



# St. Andrews Links Order Confirmation Act 1974

## CHAPTER iii

### ARRANGEMENT OF SECTIONS

#### Section

1. Confirmation of Order in schedule.
2. Short title.

#### SCHEDULE

#### ST. ANDREWS LINKS

#### PART I

#### PRELIMINARY

1. Short title.
2. Interpretation.
3. Application of Lands Clauses Acts.
4. Constitution of St. Andrews Links Trust.
5. Chairman, secretary and meetings of trustees.
6. Vesting of control of Links in trustees.
7. Map to prevail.
8. Excepted parts of Links.
9. Purposes for which Links to be held.
10. Power of appropriation of portions of Links for golf, etc.
11. Acquisition of lands and power to lay out and maintain golf courses.
12. Power to make charges for use of Links and golf courses.
13. Power to exempt and commute.
14. The Club.
15. Power of the trustees to manage Links.

*St. Andrews Links Order Confirmation  
Act 1974*

## Section

16. Byelaws.
17. Transitional provisions.
18. Power to borrow money.
19. Trustees to be trustees in terms of Trusts Act.
20. Proceedings to be made public.

## PART II

## MANAGEMENT OF THE LINKS

21. Composition of management committee.
22. Chairman, secretary and meetings of management committee.
23. Vesting of equipment in management committee.
24. Management of golf courses, etc.
25. Regulation of play on courses.
26. Power to close golf courses for repair, etc.
27. Power to close Links for competitions, etc.
28. Receipt of moneys by management committee.

## PART III

## MISCELLANEOUS

29. For protection of Alexander Ogilvy Cheape.
30. Repeals.
31. Costs of Order.

## SCHEDULES:

## Schedule 1—

Part I—Description of Links.

Part II—Description of Links water supply.

Schedule 2—Parts of Links to be under control of local authority except when Links closed for golf competitions.

Schedule 3—Regulations applicable to play and the order of starting.

Schedule 4—Alteration of existing byelaws.

**ELIZABETH II**



**1974 CHAPTER iii**

An Act to confirm a Provisional Order under the Private  
Legislation Procedure (Scotland) Act 1936, relating to  
St. Andrews Links. [10th April 1974]

**W**HEREAS the Provisional Order set forth in the schedule  
hereunto annexed has been made by the Secretary of  
State under the provisions of the Private Legislation  
Procedure (Scotland) Act 1936, and it is requisite that the said 1936 c. 52.  
Order should be confirmed by Parliament:

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

1. The Provisional Order contained in the schedule hereunto  
annexed is hereby confirmed. Confirmation  
of Order in  
schedule.

2. This Act may be cited as the St. Andrews Links Order Short title.  
Confirmation Act 1974.

## SCHEDULE

### ST. ANDREWS LINKS

*Provisional Order to constitute the St. Andrews Links Trust and to vest in the said Trust the control and management of the Links of St. Andrews; and for purposes connected therewith.*

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

1894 c. lxxxiv.

And whereas by the St. Andrews Links Act 1894 (hereinafter referred to as "the Act of 1894") the then commissioners of the said burgh (who were the predecessors of the Town Council) were authorised to acquire the Links of St. Andrews as described in Schedule 1 to the said Act (hereinafter referred to as "the Links") for the purposes and with the powers in the said Act set forth:

And whereas the said commissioners acquired and the Town Council now own the Links except a small portion thereof feued to the Royal and Ancient Golf Club of St. Andrews (hereinafter referred to as "the Club"):

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

And whereas by the Act of 1894 and Schedule 2 thereto the green committee of the Links consisting of five members of the Club and two persons nominated by the Town Council was vested inter alia with the management of the Old Golf Course and the New Golf Course:

And whereas by the St. Andrews Burgh Extension and Links Order 1913 (hereinafter referred to as "the Order of 1913") the Town Council were authorised by agreement to purchase, acquire or lease and hold land for the purpose of an additional golf course and by virtue of the powers so conferred the Town Council have acquired certain lands adjoining the Links and have laid out a fourth golf course known as the Eden Golf Course which the Town Council are bound to maintain:

And whereas in terms of the Order of 1913 and under the agreement between the Town Council and the Club scheduled thereto the Eden and Jubilee Golf Courses are managed by a committee called the town links committee consisting of five persons nominated by the Town Council and two members of the Club:

And whereas in 1971 the Town Council acquired by agreement additional land at Balgove Links and have laid out a fifth golf course known as the Balgove Golf Course:

And whereas it is expedient that the management and control of all the said golf courses should be unified in the interests of efficiency and economy but that the Links and the said additional land above referred to should remain in the public ownership of the local authority for the time being vested with the municipal government and administration of the local government area in which the Links are situate:

And whereas the town links committee as at present constituted is not empowered to hold, control or raise funds for the management of the said golf courses and it is expedient that the body in control of the said golf courses should have such powers:

And whereas it is expedient that there should be constituted the St. Andrews Links Trust (hereinafter called "the Trust") and that the control of the Links including the said additional lands should be vested in the Trust and that the Trust should have the powers conferred upon it by this Order:

And whereas it is expedient that the St. Andrews Links Acts 1894 to 1967 (with the exception of Parts I, II, III and V of the Order of 1913) should be repealed and that the other provisions contained in this Order should be enacted:

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

1936 c. 52.

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

## PART I

### PRELIMINARY

1. This Order may be cited as the St. Andrews Links Order 1974. Short title.
2. In this Order, unless there be something in the subject or context inconsistent with or repugnant to such construction, the following words and expressions shall have the meanings hereby respectively assigned to them, namely:—
  - "burgh" means the Royal Burgh of St. Andrews;
  - "chairman" means the chairman for the time being of the trustees;
  - "Club" means the Royal and Ancient Golf Club of St. Andrews;
  - "golf courses" means the present golf courses and any additional golf course which may be laid out by the trustees under the powers conferred on them by this Order.

**PART I**  
—cont.

“ Links ” means the lands set forth and described in Part I of Schedule 1 to this Order and shown coloured green on the signed map and any land which may be acquired by the trustees in pursuance of this Order;

“ Links water supply ” means the water supply and apparatus described in Part II of Schedule 1 to this Order;

“ local authority ” means the Town Council and on and after 16th May, 1975, the district council of the district of North East Fife;

“ management committee ” means the management committee appointed in pursuance of section 21 (Composition of management committee) of this Order;

“ present golf courses ” means the golf courses respectively known as the Old Golf Course, the New Golf Course, the Jubilee Golf Course, the Eden Golf Course and the Balgove Golf Course;

“ secretary ” means the secretary to the trustees appointed in pursuance of section 5 (Chairman, secretary and meetings of trustees) of this Order;

“ signed map ” means the map marked “ St. Andrews Links Map ” of which three copies have been signed by Robert Reid Q.C., Counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936 and of which one copy has been deposited in the office of the Secretary of State, St. Andrew’s House, Edinburgh, one copy with the town clerk of St. Andrews and one copy with the clerk to the district council of the district of North East Fife;

“ Town Council ” means the provost, magistrates and councillors of the burgh.

1936 c. 52.

Application of  
Lands Clauses  
Acts.

3. The Lands Clauses Acts in so far as they apply to lands acquired by agreement shall apply to acquisition of lands under this Order.

Constitution of  
St. Andrews  
Links Trust.

4.—(1) On the appointed day there shall be constituted a trust to be known as “ the St. Andrews Links Trust ” (hereinafter called “ the Trust ”) for the purpose of exercising the powers and functions assigned to them by this Order.

(2) The Trust shall consist of eight trustees to be known as “ the St. Andrews Links trustees ” (hereinafter called “ the trustees ”) who shall be seven persons appointed as hereinafter provided (hereinafter called “ the appointed trustees ”) and the Member of Parliament in whose constituency the Links are situate.

(3) The appointed trustees shall be appointed as follows:—

- one by the Secretary of State;
- three by the local authority;
- three by the Club:

Provided that no person appointed as a trustee by the Secretary of State shall hold office as such while he is a member of the local authority or of the Club and that no person appointed by the local authority shall hold office as such while he is a member of the Club.

(4) Each of the appointing authorities shall before the appointed day or as soon as may be thereafter and before 1st January in each third year after the commencement of this Order make the respective appointment of trustees specified in this section.

(5) Subject to the provisions of this subsection, each of the trustees first appointed in pursuance of this Order shall hold office for three years from the appointed day and each of the trustees appointed thereafter shall hold office for three years from the 1st January in the year in which he is appointed:

Provided that of the trustees first appointed in pursuance of this Order—

(i) one of the trustees appointed by the local authority and one of the trustees appointed by the Club (who shall be nominated by the local authority and the Club respectively for the purposes of this paragraph) shall hold office for four years from the appointed day;

(ii) one of the trustees appointed by the local authority, one of the trustees appointed by the Club (who shall be nominated by the local authority and the Club respectively for the purposes of this paragraph) and the trustee appointed by the Secretary of State shall hold office for five years from the appointed day.

(6) Subject to any rule of the appointing body a retiring trustee shall be eligible for reappointment.

(7) Not less than fourteen days before the day on which an appointed trustee is to take office in accordance with the provisions of this section the appointing body shall notify the secretary of the appointment and of the name and address of the person so appointed.

(8) The removal of any trustee for misconduct or otherwise shall be in the discretion of the appointing body which shall give notice to the secretary of such removal.

(9) It shall be competent for any trustee to resign from office on his giving to the secretary thirty days' notice thereof and such resignation shall take effect on the thirtieth day after receipt of such notice.

(10) In the event of a vacancy occurring among the trustees the appropriate appointing body shall appoint a person to fill such vacancy and shall give notice in writing to the secretary of such new appointment which shall have effect on the fourteenth day after the giving of such notice and the person so appointed shall continue in office only for so long as the person in whose place he is appointed would have been entitled to continue in office.

(11) In this section "appointing body" means the Secretary of State, the local authority or the Club, as the case may be, and the "appointed day" means 16th May, 1974.

**PART I**  
—cont.

Chairman,  
secretary and  
meetings of  
trustees.

5.—(1) A meeting of the trustees shall be held in each year as soon as practicable after the 1st day of January and in any event within ninety days of that date for the purpose of electing a chairman from among their own number and in the case of an equality of votes the chairmanship shall be determined by lot between those who received an equal number of votes and such chairman shall hold office until the election of his successor.

(2) The retiring chairman shall be eligible for re-election provided that he has been reappointed as a trustee.

(3) The trustees shall appoint a secretary who shall hold office as a paid official on such terms and conditions as the trustees shall agree from time to time with the person holding such office for the time being. The secretary shall be appointed at a meeting of the trustees convened for that purpose.

(4) All decisions of the trustees shall be taken by simple majority vote, the chairman to have an additional casting vote in the case of equality except in the case of an election under subsection (1) of this section.

(5) It shall be the duty of the secretary to summon the annual meeting of the trustees and on the instructions of the chairman or on the request in writing of three trustees to summon other meetings of the trustees by giving not less than seven days' notice in writing to each trustee.

(6) Four trustees present in person shall constitute a quorum of the trustees.

Vesting of  
control of  
Links in trustees.

6. Subject to the provisions of this Order the control of the Links and the Links water supply shall be vested in the trustees for the purposes hereinafter set forth.

Map to prevail.

7. If there be any discrepancy between the signed map and the description of the Links in Part I of Schedule 1 to this Order the signed map shall prevail.

Excepted parts  
of Links.

8. Those parts of the Links listed in Schedule 2 to this Order shall be excepted from the provisions of this Order and shall remain under the control and management of the local authority save that when the Links are closed for golf championships or competitions under the provisions of section 27 (Power to close Links for competitions, etc.) of this Order the said excepted parts shall be under the management and control of the trustees in the same way as the remainder of the Links:

Provided that the said excepted parts of the Links may be varied or modified at any time by agreement between the trustees and the local authority.

Purposes for  
which Links to  
be held.

9.—(1) Subject to the provisions of this Order the trustees shall hold and maintain the Links as a public park and place of public resort and recreation for the residents of the town of St. Andrews and others resorting thereto and may erect and maintain thereon shelters and other conveniences and form, improve and maintain roads, footpaths



and walks thereon and do such other things as from time to time may appear to them expedient for the use and enjoyment of the Links by the public.

PART I  
—cont.

(2) The exercise of the powers mentioned in the foregoing subsection and of all other powers conferred on the trustees and on the management committee by this Order shall be deemed to be exercised in furtherance of the use and enjoyment of the Links by the public.

10. The trustees may from time to time allocate or appropriate any parts or portions of the Links to the playing of golf or other games thereon and maintain the present golf courses on the Links and lay out, open up and maintain new and additional golf courses thereon and acquire or take over any golf course formed or that may be formed on the Links and regulate the play on the golf courses and they may likewise from time to time set apart or lease or let any golf course or any part of the Links for a golf course or for the playing of golf or any other game thereon on such terms and under such conditions and for such period or periods as the trustees may think proper.

Power of appropriation of portions of Links for golf, etc.

11.—(1) Subject to the provisions of this Order the trustees may by agreement purchase, acquire or lease and may hold lands for the purpose of an additional golf course or courses upon such terms and conditions as may be agreed between the trustees and any person and may on such lands or partly on such lands and partly on other lands lay out a golf course or courses and the trustees may apply such part of the moneys which by this Order they are authorised to borrow for the purposes of this section or such part of the charges in respect of persons playing golf which by this Order they are authorised to levy and recover as may be necessary for such purposes or may use partly money so borrowed and partly such charges.

Acquisition of lands and power to lay out and maintain golf courses.

(2) If and when any such additional golf course is laid out the trustees shall keep up and maintain the same in good order as a golf course and may provide for the employment of such persons and provide such implements and apply such part of the charges which by this Order they are authorised to levy and recover as may be necessary for that purpose and subject to the powers conferred on the management committee under this Order the trustees may exercise and apply to the Links and to any such additional golf course and for the maintenance and improvement of the Links and any such additional golf course all or any of the powers available to or vested in them by this Part of this Order.

12.—(1) The trustees may for the upkeep and maintenance of the golf courses and the Links prescribe reasonable charges which they may demand and recover from persons or bodies of persons using the Links for any purpose and may prescribe reasonable annual or other charges to be paid in respect of the playing of golf on any of the golf courses.

Power to make charges for use of Links and golf courses.

(2) Nothing in the foregoing subsection shall authorise the trustees to levy a charge on children under fifteen years of age of residents of the town of St. Andrews in respect of the playing of golf on any of the golf courses other than the Old Course.

**PART I**  
—cont.

(3) (a) The annual or other charges for playing golf payable by residents of the town of St. Andrews entitled for the time being to vote at elections for the local authority and their children so residing (other than the children entitled to play free of charge on the golf courses other than the Old Course) shall not exceed one-third of the ordinary charges prescribed under subsection (1) of this section unless on the application of the trustees the Secretary of State shall approve a higher figure.

(b) In fixing such higher figure the Secretary of State shall have regard within the scope of the evidence submitted to him by the trustees and any other persons having an interest to—

- (i) the use made of the Links by residents;
- (ii) the financial position of the Trust; and
- (iii) the charges levied upon other persons including the Club.

(4) If the Secretary of State thinks fit in any case where he is requested to fix a figure under this section he may instead of complying with that request cause a local inquiry to be held and subsections (2) to (9) of section 210 (Local inquiries) of the Local Government (Scotland) Act 1973 shall apply to any such inquiry.

1973 c. 65.

(5) In the case of any dispute arising as to whether any person is resident in the town of St. Andrews the matter shall be determined by the trustees whose decision shall be final.

**Power to  
exempt and  
commute.**

13. The trustees may in their discretion exempt any person or class of persons from payment of charges on any golf course or may make reduced charges in the case of any person or class of persons as the trustees think fit and the trustees may commute any charges for playing golf on the Links for such annual or other lump sum and subject to such conditions as the trustees may think fit.

**The Club.**

14.—(1) Subject to the provisions of section 26 (Power to close golf courses for repair, etc.) and section 27 (Power to close Links for competitions, etc.) of this Order, members of the Club will be entitled to play free of charge on all the golf courses in return for the payment by the Club of such annual lump sum as shall be agreed between the trustees and the Club and failing such agreement such sum as shall be fixed by an arbiter appointed by the trustees and the Club and failing agreement on such appointment by the Lord President of the Court of Session.

(2) In fixing such sum the arbiter shall have regard within the scope of the evidence submitted to him by the trustees and the Club to—

- (i) the use made of the golf courses and the privileges under section 25 (Regulation of play on courses) of this Order enjoyed by members of the Club; and
- (ii) the charges levied upon other persons including residents of the town of St. Andrews.

15. The trustees may manage and control the Links as a park or open space and without prejudice to the foregoing generality they shall be entitled—

PART I  
—cont.

Power of the  
trustees to  
manage Links.

- (a) to apply moneys levied or borrowed under any of the provisions of this Order for the purpose of maintaining and improving the Links as a park or open space and for defending public rights therein;
- (b) to level enclose drain plant light and otherwise lay out and improve the Links for the more convenient use and enjoyment thereof and make and maintain roads and seats within the same; and
- (c) to acquire build or lease on the Links or elsewhere such buildings or premises including administrative offices staff houses refreshment changing and rest rooms toilets car parks workshops garages golf shops golf schools driving ranges and other installations as they may consider necessary or advantageous for the purpose of the Trust and to operate the same or let the same to tenants.

16.—(1) The trustees may from time to time after consultation with the management committee make byelaws for all or any of the following purposes:—

Byelaws.

- (a) for the general management regulation and control of the Links and the golf courses or places for the playing of golf or other games thereon;
- (b) for preventing undue delay in play;
- (c) for licensing appointing and regulating golf caddies and golf teachers and professional golfers and golf experts and others who may be employed on the Links for remuneration or reward and the charges for their services;
- (d) for the prevention of unlicensed persons being employed or taking employment on the Links;
- (e) for the orderly conduct of persons frequenting or using the Links or engaging in golf or other games thereon;
- (f) for excluding and removing from the Links all gypsies hawkers beggars rogues and vagabonds or disturbers of the peace and any person infringing any byelaws;
- (g) for regulating the days on and hours at which games are to be permitted on the Links and the particular parts or places for the same;
- (h) for preventing or regulating the admission to the Links of vehicles and of horses and other animals;
- (i) for preventing or regulating the setting up or keeping on the Links of caravans tents vans sheds or similar structures;
- (j) for protecting from injury all or any of the golf courses and turfs and greens and all tee-boxes guide-posts bunkers golf-holes pin-flags and other fittings connected therewith;
- (k) for the recovery of any charges that may be levied under the provisions of this Order and the removal and exclusion from the Links of any persons refusing or evading payment thereof.

PART I  
—cont.

(2) Byelaws to be made by the trustees under this Order may provide for imposing a penalty not exceeding fifty pounds for the breach or non-observance of any byelaw.

1947 c. 43.

(3) The provisions of subsections (4) (5) (7) (8) (9) (11) (12) and (13) of section 301 and section 303 of the Local Government (Scotland) Act 1947 shall apply to all byelaws made by the trustees under this Order as if the trustees were a local authority and in the application of the said provisions of the said Act the Secretary of State shall be the confirming authority.

Transitional  
provisions.

17. Unless and until revoked by the trustees the byelaws by the Town Council applicable to the Links at the date of commencement of this Order shall continue to apply to the lands described in Part I of Schedule 1 to this Order, subject to the alterations set forth in Schedule 4 to this Order.

Power to  
borrow money.

18.—(1) The trustees shall have power under the authority of this Order from time to time to borrow at interest such sums of money as shall be necessary for the purpose or any of the purposes of this Order and such sums shall be deemed to be borrowed on the security of the undertaking.

(2) It shall be lawful for the local authority on the request of the trustees to borrow moneys in the manner and on the terms and conditions under which the local authority is empowered by statute to borrow for its own purposes and to lend such moneys to the trustees on the security of the undertaking and on such terms and conditions as may be mutually agreed between the local authority and the trustees for any of the purposes of this Order.

(3) The local authority and the trustees shall take over any loans outstanding at the date of commencement of this Order which shall have been entered into by the Town Council as if such loans had been raised by the local authority on the request of the trustees and the sums raised had been lent by the local authority to the trustees on the security of the undertaking under this Order and nothing in this Order shall prejudice or affect any bonds or securities which may have been granted by the Town Council for moneys borrowed by them previous to the commencement of this Order but the same shall as to the rates fund and property comprised therein respectively have priority over all moneys borrowed under this Order and the trustees shall be responsible for payment to the local authority of the principal and interest on such sums.

(4) All money borrowed by the trustees under the authority of this section shall be applied to the purposes of this Order and to no other purpose whatsoever.

(5) For the purposes of this section “undertaking” means and includes all money, equipment and properties heritable and movable belonging to the trustees or the management committee and all charges and revenues derived from the control and management of the Links.

19. Subject to the provisions of this Order the trustees shall have all the powers and be subject to all the obligations, of gratuitous trustees under the Trusts (Scotland) Act 1921 and any amendment thereof.

PART I  
—cont.

Trustees to be trustees in terms of Trusts Act. 1921 c. 58.

20. The trustees shall make the minutes of their proceedings and an abstract of their accounts available for inspection by the public.

Proceedings to be made public.

PART II

MANAGEMENT OF THE LINKS

21.—(1) The Links shall be managed subject to direction by the trustees by a management committee of eight persons (hereinafter referred to as the “committee members”) being four persons appointed by the Club and four persons appointed by the local authority (the Club and the local authority being each and respectively referred to in this Part of this Order as “the appointing body”):

Composition of management committee.

Provided—

- (i) that the persons so appointed whether by the Club or by the local authority shall be persons having close connections with the town of St. Andrews and its golfing community; and
- (ii) that a trustee shall not be eligible to serve on the management committee.

(2) Each committee member shall hold office for four years from the date of his appointment:

Provided that of the committee members first appointed after the commencement of this Order two of those appointed by each of the appointing bodies (who shall be nominated by the appointing bodies respectively for the purposes of this subsection) shall retire after holding office for two years.

(3) The date of appointment of new committee members shall be the 1st January in the year when such appointments fall due.

(4) Subject to any rule of the appointing bodies retiring committee members shall be eligible for reappointment.

(5) The appointing bodies shall give notice to the secretary to the committee not less than fourteen days before the said date of appointment of the names and addresses of the persons to be appointed.

(6) The removal of any committee member for misconduct or otherwise shall be in the discretion of the appointing body which shall give notice to the secretary to the committee of such removal.

(7) It shall be competent for any committee member to resign from office on his giving to the secretary to the committee thirty days' notice thereof and such resignation shall take effect on the thirtieth day after receipt of such notice.

(8) In the event of a vacancy occurring among the committee members the appropriate appointing body shall appoint a person to fill such vacancy and shall give notice in writing to the secretary to the committee of such new appointment which shall have effect on the fourteenth day after the giving of such notice and the person so

PART II  
—cont.

appointed shall continue in office only for so long as the person in whose place he is appointed would have been entitled to continue in office.

(9) It shall be the duty of the secretary to the committee to notify the trustees of the names of the committee members appointed under subsection (1) of this section and of all subsequent changes in the membership of the management committee.

Chairman,  
secretary and  
meetings of  
management  
committee.

22.—(1) As soon as practicable after the appointment of the management committee in pursuance of section 21 (Composition of management committee) of this Order a meeting of the management committee shall be held for the purpose of electing a chairman (in this section referred to as “the chairman”).

(2) The chairman shall be elected by the members of the management committee from among their own number.

(3) The chairman shall hold office until the election of his successor by the committee.

(4) As soon as practicable after the first election of a chairman under the foregoing provisions of this section and in any event within thirty days of that date, the chairman shall convene a meeting of the management committee who shall appoint a secretary who shall hold office on such terms and conditions as may from time to time be agreed between the management committee and such secretary.

(5) It shall be the duty of the secretary to the management committee as soon as practicable after 1st January in each year and in any event within sixty days of that date to summon the annual meeting of the management committee and on the instructions of the chairman or on the request in writing of three committee members to summon other meetings of the management committee by giving not less than seven days' notice in writing to each committee member.

(6) Decisions of the management committee shall be taken by simple majority vote:

Provided that in the event of the management committee being unable to resolve upon any matter the decision shall be referred to the trustees.

(7) Four committee members present in person shall constitute a quorum of the management committee.

(8) The management committee shall make the minutes of their proceedings available for inspection by the public.

Vesting of  
equipment in  
management  
committee.

23. Subject to the provisions of this Order there shall be vested in the management committee the whole green-keeping equipment machines vehicles tools sheds stocks of fertiliser and weed-killer stores and others required for the maintenance of the golf courses.

Management  
of golf courses,  
etc.

24. The management committee shall have charge of the day-to-day management of the Links and in particular and without prejudice to the said generality they shall have power—

(a) to regulate the play and provide for the order of starting;

- (b) to appoint and dismiss keepers and other staff and to fix their terms of appointment;
- (c) to turf and repair the golf courses, to fix the place and situation of tees greens and holes, to make and fill up bunkers and in general to maintain the playing area;
- (d) to promote and organise golf competitions;
- (e) to keep up and regulate the use of changing rooms shelters toilets car parks and others;
- (f) to maintain and uphold the Links water supply;
- (g) to contribute to the superannuation fund maintained by the Fife County Council or their successors and the management committee shall be undertakers within the meaning of section 15 (2) (a) of the Local Government Superannuation Act 1953 as that Act has effect by virtue of Schedule 7 to the Superannuation Act 1972;
- (h) to carry out the day-to-day enforcement of the powers conferred upon the trustees by section 15 (Power of the trustees to manage Links) and the byelaws made under section 16 (Byelaws) of this Order or applicable to the Links by virtue of section 17 (Transitional provisions) of this Order;
- (i) to undertake such other or further duties as may be delegated to them by the trustees.

1953 c. 25.  
1972 c. 11.

25.—(1) Subject to the provisions of this section the regulations for play and order of starting on the golf courses shall be subject to the conditions set out in Schedule 3 annexed to this Order. Regulation of play on courses.

(2) The management committee may alter or amend the said regulations—

- (a) in the case of regulations affecting the Club, by agreement with the Club:

Provided that the Club shall not unreasonably refuse to agree to any such alteration and in case of refusal the management committee may with the consent of the trustees appeal as to whether such refusal is unreasonable to an arbiter appointed by the Lord President of the Court of Session whose decision shall be final;

- (b) in the case of regulations affecting the proprietor of Strathtyrum by agreement with the proprietor of Strathtyrum; and
- (c) in any other case with the consent of the trustees.

26. The management committee may close any of the golf courses or part thereof for such period or periods in any year as may be required to repair or rest the same: Power to close golf courses for repair, etc.

Provided that except with the consent of the trustees and apart from closure necessitated by prevailing adverse weather conditions—

- (a) such period or periods shall not exceed one month in any year in respect of any of the golf courses;
- (b) neither the Old Course nor the New Course shall be closed during the months of July August or September in any year; and

PART II  
—cont.

(c) not more than two of the golf courses shall ever be closed at the same time.

Power to close  
Links for  
competitions,  
etc.

27.—(1) The management committee may subject to the provisions of this Order hold use and appropriate the Links or any part or parts thereof for and in connection with golf championships or competitions including practice therefor or may permit the Links or any part or parts thereof to be so used and appropriated by others on such terms as the management committee think fit including the levying of charges from such others and whilst so used and appropriated the management committee may close the same to the public (other than competitors stewards or other persons officially participating in the same golf championships or competitions) and demand and take charges or permit charges to be demanded and taken for the admission of persons vehicles goods and things and while the Links or any part or parts thereof is or are so used and appropriated as aforesaid the management committee may exclude therefrom all persons vehicles goods and things unless payment be made of the charges demanded and section 9 (Purposes for which Links to be held) of this Order shall not apply or have effect during such times as the Links are closed as aforesaid:

Provided that—

- (a) the management committee shall not under the powers conferred by this subsection in any one year commencing on 1st January close any of the golf courses for more than fourteen consecutive days or for more than twenty-five days in all without the consent of the trustees;
- (b) no person shall be prevented from having access without charge to or from any buildings abutting on the roads or streets included within the lands described in Part I of Schedule 1 hereto.

(2) The management committee and those authorised by them may for the purposes of carrying out the powers conferred by the foregoing section and by subsection (1) of this section erect such fences and put up such bars posts and other erections as may be necessary or expedient for preventing access to the Links or any part or parts thereof:

Provided that such fences bars posts and other erections shall be removed as soon as reasonably may be after the termination of the rest repair golf championship or competition in respect of which they were erected.

(3) During such time or times as the Links are closed under the powers of this section no person other than competitors stewards or other persons officially participating in the said golf championships or competitions shall enter upon the Links or bring vehicles goods or things upon them without first making payment of the sums demanded and any person offending against the provisions of this subsection shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Receipt of  
moneys by  
management  
committee.

28.—(1) The management committee shall be responsible for appointing officers to receive and account for all sums prescribed by the trustees as charges for playing on the golf courses.



(2) The management committee shall not later than 28th February in each year have prepared and audited and shall submit to the trustees a full and proper account of their intromissions with all funds which have come into their hands in the course of the management of the golf courses during the period from the close of the previous accounts and in the case of the first year in office of the management committee during the period from the date of their appointment.

PART II  
—cont.

PART III

MISCELLANEOUS

29. For the protection of Alexander Ogilvy Cheape and his successors proprietors of the estate of Strathtyrum (all of whom are included in the expression “the said Alexander Ogilvy Cheape”) the following provisions shall unless otherwise agreed between the trustees and the said Alexander Ogilvy Cheape apply and have effect, that is to say:—

For  
protection of  
Alexander  
Ogilvy Cheape.

(a) The said Alexander Ogilvy Cheape shall have the sole and exclusive right of digging shells in the shell pits near the mouth of the river Eden in the part of the Links which is situated between the Swilcan Burn and the river Eden together with right of access to the said pits through the aforesaid part of the Links but that only for the purpose of taking away the said shells:

(b) The trustees shall not erect any buildings or structures of any kind whatsoever on the aforesaid part of the Links other than wooden erections as shelters for golfers:

(c) The said Alexander Ogilvy Cheape may lay drains or sewers from the estate of Strathtyrum through the aforesaid part of the Links at his own expense but without being liable to pay any compensation or wayleave:

Provided that all such drains and sewers shall so far as reasonably practicable be carried under the surface of the ground and that the said Alexander Ogilvy Cheape shall properly fill up level and returf the track in which any such drains or sewers shall be laid:

(d) The said Alexander Ogilvy Cheape and his family and guests resident for the time at Strathtyrum House shall have free right without payment at all times and in all time coming to be admitted to the aforesaid part of the Links and (subject to the byelaws or rules for the time being in force applicable to golf players) to play golf on any of the present golf courses or on any new course that may be formed by the trustees on the aforesaid part of the Links.

30. The St. Andrews Links Act 1894, Part IV of the St. Andrews Burgh Extension and Links Order 1913 and the St. Andrews Links Orders 1924, 1932, 1946 and 1967 are hereby repealed.

31. All costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Town Council.

Costs of  
Order.

## SCHEDULES

## SCHEDULE 1

## PART I

## DESCRIPTION OF LINKS

The lands and other property situated partly in the burgh of St. Andrews and partly in the landward area of the County of Fife within the area delineated and coloured green on the signed map and bounded as follows:—

Commencing at the junction of Golf Place and Links Road thence northwards along the west side of Golf Place to its junction with The Scores thence following the road round the Bruce Embankment including the said road but excluding the clubhouse of the Royal and Ancient Golf Club as far as the bridge over the Swilcan Burn thence northwards and north-westwards following the line of the high-water mark of ordinary spring tides in St. Andrews Bay to the high-water mark of ordinary spring tides in the river Eden or estuary thereof thence westwards and south-westwards following the line of the said high-water mark in the said river or estuary to the north-west corner of the Eden Golf Course thence in a southerly direction to the south side of the former railway line thence eastwards along the south side of the former railway line to the point where it crosses the Mussel Road thence south-eastwards along the north side of the Mussel Road to the west boundary of the grounds of Pilmour Cottage thence along the south side of the Mussel Road to the northmost corner of the Eden practice field but excluding Pilmour Cottage and grounds thence south-westwards along the west boundary of the Eden practice ground to the public road thence south-eastwards along the south boundary of the Eden practice ground and the north side of the Old Guardbridge Road to the former railway line at the entrance to the Old Course Hotel but excluding the said hotel and grounds thereof thence eastwards along the south side of the Old Station Road to its junction with Links Road and thence eastwards along the south side of Links Road to the point of commencement.

## PART II

## DESCRIPTION OF LINKS WATER SUPPLY

The reservoir situated at Cairnsmill near St. Andrews with the right to abstract water from the Cairnsmill Burn and all pipes and apparatus wherever situated conveying the said water to the Links.

**SCHEDULE 2**

**PARTS OF LINKS TO BE UNDER CONTROL OF LOCAL AUTHORITY EXCEPT  
WHEN LINKS CLOSED FOR GOLF COMPETITIONS**

1. Links Road, Bruce Embankment Road and West Sands Road.
2. Bruce Embankment Putting Green.
3. Bruce Embankment Car Park.
4. West Sands Car Park (but not including the car parks at the New and Jubilee Golf Courses).
5. West Sands Refreshment Kiosks.
6. Bruce Memorial Shelter and shelter at east end of Bruce Embankment.
7. Public toilets at the Bruce Embankment, the old Bathing Shelter and the West Sands Road (third roundel).

SCHEDULE 3

REGULATIONS APPLICABLE TO PLAY AND THE ORDER OF STARTING

First During the months of August and September in each year the ordinary ballot for places on the Old Course (hereinafter referred to as "the ordinary ballot") shall be in force for a period of not less than eight continuous hours daily and shall begin at 8 a.m. and terminate at 4 p.m. on each day.

Second During the month of August in each year the starting places on the Old Course between 10 a.m. and 11 a.m. and also between 2 p.m. and 3 p.m. and during the month of September in each year the starting places on the Old Course between 9.18 a.m. and 10.48 a.m. and also between 1.30 p.m. and 3 p.m. (Thursday afternoons and Saturday afternoons excepted) may be applied for only by and shall be reserved exclusively for ordinary and life members of the Club. No ordinary or life member of the Club shall be entitled (except on Thursday afternoons and Saturday afternoons) to apply directly or indirectly during the said months of August and September for any other number in the ordinary ballot for places on the Old Course than the said starting places above mentioned. And in the said months of August and September all the numbers and starting places on the Old Course during the hours of the ordinary ballot other than those above mentioned may (except on Thursday afternoons and Saturday afternoons) be applied for only by and shall be reserved exclusively for golfers other than ordinary and life members of the Club. Notwithstanding the provisions of this Article but without prejudice thereto it is hereby provided—

- (1) that during the months of August and September ordinary and life members of the Club may start during the hours of the ordinary ballot which are reserved as aforesaid for golfers other than ordinary and life members of the Club provided always that the first teeing ground of the Old Course is vacant at the actual time of starting and that no person having a preferential right of starting as hereinbefore reserved is ready to start;
- (2) that on the other hand golfers other than ordinary and life members of the Club may in the said months start during the hours of the ordinary ballot reserved for the Club as aforesaid provided always that the first teeing ground of the Old Course is vacant at the actual time of starting and that no ordinary or life member of the Club is ready to start;
- (3) that ordinary and life members of the Club who during the said months have secured places in the ordinary ballot during the hours reserved for them as aforesaid may associate with themselves not more than two golfers other than ordinary or life members of the Club in actual play in a match or game provided that not more than four players shall take part in each such match or game and that not less than two ordinary or life members of the Club shall play therein; and

- (4) that golfers other than ordinary and life members of the Club who during the said months have secured places in the ordinary ballot during the hours reserved for such golfers as aforesaid may associate with themselves not more than two ordinary or life members of the Club in actual play in a match or game provided that not more than four players shall take part in each such match or game and that not less than two golfers other than ordinary or life members of the Club shall play therein.

Third Provided that notice shall be given to the person in charge of ballot not later than 3 p.m. on the previous day the proprietor of Strathtyrum or the tenant of Strathtyrum House and their respective families and guests resident for the time being at Strathtyrum House shall be entitled each day to three starting places in the forenoon and to three starting places in the afternoon excepting in the case of the Old Course during the months of August and September the said starting numbers which are reserved for the Club as aforesaid. These places six in all may in the option of the said proprietor or tenant and their respective families and guests resident as aforesaid be taken on any one course or partly on one course and partly on any one or more of the other courses.

Fourth The ordinary and life members of the Club in addition to the provisions in their favour as hereinbefore provided shall in the Club's spring and autumn medal weeks in each year have a preference in starting on the Old Course on each day up to and including the hour of 1 p.m. of the Thursday in each of the said weeks provided that all places on the Old Course not taken by ordinary and life members of the Club during the said periods in the said medal weeks shall be available for golfers other than ordinary and life members of the Club.

Fifth Alternate starting places on the Old Course shall on every Thursday afternoon and every Saturday afternoon throughout the year be reserved for local golfers i.e. artisans and those whose occupation debars them from playing except on these afternoons.

Sixth Ordinary and life members of the Club shall be entitled to claim alternate starting places on the New Course except—

- (1) on Sundays; and
- (2) during the times reserved exclusively for them on the Old Course in terms of the second paragraph of this Schedule.

SCHEDULE 4

ALTERATION OF EXISTING BYELAWS

The existing byelaws shall have effect subject to the following alterations, namely:—

In regulation 20 delete “ Green Committee ” and substitute therefor “ Management Committee ”;

In regulation 21 delete “ Town Council or the Town Links Committee ” and substitute therefor “ Management Committee ”;

In regulation 24 delete “ Town Council ” in the two places where it occurs and substitute therefor “ Management Committee ”;

In regulation 25 delete “ by the Town Council ”;

In regulation 27 delete “ the St. Andrews Burgh Extension and Links Order 1913 ” and substitute therefor “ the St. Andrews Links Order 1974 ”;

In regulation 28 delete “ Town Council ” in the two places where it occurs and substitute therefor “ Management Committee ”;

In regulation 29 delete “ Town Council ” and substitute therefor “ Management Committee ”;

In regulation 31 delete the words from “ the Green Committee . . . ” to “ . . . of the Town Council ” and substitute therefor “ the Management Committee may ”;

Delete the heading “ Applicable to the whole Links of St. Andrews as described in the First Schedule . . . etc.) ”;

In regulation 32 delete “ by any officer of the Town Council or ”; in the same regulation delete “ Green Committee ” and substitute therefor “ Management Committee ”;

In regulation 33 delete “ Town Council ” and substitute therefor “ Management Committee ”;

In regulation 41 delete “ Town Council ” and substitute therefor “ Management Committee ”;

In regulation 42 delete “ Town Council ” and substitute therefor “ Management Committee ”;

In regulation 43 delete “ Town Council ” in the two places where it occurs and substitute therefor “ Management Committee ”;

In regulation 46 delete “ Town Council or the Green Committee of the St. Andrews Links ” and “ Town Council for the said Green Committee ” and substitute for each phrase “ Management Committee ”;

In regulation 59 in the last line delete “ Treasurer of the Town Council ” and delete “ Town Council ” in the two other places where it occurs and substitute for each phrase “ Trustees ”;

In regulation 64 delete “ Town Council or the Green Committee of St. Andrews Links ” and substitute therefor “ Management Committee ”.

PRINTED IN ENGLAND BY OYEZ PRESS LIMITED

FOR C. H. BAYLIS, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

17p net

ISBN 0 10 510374 8