undertaking or cannot otherwise be provided under the enactments in force applicable to such undertaking the Corporation shall fix and determine the amount

A.D. 1935. — of such deficiency to be met out of the local rates and thereafter such amount shall be payable out of the local rates.

(3) Resort may be had to a reserve fund under the foregoing provisions although such fund may not at the time have reached or may have been reduced below the prescribed maximum.

Investment of reserve funds &c.

92. Notwithstanding anything in any Act or Order contained the Corporation may invest in statutory securities any reserve contingent depreciation renewal repairs superannuation or other funds belonging to or held by them on account of or in connection with any of the undertakings administered by them or under their control.

#### PART IX.

#### MISCELLANEOUS.

Appointment of chairman of dean of guild court.

93. In the event of the dean of guild not being in attendance at any meeting of the dean of guild court the councillors of the dean of guild court may appoint one of their members to act as chairman of the meeting and such member when so presiding shall have all the rights powers and privileges of the dean of guild.

Vesting of property transferred to Corporation &c.

94. All property transferred to or vested in the Corporation by virtue of this Order shall vest in them without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing but for the purpose of enabling the Corporation to complete a title if thought fit to any property transferred to and vested in them by virtue of this Order by expeding a notarial instrument notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the Corporation.

Dustbins.

95.—(1) The Corporation may require the occupiers of houses shops or other premises to provide portable dustbins for domestic refuse and such dustbins shall be of such size and construction as may be approved by the Corporation.

(2) The Corporation may purchase suitable or standard dustbins and supply the same to occupiers of shops

houses or other premises on such terms and conditions as may be agreed upon. A.D. 1935.

(3) The Corporation may provide orderly bins or other receptacles for the collection and temporary deposit of street sweepings or other refuse.

96.—(1) Every person who shall throw or lay or cause or suffer or permit to be thrown or laid any water dirt litter paper ashes refuse carrion fish offal rubbish or any offensive matter or thing of whatever description on any street (except for the purpose of immediate removal) or on any area back ground common stair common passage watercloset or the roof of any cellar or outhouse or into the channel or on the banks of any river or stream shall be liable to a penalty not exceeding forty shillings Provided that it shall not be deemed an offence to lay sand or other materials in any street in time of frost to prevent accidents or litter or other suitable materials to prevent the freezing of pipes or in case of sickness to prevent noise if the person laying any such things causes them to be removed as soon as the occasion for them ceases. Penalty for throwing refuse &c. on streets.

(2) In the event of any matter or thing of the description mentioned in subsection (1) of this section being thrown or laid down on any street or court and not immediately removed the inspector of cleansing or other authorised officer of the Corporation may remove the same at the expense of the person causing or permitting it to be thrown or laid down and the cost of the removal thereof shall be recoverable by the Corporation from such person as a debt at common law.

97.—(1) In the event of the Corporation establishing in pursuance of section 8 of the Air Navigation Act 1920 or in pursuance of any Act amending replacing or consolidating that Act an aerodrome and any subsidiary business in connection therewith (in this section referred to as "the aerodrome undertaking") they may make such charges in respect thereof as they may think fit and may grant a lease of or let such aerodrome or any part thereof and any such subsidiary business for such period and upon and subject to such terms and conditions as they may think fit Provided that the charges to be made in respect of the aerodrome shall be subject to the approval of the Secretary of State for Air. Aerodrome undertaking.

A.D. 1935.

(2) The Corporation may make byelaws with respect to the aerodrome undertaking and for maintaining order in and for regulating the use of any premises used in connection therewith.

(3) The aerodrome undertaking shall be in the same relation to the Air Council and the Secretary of State for Air and subject to the like control by them under the Air Navigation Act 1920 or any Act amending replacing or consolidating the same as if the Act confirming this Order had not been passed.

(4) (a) Sections 183 to 187 of the Public Health (Scotland) Act 1897 shall (with the substitution of the Secretary of State for Air for the confirming authority in those sections mentioned) extend and apply to any byelaws under the provisions of this section.

(b) Should any aerodrome to which such byelaws relate or any part thereof be established or should any byelaws relating to it be proposed to be operative outside the burgh the Corporation shall one month at least before submitting such byelaws for confirmation by the Secretary of State for Air forward a copy of such byelaws to the clerk of the county council who shall submit any objections or representations with respect to such byelaws to the said Secretary of State before the expiry of that period and before confirming such byelaws the said Secretary of State shall consider any objections or representations so submitted.

(c) No byelaws relating to an aerodrome and affecting any area below high-water mark shall come into operation until the consent of the Board of Trade has been given thereto.

Acceptance  
of gifts of  
property.

98.—(1) Subject to the provisions of this section the Corporation may accept hold and administer any gift of property whether heritable or moveable for any local public purpose or for the benefit of the inhabitants of the burgh or of some part thereof and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

(2) Where the purposes of the gift are purposes for which the Corporation are empowered to expend money raised from a rate they may subject to any condition or restriction attaching to the exercise of that power defray

expenditure incurred in the exercise of the powers conferred by subsection (1) of this section out of money so raised. A.D. 1935.  
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99.—(1) The Corporation may grant an annual allowance (not exceeding half pay) or a gratuity to any of their officers or servants who may through bodily or mental infirmity duly certified by a legally qualified medical practitioner become incapable of performing his duty or a gratuity to the widow or family of any such officer or servant who may die in the service of the Corporation. Power to grant gratuities.

(2) Every such annual allowance or gratuity shall be charged on and paid out of the fund rate assessment or revenue on which the salary or emoluments of the officer or servant would have been charged or out of which such salary or emoluments would have been paid if he had continued in his office or service and no such gratuity shall exceed the amount of one month's pay for every completed year of approved service.

(3) The power conferred upon the Corporation by this section shall cease if and when the officers or servants of the Corporation become subject to a superannuation scheme under any general Act of Parliament.

100.—(1) The Corporation may make byelaws for or with respect to all or any of the following matters (that is to say) :— Byelaws.

(i) for regulating and controlling the use of loud-speakers gramophones and any other devices for the reproduction and amplification of sound (in this section referred to as "loud-speakers") used in such manner as to be audible in any street to the annoyance of the lieges or if they think fit for prohibiting the use in such a manner as to be audible in any street of loud-speakers for advertising purposes ;

(ii) for regulating or controlling the marking of streets and foot-pavements by writing or chalking thereon.

(2) Sections 317 to 323 of the Burgh Police (Scotland) Act 1892 shall extend and apply to any byelaws that may be made by the Corporation under the provisions of this section.

A.D. 1935. —  
Nuisance by dogs. 101. Every person in charge of a dog in any street and having the dog on a lead who shall allow or permit such dog to deposit its excrement upon a public pavement or footway shall be liable to a penalty not exceeding forty shillings.

Recovery of penalties. 102. Any penalty under this Order or under any byelaws or regulations made under this Order unless otherwise specially provided for may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts.

Crown rights. 103. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order 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 herein contained shall authorise the Corporation 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 land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of Order. 104. All costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed by them under this Order for that purpose.

The SCHEDULES referred to in the foregoing Order.      A.D. 1935.

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### FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Extension of boundaries.")

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#### BOUNDARIES OF THE ADDED AREA.

The area lying to the eastward and southward of the existing burgh and comprehended within a line commencing at the eastern extremity of the existing northern boundary of the burgh and drawn thence in a straight line in a south-easterly direction to a point on the road leading from Ayr to Mauchline about one hundred and forty yards north-eastward from the milestone indicating a distance of two miles from Ayr by that road thence in a straight line in a southerly direction to a point on the north bank of the River Ayr at its junction with the weir at Overmills thence along the centre of the said weir in a westerly direction about one hundred yards from the aforesaid point thence in a south-westerly direction along the south-eastern boundary of burgh property at Overmills to the most southerly point of the said property thence in a straight line in a south-westerly direction to a point on the south side of Macnairston Road at its junction with the eastern boundary of the farm access road leading to Masonhill Farm thence along the eastern boundary of the said farm access road in a south-westerly direction for a distance of about four hundred yards from the north-east corner of the said farm access road at its junction with Macnairston Road thence in a straight line in a south-westerly direction to a point north of Peggieshill Bridge on the Ayr to Dalmellington Road about one hundred yards north-east of a point on the eastern boundary of the said road such point measuring about one hundred and forty-five yards north-westward from the milestone indicating a distance of two miles from Ayr by that road thence in a south-easterly direction running parallel with the eastern boundary of the aforementioned public road to the centre of the burn known as Annfield Burn thence along the centre of the said burn in a south-westerly direction to the western side of Peggieshill Bridge thence in a straight line in a south-westerly direction through the intersection of the junction of the Ayr and Stranraer and Maidens and Dunure branches of the London Midland and

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— Scottish Railway known as the Alloway Junction to the western boundary of the Maidens and Dunure branch line thence in a southerly direction along the western boundary of the Maidens and Dunure branch line to a point at the north-west corner of a cattle creep thence in an easterly direction along the northern boundary of the access road leading to High Glengall Farm through the aforementioned cattle creep to a point about thirty yards from the north-eastern abutment of the said cattle creep thence in a southerly direction for a distance of about three hundred and eighty-five yards again in a south-westerly direction for a distance of about four hundred and eight yards and again in a southerly direction for a distance of about one hundred and eighty-four yards to a point about one hundred yards south of the southern boundary of Sessionfield Road at Corton Bridge and running about one hundred yards distant from and parallel to the eastern boundary of the Ayr to Maybole Road thence in a westerly direction through the steading ground of Doonholm Farm for a distance of about four hundred and thirty-four yards and again in a north-westerly direction to the centre of the river Doon south of Doonholm Lodge running about one hundred yards distant from and parallel to the southern boundary of Sessionfield Road and Doonholm Road thence along the centre of the said river in a north-westerly direction and again in a southerly direction to a point opposite the Dutch Mill thence in a straight line in a westerly direction to a point indicated by a milestone on the Ayr to Maybole Road indicating a distance of three miles from Ayr by that road at Doonside Lodge thence in a north-westerly direction to a point on the northern boundary of the London Midland and Scottish Railway (Maidens and Dunure branch) about one hundred and thirty-four yards from the south-west abutment of Longhill Bridge thence along the northern boundary of the said branch railway in a westerly direction for a distance of about nine hundred and twenty yards to the intersection of an existing fence thence in a northerly direction to a point at the eastern junction of Longhill Farm access road with the Ayr to Girvan road thence along the eastern side of farm access road and field access road for a distance of together about two hundred and eighty-five yards thence in a westerly direction following the line of an existing fence for a distance of about two hundred yards thence to a point on the Greenan Farm access road near farm cottage in a north-westerly direction measuring about four hundred yards thence along the foot of the crags at Greenan Castle thence to low-water mark and thence along the low-water mark of ordinary spring tides to the western extremity of the existing southern boundary of the burgh All situated within the parishes of Ayr and Maybole in the county of Ayr.

SECOND SCHEDULE.

A.D. 1935.

(Referred to in the section of this Order of which the marginal note is "Extension of boundaries.")

BOUNDARIES OF THE BURGH.

The area comprehended within a line commencing at low-water mark at a point at the western extremity of the Bell Rock and drawn in a straight line in a south-easterly direction to a point on the road leading from Ayr to Mauchline about one hundred and forty yards north-eastwards from the milestone indicating a distance of two miles from Ayr by that road being an extension of the existing boundary between the burgh of Ayr and the burgh of Prestwick thence in a straight line in a southerly direction to a point on the north bank of the river Ayr at its junction with the weir at Overmills thence along the centre of the said weir in a westerly direction about one hundred yards from the aforesaid point thence in a south-westerly direction along the south-eastern boundary of burgh property at Overmills to the most southerly point of the said property thence in a straight line in a south-westerly direction to a point on the south side of Macnairston Road at its junction with the eastern boundary of the farm access road leading to Masonhill Farm thence along the eastern boundary of the said farm access road in a south-westerly direction for a distance of about four hundred yards from the north-east corner of the said farm access road at its junction with Macnairston Road thence in a straight line in a south-westerly direction to a point north of Peggieshill Bridge on the Ayr to Dalmellington Road about one hundred yards north-east of a point on the eastern boundary of the said road such point measuring about one hundred and forty-five yards north-westward from the milestone indicating a distance of two miles from Ayr by that road thence in a south-easterly direction running parallel with the eastern boundary of the aforementioned public road to the centre of the burn known as Annfield Burn thence along the centre of the said burn in a south-westerly direction to the western side of Peggieshill Bridge thence in a straight line in a south-westerly direction through the intersection of the junction of the Ayr and Stranraer and Maidens and Dunure branches of the London Midland and Scottish Railway known as the Alloway Junction to the western boundary of the Maidens and Dunure branch line thence in a southerly direction along the western boundary of the Maidens and Dunure branch line to a point at the north-west corner of a cattle creep thence in an easterly direction along the northern boundary of the access

A.D. 1935. — road leading to High Glengall Farm through the aforementioned cattle creep to a point about thirty yards from the north-eastern abutment of the said cattle creep thence in a southerly direction for a distance of about three hundred and eighty-five yards again in a south-westerly direction for a distance of about four hundred and eight yards and again in a southerly direction for a distance of about one hundred and eighty-four yards to a point about one hundred yards south of the southern boundary of Sessionfield Road at Corton Bridge and running about one hundred yards distant from and parallel to the eastern boundary of the Ayr to Maybole Road thence in a westerly direction through the steading ground of Doonholm Farm for a distance of about four hundred and thirty-four yards and again in a north-westerly direction to the centre of the river Doon south of Doonholm Lodge running about one hundred yards distant from and parallel to the southern boundary of Sessionfield Road and Doonholm Road thence along the centre of the said river in a north-westerly direction and again in a southerly direction to a point opposite the Dutch Mill thence in a straight line in a westerly direction to a point indicated by a milestone on the Ayr to Maybole Road indicating a distance of three miles from Ayr by that road at Doonside Lodge thence in a north-westerly direction to a point on the northern boundary of the London Midland and Scottish Railway (Maidens and Dunure branch) about one hundred and thirty-four yards from the south-west abutment of Longhill Bridge thence along the northern boundary of the said branch railway in a westerly direction for a distance of about nine hundred and twenty yards to the intersection of an existing fence thence in a northerly direction to a point at the eastern junction of Longhill Farm access road with the Ayr to Girvan Road thence along the eastern side of the farm access road and field access road for a distance of together about two hundred and eighty-five yards thence in a westerly direction following the line of an existing fence for a distance of about two hundred yards thence to a point on the Greenan Farm access road near farm cottage in a north-westerly direction measuring about four hundred yards thence along the foot of the crags at Greenan Castle thence to low-water mark of the sea All situated within the parishes of Ayr and Maybole in the county of Ayr.

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THIRD SCHEDULE.

A.D. 1935.

(Referred to in the section of this Order of which the marginal note is "Added area added to existing wards.")

PART I.

PORTION OF ADDED AREA ADDED TO FIRST WARD.

The area lying to the southward and westward of the existing burgh and comprehended within a line commencing at the point of intersection with the existing southern boundary of the burgh and the centre of the Ayr and Stranraer branch of the London Midland and Scottish Railway at Belmont level crossing thence in a south-easterly direction along the centre of the said branch line to its point of intersection with the Maidens and Dunure branch line at Alloway junction thence in a south-westerly direction to the western boundary of the Maidens and Dunure branch line thence in a southerly direction along the western boundary of the Maidens and Dunure branch line to a point at the north-west corner of a cattle creep thence in an easterly direction along the northern boundary of the access road leading to High Glengall Farm through the aforementioned cattle creep to a point about thirty yards from the north-eastern abutment of the said cattle creep thence in a southerly direction for a distance of about three hundred and eighty-five yards again in a south-westerly direction for a distance of about four hundred and eight yards and again in a southerly direction for a distance of about one hundred and eighty-four yards to a point about one hundred yards south of the southern boundary of Sessionfield Road at Corton Bridge and running about one hundred yards distant from and parallel to the eastern boundary of the Ayr to Maybole Road thence in a westerly direction through the steading ground of Doonholm Farm for a distance of about four hundred and thirty-four yards and again in a north-westerly direction to the centre of the river Doon south of Doonholm Lodge running about one hundred yards distant from and parallel to the southern boundary of Sessionfield Road and Doonholm Road thence along the centre of the said river in a north-westerly direction and again in a southerly direction to a point opposite the Dutch Mill thence in a straight line in a westerly direction to a point indicated by a milestone at Doonside Lodge on the Ayr to Maybole Road indicating a distance of three miles from Ayr by that road thence in a north-westerly direction to a point on the northern boundary of the London Midland and Scottish Railway (Maidens and Dunure branch) about one hundred and thirty-four yards from the south-west abutment of Longhill Bridge thence along the northern boundary of the said branch railway in a westerly

A.D. 1935. — direction for a distance of about nine hundred and twenty yards to the intersection of an existing fence thence in a northerly direction to a point at the eastern junction of Longhill Farm access road with the Ayr to Girvan road thence along the eastern side of farm access road and field access road for a distance of together about two hundred and eighty-five yards thence in a westerly direction following the line of an existing fence for a distance of about two hundred yards thence to a point on the Greenan Farm access road near farm cottage in a north-westerly direction measuring about four hundred yards thence along the foot of the crags at Greenan Castle thence to low-water mark and thence along the low-water mark of the ordinary spring tides to the western extremity of the existing southern boundary of the burgh and thence along the western and southern boundaries of the existing burgh to the point of commencement.

## PART II.

### PORTION OF ADDED AREA ADDED TO SECOND WARD.

The area lying to the eastward and southward of the existing burgh and comprehended within a line commencing at the point of intersection with the existing eastern boundary of the burgh and the centre of the river Ayr thence in an easterly direction again in a north-easterly direction and again in a south-easterly direction following the centre line of the river Ayr to a point on the weir at Overmills measuring about one hundred yards from its junction with the north bank of the river thence in a south-westerly direction along the south-eastern boundary of burgh property at Overmills to the most southerly point of the said property thence in a straight line in a south-westerly direction to a point on the south side of Macnairston Road at its junction with the eastern boundary of the farm access road leading to Masonhill Farm thence along the eastern boundary of the said farm access road in a south-westerly direction for a distance of about four hundred yards from the north-east corner of the said farm access road at its junction with Macnairston Road thence in a straight line in a south-westerly direction to a point north of Peggieshill Bridge on the Ayr to Dalmellington Road about one hundred yards north-east of a point on the eastern boundary of the said road such point measuring about one hundred and forty-five yards north-westward from the milestone indicating a distance of two miles from Ayr by that road thence in a south-easterly direction running parallel with the eastern boundary of the aforementioned public road to the centre of the burn known as Annfield Burn thence along the centre of the said burn in a south-westerly direction to the western side of Peggieshill Bridge thence in a straight line in a south-westerly direction to the intersection of the junction of the Ayr and Stranraer and Maidens

and Dunure branches of the London Midland and Scottish Railway known as the Alloway junction thence in a north-westerly direction travelling along the centre of the Ayr and Stranraer branch railway to the point of intersection with the existing southern boundary of the burgh at Belmont level crossing thence in a north-easterly direction and again in a northerly direction following the line indicating the existing southern and eastern boundaries of the burgh to the point of commencement. A.D. 1935.

PART III.

PORTION OF ADDED AREA ADDED TO THIRD WARD.

The area lying to the eastward and southward of the existing burgh and comprehended within a line commencing at the point of intersection with the existing eastern boundary of the burgh and the centre line of the road leading from Ayr to Mauchline thence in a north-easterly direction travelling along the centre line of the road leading from Ayr to Mauchline to a point about one hundred and forty yards north-eastward from the milestone indicating a distance of two miles from Ayr by that road thence in a straight line in a southerly direction to a point on the north bank of the river Ayr at its junction with the weir at Overmills thence along the centre of the said weir in a westerly direction about one hundred yards from the aforesaid point thence in a north-westerly direction again in a south-westerly direction and again in a westerly direction following the centre line of the river Ayr to the point of intersection with the existing eastern boundary of the burgh thence in a northerly direction following the line indicating the existing eastern boundary of the burgh to the point of commencement.

PART IV.

PORTION OF ADDED AREA ADDED TO SIXTH WARD.

The area lying to the eastward and southward of the existing burgh and comprehended within a line commencing at the eastern extremity of the existing northern boundary of the burgh and drawn thence in a straight line in a south-easterly direction to a point on the centre of the road leading from Ayr to Mauchline about one hundred and forty yards north-eastward from the milestone indicating a distance of two miles from Ayr by that road thence in a south-westerly direction travelling along the centre line of the road leading from Ayr to Mauchline to the point of intersection with the existing eastern boundary of the burgh thence in a northerly direction following the line indicating the existing eastern boundary of the burgh to the point of commencement.

A.D. 1935.

FOURTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain properties.")

Burgh.	Numbers on deposited plans.
Burgh of Ayr	2 4 5 7 8 9 11 12 15 16 17 18 19 20 21 22 24 25 27 41 42 44 46 47 49 and 50.

FIFTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Forms.")

(A)

BURGH OF AYR.

RESOLUTIONS ON CREATION OF STOCK.

The provost magistrates and councillors resolved as follows :—

(First) That under the authority and subject to the provisions of the Ayr Burgh Extension &c. Order 1935 the Corporation do hereby create stock to be called the Ayr Corporation per centum redeemable stock (here insert year of first issue) and to be issued to an amount not exceeding (state sum in words) pounds.

(Second) That such stock shall be issued at the price and shall bear the dividends hereinafter specified (that is to say) :—  
 (Here specify these particulars.)

(Third) That such stock shall be redeemed as follows :—  
 (state terms).



A.D. 1935.

(D)

DIVIDEND WARRANT.

AYR CORPORATION REDEEMABLE STOCK.

(£	per centum.)
To the cashier or manager (or other official) of bank	
Pay to bearer the sum of _____ for	
year's dividend on the sum of _____ £	
Ayr Corporation	per centum
redeemable stock	(here insert year of
first issue) due 19 .	first issue)
Less income tax at	per £ - - -

£

Chamberlain.

I do hereby acknowledge to have received of (the bank) the above-mentioned sum in full payment for dividend due as above.

(E)

STOCK CERTIFICATE WITH COUPONS TO BEARER.

AYR CORPORATION REDEEMABLE STOCK CERTIFICATE TO BEARER.

Dividend at £ \_\_\_\_\_ per centum per annum £  
A 00000

This is to certify that the bearer of this certificate is entitled to \_\_\_\_\_ pounds Ayr Corporation \_\_\_\_\_ per centum redeemable stock (here insert year of first issue) transferable pursuant to the Ayr Burgh Extension &c. Order 1935.

Dated \_\_\_\_\_ 19 .

Countersigned  
A 00000

The coupons attached to this certificate are payable at \_\_\_\_\_ .

When the coupons are exhausted this certificate may be exchanged on presentation at the office of the Chamberlain at Ayr for a new certificate with fresh coupons attached.

SIXTH SCHEDULE.

A.D. 1935.

(Referred to in the section of this Order of which the marginal note is "Fees.")

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	£	s.	d.
On original issue of stock receipt or stock certificate -	0	2	6
On any new stock certificate - - - - -	0	2	6
On transfer including certificate - - - - -	0	5	0
On any issue of stock certificate to bearer in respect of every ten pounds of stock specified therein - -	0	0	6
On re-entry in Corporation stock register of stock specified in stock certificate to bearer - - -	0	5	0

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SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E., the King's Printer of Acts of Parliament

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