City of Edinburgh Council (Leith Links and Surplus Fire Fund) Bill

Bill Number: SP Bill 37
Introduced on: 5 September 2013
Introduced by: City of Edinburgh Council
Passed: 18 February 2014
Royal Assent: 27 March 2014

Passage of the Bill

The City of Edinburgh Council (Leith Links and Surplus Fire Fund) Bill [SP Bill 37] was introduced in the Parliament on 5 September 2013. The Bill is a private bill and is subject to different procedures than a public bill. The City of Edinburgh Council (Leith Links and Surplus Fire Fund) Bill Committee (the Committee) was established on 18 September 2013.

The 60 day objection period ran from 5 September 2013 to 4 November 2013. No objections were received. The Committee published its preliminary stage report on 16 December 2013. The preliminary stage debate took place on 21 January 2014. Following this, the Bill entered the consideration stage and the Committee’s final consideration of the Bill took place on 30 January 2014. The Final Stage debate took place on 18 February 2014.

Purpose and objectives of the Bill

The Bill has two distinct objectives:

1. to allow for the erection of a statue of John Rattray (a leading 18th Century golfer) on Leith Links in Edinburgh; and

2. the modernisation, transfer and dissolution of the Surplus Fire Fund – a registered Scottish Charity set up to provide awards in relation to injury and meritorious service connected to fires in Edinburgh
Provisions of the Bill

Leith Links

The Bill relates to a proposal by the Leith Rules Golf Society\(^1\) to erect a statute of John Rattray (a leading 18\(^{th}\) Century golfer) on Leith Links in Edinburgh where it is claimed that the first recorded rules of the game of golf were created. The location for the statue is the site of the former first hole of the old Leith Links golf course.

The problem confronted by this plan was that section 22 of the Schedule to the City of Edinburgh District Council Order Confirmation Act 1991 (the 1991 Act) prohibits the construction of buildings on Leith Links other than those which fall into certain permitted categories.

Monuments or statues are not permitted under the 1991 Act. Section 1 of the Bill therefore amends section 22 of the Schedule to the 1991 Act so that the erection of a statue of John Rattray on Leith Links is no longer prohibited. Other existing building restrictions in the 1991 Act remain in place.

Surplus Fire Fund

The Surplus Fire Fund (“the Fund”) dates back to a series of fires which occurred in Edinburgh’s High Street in 1824. In its current form, the Fund is constituted under the Edinburgh Corporation Order Confirmation Act 1927 (the 1927 Act) as amended. The Fund is vested in the City of Edinburgh Council (the Council), as sole trustee.

The main aim behind the Bill is to revitalise the Fund, which is apparently little used by individuals. This involves: expanding the charitable purposes for which its assets can be applied (section 2); transferring the property, rights, interests and liabilities of the Fund (section 3) to the Edinburgh Voluntary Organisations Trust (EVOT);\(^2\) and then dissolving the Fund (section 5). The Bill also places certain restrictions on EVOT’s actions in relation to the fund (section 4).

Parliamentary consideration

Leith Links

As regards Leith Links, issues were raised at the preliminary stage in relation to: the funding for the statute of John Rattray; the local consultation which had been carried out; the maintenance of the statute; the design of the statue/the possibility of metal theft occurring; and whether the Private Bill process was necessary.

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\(^1\) The Leith Rules Golf Society is an organisation formed in 2002 with the aim of increasing recognition of Leith as the home of the first recorded written rules of golf

\(^2\) EVOT is a registered Scottish charity with a history of managing various grant programmes and funds in Edinburgh
As regards the Fund, issues were raised at the preliminary stage in relation to: the need for a Private Bill; the work carried out by EVOT; the goals behind expanding the Fund’s charitable purposes; and the consultation carried out by the Council.

No amendments were dealt with at the consideration stage and the Bill was passed on 18 February 2014 following the final stage debate.

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