

[11 & 12 GEO. 5.] *Grangemouth and* [Ch. cxi.]
Stirling Water Order Confirmation Act, 1921.



CHAPTER cxi.

An Act to confirm a Provisional Order under the A.D. 1921.
Private Legislation Procedure (Scotland) Act
1899 relating to Grangemouth and Stirling
Water. [19th August 1921.]

WHEREAS His Majesty's Secretary for Scotland has
made the Provisional Order set forth in the schedule
hereunto annexed under the provisions of the Private 62 & 63 Vict.
Legislation Procedure (Scotland) Act 1899 and it is c. 47.
requisite that the said Order should be confirmed by
Parliament:

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

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

2. This Act may be cited as the Grangemouth and Short title.
Stirling Water Order Confirmation Act 1921.

A.D. 1921.

SCHEDULE.

GRANGEMOUTH AND STIRLING WATER.

Provisional Order to transfer to and vest in the Town Council of Grangemouth and the Stirling Waterworks Commissioners a portion of the waterworks of the said Town Council to provide for the use and management of the works and for the water supply from the same to authorise the Stirling Waterworks Commissioners to make and maintain additional works to acquire additional lands to borrow money and for other purposes.

WHEREAS the provost magistrates and councillors of the burgh of Grangemouth (hereinafter called "the Town Council") being the local authority within the said burgh under the Burgh Police (Scotland) Acts 1892 to 1911 and the Public Health (Scotland) Act 1897 and incorporated under the Town Councils (Scotland) Act 1900 have constructed under the powers of the Grangemouth Water Order 1903 as amended and extended by the Grangemouth Waterworks and Burgh Extension Order 1905 the waterworks in the said Orders mentioned:

And whereas part of the said waterworks consists of a reservoir on the stream known as the Bannock Burn together with the subsidiary works connected therewith all which are hereinafter referred to as "the reservoir":

And whereas by the Stirling Waterworks Act 1848 the Stirling Waterworks Commissioners (hereinafter called "the Commissioners") were constituted and authorised to supply water within the royal burgh of Stirling and the suburbs thereof within the limits mentioned in the said Act:

And whereas by the Stirling Waterworks Amendment Act 1864 the Stirling Waterworks Amendment Act 1881 the Stirling Waterworks Act 1893 and the Stirling Corporation Order 1901 further powers were conferred upon the Commissioners and the limits of water supply were enlarged so as to include the parliamentary burgh of Stirling and the parishes of Stirling Saint Ninians

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and Logie so far as the said parishes are without the said burgh: A.D. 1921.

And whereas by the Bridge of Allan Water Order 1919 that part of the parish of Logie comprised within the burgh of Bridge of Allan and included within the then limits of the water supply of the Commissioners was excluded from the limits of the water supply of the Commissioners:

And whereas owing to the increase of population and the expansion of industrial enterprise within the royal burgh of Stirling and the adjacent district the existing sources of supply and the existing waterworks are inadequate:

And whereas it would be of local and public advantage if the Commissioners were empowered to obtain an additional supply of water from the waterworks of the Town Council and for that purpose to become joint owners with the Town Council of the reservoir as hereinafter in this Order provided and to acquire the other lands and construct and maintain the other works in this Order described:

And whereas it would also be of public and local advantage if the Town Council and the Commissioners were empowered to enter into and carry out an agreement providing that the reservoir shall to the extent and effect hereinafter mentioned be vested jointly in both for their joint use and benefit and both parties have agreed accordingly in that behalf:

And whereas it is expedient that powers should be conferred on the Commissioners for the purchase of lands and the construction of works as hereinafter in this Order provided:

And whereas estimates have been prepared by the Commissioners for the purchase of lands and the execution of the works by this Order authorised and such estimates are as follows:—

	£
Purchase of lands and servitudes - -	500
Trunk mains and conduits - - -	21,500
Tank and filter beds - - -	26,500
Road diversion - - -	1,500
	£50,000

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And whereas the several 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 that powers should be conferred on the Commissioners to levy rates and assessments and to borrow further moneys as in this Order provided :

And whereas plans and sections showing the lines and levels of the works authorised by this Order and the lands proposed to be taken for the purposes thereof and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited in the office at Stirling of the principal sheriff clerk of the county of Stirling and such plans sections and book of reference are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes of this Order cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1899 :

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

Short title and commencement.

1. This Order may be cited as the Grangemouth and Stirling Water Order 1921 and shall (unless otherwise in this Order provided) come into operation on the date of the passing of the Act confirming the same which date is in this Order referred to as “the commencement of this Order.”

Division of Order into Parts.

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

Part I.—Preliminary.

Part II.—Transfer to and vesting of Reservoir in the Town Council and the Commissioners.

Part III.—Construction of Works by the Commissioners.

Part IV.—Miscellaneous.

PART I.

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PRELIMINARY.

3. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the context repugnant to such construction. And the following words and expressions have the several meanings in this section assigned to them (that is to say):—

Interpre-
tation.

“The Town Council” means the provost magistrates and councillors of the burgh of Grangemouth for the time being;

“The Commissioners” means the Stirling Waterworks Commissioners;

“The reservoir” means and shall include the reservoir of the Town Council constructed on the Bannock Burn under the powers of the Grangemouth Water Order 1903 and the Grangemouth Waterworks and Burgh Extension Order 1905 and the whole of the existing works constructed inside the existing fences surrounding such reservoir together with the waterman’s house the screening and measuring chamber the access roads and bridges gates and fences but excluding the supply pipes leading from such measuring chamber;

“The recited Acts” means the Stirling Waterworks Acts 1848 to 1893 and the Stirling Corporation Order 1901.

4. The following Acts and parts of Acts (so far as the same respectively are applicable to the purposes of and are not inconsistent with this Order) are hereby (except where expressly varied by this Order) incorporated with this Order. This Order shall be deemed to be a special Act within the meaning of those Acts:—

Incorporation of Acts.

(1) The Lands Clauses Acts:

(2) The Waterworks Clauses Act 1847 except—

(A) Sections 44 45 46 and 47 thereof with respect to communication pipes to be laid by the undertakers;

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(B) Sections 68 69 70 71 and 72 thereof with respect to the payment and recovery of the water rates ;

(C) Sections 75 76 77 78 79 80 81 and 82 thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit ;

(D) Section 83 thereof with respect to the yearly receipt and expenditure of the undertakers :

- (3) The Waterworks Clauses Act 1863 :
- (4) The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said clauses and provisions "the Company" means the Commissioners "the railway" means the works authorised by this Order and "the centre of the railway" means any part of these works :
- (5) The Commissioners Clauses Act 1847 with the exception of sections 20 to 25 28 to 33 45 49 50 84 86 and 87 thereof.

PART II.

TRANSFER TO AND VESTING OF RESERVOIR IN THE TOWN COUNCIL AND THE COMMISSIONERS.

Reservoir to belong to Town Council and Commissioners in certain proportions.

5. Subject to the provisions and the conditions of this Order as from the fifteenth day of May one thousand nine hundred and twenty-one the reservoir shall be and is hereby transferred from the Town Council to and vested in the Town Council and the Commissioners and shall be held by and belong to them in the following undivided proportions so that two-third shares thereof shall belong to the Town Council and one-third share thereof shall belong to the Commissioners Provided that the title of the reservoir as registered in the Division of the General Register of Sasines applicable to the county of Stirling shall remain in the name of the Town Council Provided further that the said respective proportions of two-thirds and one-third shall in case of the happening of the events

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referred to in the section of this Order the marginal note of which is "Extension of reservoir" be subject to the revision and variation therein provided for. A.D. 1921.

6. A plan showing the reservoir having been signed in quintuplicate by Philip Francis Wood senior counsel to the Secretary for Scotland under the Private Legislation Procedure (Scotland) Act 1899 one copy thereof shall be deposited within one month after the commencement of this Order in the office of the Secretary for Scotland another copy in the office of the Clerk of the Parliaments another copy in the Private Bill Office of the House of Commons another copy with the clerk to the Town Council and another copy with the clerk to the Commissioners. Plan of reservoir.

7.--(1) The Commissioners shall pay to the Town Council the capital sum of forty-seven thousand and sixty-seven pounds by seventy equal half-yearly instalments of six hundred and seventy-two pounds seven shillings and eightpence payable out of the rates and revenues of the Commissioners at the terms of Martinmas and Whitsunday in each year the first of which instalments shall be paid at Martinmas one thousand nine hundred and twenty-one. Financial provisions.

(2) The Commissioners shall pay to the Town Council interest on the said capital sum of forty-seven thousand and sixty-seven pounds or on such proportion thereof as shall from time to time remain due at such a rate of interest as shall correspond to the average rate for the time being at which the Town Council have borrowed the moneys required to meet the costs of their water undertaking which interest shall be paid half-yearly at the terms of Martinmas and Whitsunday in each year beginning at Martinmas one thousand nine hundred and twenty-one for the half-year preceding Provided that if when any of the moneys so borrowed by the Town Council require renewal or replacement the Commissioners shall be able to arrange for the money so required to be borrowed at a lower rate of interest than the Town Council are able to do then the Commissioners shall be afforded an opportunity of arranging such loan or loans accordingly.

(3) Unless and until the respective shares of the Town Council and the Commissioners in the reservoir shall be revised and varied in accordance with the provisions of

A.D. 1921. — the section of this Order the marginal note of which is "Extension of reservoir" the cost of maintaining the reservoir including payment of taxes rates and administration expenses (but excluding legal and parliamentary expenses other than those by this Order expressly provided for) shall be borne as to two-thirds by the Town Council and as to one-third by the Commissioners and any such sum payable by the Commissioners to the Town Council shall be paid by half-yearly instalments at the terms of Martinmas and Whitsunday in each year commencing at Martinmas one thousand nine hundred and twenty-one.

(4) With respect to the half-yearly payments by the Commissioners to the Town Council under the provisions of this Order of principal interest taxes rates and maintenance and administration charges the expression "year" shall mean the financial year of the Town Council from the sixteenth day of May in one year to the fifteenth day of May in the succeeding year and the second instalments of such payments due at Whitsunday shall be provisionally of the same amount as at the preceding Martinmas and the total amount so payable in respect of any one year shall be exactly adjusted when the accounts of the Town Council for the year have been made up and audited.

Management
&c. of reser-
voir.

8. For the purposes of the management maintenance and user of the reservoir the following provisions shall have effect (that is to say) :—

- (1) The Town Council shall retain and undertake the management of the reservoir and shall take into consideration any suggestions made by the Commissioners to the Town Council as to the management repair improvement or extension of the same Provided that except as hereinafter in this Order provided (A) no capital expenditure shall be incurred without the consent of the Commissioners and (B) no repairs (other than ordinary maintenance) which shall exceed in cost two hundred and fifty pounds shall be executed in any one year without the like consent :
- (2) Nothing in this Order contained shall prevent the Town Council or the Commissioners from laying within the fences and along the access roads of the reservoir such additional pipe or pipes as they may require or from constructing filters and

other necessary works in and upon the area comprised in the reservoir Any such works shall be executed at the cost of the party carrying out the same and in such manner as the respective engineers of the parties may agree. A.D. 1921.

9. Subject to such of the provisions contained in the section of this Order the marginal note whereof is "Extension of reservoir" as relate to the revision and variation of the respective rights and shares of the Town Council and the Commissioners in the supply of water from the reservoir the following provisions shall apply (that is to say):— Supply of water.

- (1) The supply of water from the reservoir and its relative drainage area shall belong as to two-thirds to the Town Council and as to one-third to the Commissioners :
- (2) The Town Council and the Commissioners may each draw from the said supply of water a quantity of water equal to the respective proportions of two-thirds and one-third during each day which for this purpose shall be taken as between nine o'clock a.m. on one day and nine o'clock a.m. on the following day and in calculating the total supply of water which may be capable of being so drawn in any such day the water flowing over the weir shall be included The respective daily quantities of water which may be so drawn shall in the case of the Town Council be not less than one million four hundred and sixty-six thousand gallons and in the case of the Commissioners be not less than seven hundred and thirty-three thousand gallons Provided that if no water shall be flowing over the said weir neither party shall draw more than the said respective daily minimum quantities :
- (3) Either party may draw without payment during the months of November December and January a quantity of water in excess of the said respective proportions if and whenever the water level in the reservoir is not more than ten feet below the level of the overflow sill and may also do so at any other period of the year if in the joint opinion of their respective engineers such

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additional supply may be drawn by one party without imperilling the prospective requirements of the other party. Provided that if water is flowing over the weir either party may draw from the reservoir without payment such quantity of water as they desire if the other party have no need for their full proportionate share.

Town Council to keep records.

10. The Town Council shall keep daily records of the rainfall and of the water flowing over the weir and also of the quantities of water drawn from the reservoir by themselves and the Commissioners respectively and shall for this purpose construct under the supervision and to the satisfaction of the engineers to both parties suitable and sufficient meters gauges and other apparatus the cost of which shall be borne equally by both parties if required for the use of both parties or otherwise by the party for whose use they are required and such meters gauges and apparatus shall be regarded as part of the reservoir and be maintained as such.

Extension of reservoir.

11.—(1) The Town Council shall be entitled at any time to decide that it is necessary to increase the supply of water from the reservoir in which case they shall inform the Commissioners accordingly and subject to the obtaining of Parliamentary authority the reservoir and the supply of water therefrom shall be extended and enlarged by means of one or more of the following methods (namely):—

- (A) By raising the embankment:
- (B) By an intake on the Drumshogle Burn:
- (C) By purchasing in whole or in part the compensation water:
- (D) By any other means which may be approved by the Town Council and the Commissioners.

(2) If the Commissioners shall agree to contribute to the cost of such extension and enlargement including the cost of obtaining any necessary powers for that purpose the nature of the works required for the purpose of such extension and enlargement shall be subject to the consent of both parties and the same shall be constructed under and to their respective supervision and satisfaction. Such cost shall be borne as to two-thirds by the Town Council and as to one-third by the Commissioners and the additional water obtained by such expenditure shall belong

to the respective parties in the like proportions The reservoir as so extended shall also in the like event be vested in and be held by and belong to them in the same proportions and in the same manner as theretofore. A.D. 1921.

(3) If the Commissioners shall decide not to contribute one-third of such cost the Town Council may themselves carry out such extension or enlargement at their own expense but the Commissioners shall have the option at any time during the period of two years from and after the completion of any such extension or enlargement to agree to pay the one-third of such cost and upon payment thereof they shall stand in the same position as if they had originally agreed to bear and had paid a like proportion of such cost.

(4) If the Commissioners do not bear such proportion of such cost as hereinbefore provided then their rights and share over and in the reservoir as extended and in the supply of water as enlarged and their proportionate liability for taxes rates and maintenance and administrative expenses shall be revised and varied in the manner following (that is to say):—

(A) With respect to the proportionate shares of the respective parties of and in the reservoir as extended fresh factors shall be substituted for the proportions of two-thirds and one-third provided for by the section of this Order the marginal note whereof is "Reservoir to belong to Town Council and Commissioners in certain proportions" and such fresh factors shall commence to operate as from the beginning of the financial year of the Town Council ensuing next after the completion of any such extension and the payments by the respective parties for and on account of taxes rates and maintenance and administration charges shall be ascertained and calculated as from such date according to such substituted factors instead of in the proportions provided for by the section of this Order the marginal note whereof is "Financial provisions":

(B) With respect to the daily quantity of water to be drawn by the Commissioners from the reservoir as extended they shall be entitled to draw after

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the completion of such extension seven hundred and fifty thousand gallons per day which quantity shall represent their share in the supply of water from the reservoir as extended irrespective of whether water is flowing over the weir thereat or not and such quantity shall be substituted for the one-third share in such supply of water reserved to them by subsection (2) of the section of this Order the marginal note whereof is "Supply of water."

(5) From and after the completion of any such extension the following provisions shall be substituted for the provisions contained in subsection (3) of the section of this Order the marginal note whereof is "Supply of water" that is to say If either party desire to draw from the reservoir as extended a quantity of water in excess of the share to which they are entitled under this Order then if the other party does not require to draw their full share the party desiring to obtain such additional supply shall be entitled to draw such a further quantity of water as in the opinion of the other party can be spared and they shall pay therefor such a rate per thousand gallons as shall represent the cost of producing such water at the reservoir as extended.

(6) If any difference shall arise between the parties as to the actual works to be constructed in connexion with any such extension or as to the method and sufficiency of their execution or as to the revision and readjustment of their respective shares in the reservoir or the supply of water therefrom or of any payment or liability or otherwise as to the meaning or application of the foregoing provisions of this section the same shall be settled by arbitration as in this Order provided.

(7) Nothing in this section contained shall be deemed to confer upon the Town Council or the Commissioners power to increase the supply of water from the reservoir and if powers for that purpose be hereafter obtained from Parliament the provisions of this section shall have effect so far only as those provisions are not inconsistent with the provisions of the Act or Order whereby such powers are conferred.

12. Nothing in this Order contained shall prevent the Town Council or the Commissioners from opposing at their own expense any Provisional Order which may

As to
opposing
Provisional
Orders.

be promoted and which may affect their respective interests in the water supplies of their respective areas of supply but neither party shall be bound to support or concur in any such proceedings at the instance of the other. A.D. 1921.

13. The Town Council and the Commissioners so far as relates to their respective interests in the reservoir and other works may enter into agreements for the supply of water to any other local or public authority or authorities or for an amalgamation or amalgamations of the several water authorities in the county of Stirling Provided— Power to enter into agreements as to supply of water and amalgamations.

(a) That neither party shall compete with the other for the water supplies in the parishes of Saint Ninians and Dunipace; and

(b) That the Commissioners shall not object to the Town Council supplying water to the special water supply districts of Bannockburn and Whins of Milton and any other special water supply districts (other than that of Cambusbarron) now formed or to be formed within the said parishes.

14. Nothing in this Order shall affect the provisions with regard to compensation water contained in the Grangemouth Water Order 1903 and the Grangemouth Waterworks and Burgh Extension Order 1905. Saving as to compensation water.

15. In the event of any dispute or difference arising between the Town Council and the Commissioners or between their respective engineers as to the interpretation of the provisions of this Order or as to anything to be done or not to be done or as to any other matter arising under this Order the same shall be referred to and determined by an arbiter to be mutually appointed by both parties or failing an agreement by an arbiter to be appointed on the application of either party by the sheriff of Stirling Dumbarton and Clackmannan. Reference to arbitration.

PART III.

CONSTRUCTION OF WORKS BY THE COMMISSIONERS.

16. Subject to the provisions of this Order the Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans Power to construct works and acquire lands.

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and sections the works hereinafter described or some of them or some part or parts thereof and may purchase acquire hold enter upon take and use such of the lands delineated on the deposited plans and described in the deposited book of reference as may be required for those purposes The said works will be wholly situate within the parish of Saint Ninians and the county of Stirling and are—

- (1) A conduit or line of pipes (Work No. 1) commencing within the screening chamber situate at the north end of the reservoir on the Bannock Burn belonging to the Town Council and terminating adjacent to the existing filter beds of the Stirling Waterworks situate in inclosure 819 on the 25-inch Ordnance map (1918 edition) of the parish of Saint Ninians ;
- (2) A tank (Work No. 2) situate sixty yards to the south of the waterman's house adjacent to the existing filter beds of the Stirling Waterworks situate in inclosure 819 on the 25-inch Ordnance map (1918 edition) of the parish of Saint Ninians ;
- (3) Four filter beds (Work No. 3) adjacent to the existing filter beds of the Stirling Waterworks situate in inclosure 819 on the 25-inch Ordnance map (1918 edition) of the parish of Saint Ninians ;
- (4) A diversion (Work No. 4) of the existing access road near Touch Mollar Farm Steading commencing at a point one hundred and eighty yards or thereby measuring in a westerly direction from the eastern corner of inclosure 815 on the 25-inch Ordnance map (1918 edition) of the parish of Saint Ninians and terminating at a point four hundred and fifteen yards or thereby measuring in an easterly direction from the said point of commencement.

Power to
make sub-
sidiary works.

17. The Commissioners in addition to the foregoing works may upon the lands delineated on the deposited plans and described in the deposited book of reference make erect construct reconstruct and maintain all such aqueducts tunnels pipes mains stand-pipes meters sewers conduits drains filters filter beds tanks roads accesses

approaches ways junctions valves engines telegraphs
telephones posts wires pumps pumping stations apparatus
machinery keeper's house workmens' accommodation
buildings conveniences and appliances as may be necessary
or convenient in connexion with or subsidiary to those
works or for constructing inspecting maintaining repairing
cleansing managing and using the same but nothing in
this section shall exonerate the Commissioners from any
action or other proceeding for nuisance in the event of any
nuisance being caused or permitted by them Provided
that any telegraphs telephones posts wires and other
works shall not be used in contravention of the exclusive
privilege conferred upon the Postmaster-General by the
Telegraph Act 1869.

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18. In the construction of the works authorised by
this Order the Commissioners may deviate laterally to
any extent not exceeding the limits of deviation shown
on the deposited plans and where on any road no such
limits are shown the boundaries of such road shall be
deemed to be such limits and they may also deviate
vertically from the levels shown on the deposited sections
to any extent not exceeding five feet upwards and to any
extent downwards Provided that the Commissioners
shall not construct the embankment or wall of any
reservoir of a greater height above the general surface
of the ground than that shown on the deposited sections
in respect of the corresponding embankment or wall and
five feet in addition and that except for the purpose of
crossing over a stream bridge or culvert no part of any
pipe shall be raised above the surface of the ground
unless and except so far as is so shown on the deposited
sections.

Limits of
deviation.

19. For the purposes of and during the execution of
the several works which the Commissioners are by this
Order authorised to make and in maintaining the same
and subject to the provisions of this Order the Commis-
sioners may temporarily break up alter divert or cross
over or under or stop up any streets highways roads
lanes paths bridges railways or tramways shown on the
deposited plans and described in the deposited book of
reference and any sewers drains watercourses gas pipes
water pipes telegraphic telephonic electrical and other
mains pipes wires posts and other works in on or under
the same or in on or under any of the lands so shown and

Power to
alter roads
&c. tempo-
rarily.

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A.D. 1921. — described which they may from time to time find it expedient for any of those purposes to interfere with the Commissioners doing as little damage as possible and providing where practical a proper temporary substitute before interrupting the traffic on any such street highway road lane path bridge railway or tramway or the flow or passage of sewage gas water or electricity or telephonic communication in or by means of any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with any telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section.

Power to increase number and size of pipes &c.

20. The Commissioners may at any time and from time to time subject to the provisions of this Order and notwithstanding the expiration of the period limited for the completion of works lay down maintain use extend alter renew relay remove replace enlarge and increase the number and size of any of the aqueducts filter beds conduits mains pipes and other works of the Commissioners (other than reservoirs) from time to time in use or required for conducting filtering storing conveying and distributing water for the purposes of this Order Provided that such extension alteration enlargement or increase shall be executed only upon the lands delineated on the deposited plans and described in the deposited book of reference.

Power to acquire additional lands by agreement.

21. The Commissioners may from time to time for the purposes of this Order purchase by agreement in addition to the lands by this Order authorised to be acquired by compulsion any lands not exceeding in the whole ten acres but nothing in this Order shall exonerate the Commissioners from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section and no house or building shall be erected on any such lands other than houses or buildings which may be required in

connexion with the waterworks undertaking of the Commissioners. A.D. 1921.

22. The Commissioners shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this Order or by or in an Act of Parliament or Order confirmed by Parliament. Limiting powers of Commissioners to abstract water.

23. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Commissioners 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 the recited Acts or 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. Persons under disability may grant servitudes &c.

24.—(1) The Commissioners may in lieu of acquiring any lands for the purposes of the works authorised by this Order where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for such purposes and may give notice to treat in respect of such servitudes describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such servitudes as fully as if the same were lands within the meaning of those Acts. Power to acquire servitudes for lines of pipes.

(2) As regards any lands in respect of which the Commissioners have acquired servitudes only under the provisions of this section the Commissioners shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such servitudes have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

(3) Provided always that nothing in this section contained shall authorise the Commissioners to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Commissioners to acquire the lands in respect of which they

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For protection of county council.

25. In the execution of the works and the exercise of the powers by this Part of this Order authorised and conferred so far as they affect highways of the county of Stirling the following provisions for the protection of the county council of the county of Stirling (hereinafter referred to as "the county council") shall (except so far as otherwise agreed to between the Commissioners and the county council) have effect (that is to say):—

- (1) All conduits or lines of pipes to be laid in or along any county highway or in upon or across any county bridge shall as far as practicable be laid in such position in such highway or bridge or at the side thereof as the county council in writing under the hand of their surveyor for the district may reasonably direct:
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all county highways and county bridges opened and broken up or interfered with by the Commissioners in the exercise of the powers of this Part of this Order. Provided that the notice required by section 30 of that Act shall be not less than seven days instead of three days:
- (3) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and a short specification thereof and shall be delivered to the county council or their surveyor for the district by the Commissioners not less than in the case of a county bridge one month and in all other cases fourteen days before they commence to break or open up any county highway or interfere with any county bridge for the purpose of executing the works:
- (4) Nothing in this Order shall authorise the Commissioners to interfere with the structural part of any county bridge without the consent in writing of the surveyor of the county council

for the district which consent shall not be unreasonably withheld and may be given upon such conditions as the county council or their surveyor may reasonably determine. Provided that the said surveyor shall be deemed to have given such consent if within fourteen days after plans of the proposed works have been submitted to him he shall not have given written notice to the Commissioners objecting thereto:

- (5) All works shall be so executed by the Commissioners as not to stop the traffic and so far as reasonably practicable not in any way to impede or interfere with the traffic on any highway or over any county bridge or the approaches thereto:
- (6) The county council or the central district committee of the county council shall not except in the case of their negligence be liable for or in respect of any damage or injury done to any work of the Commissioners by reason of such work being laid at a depth below the surface of any highway insufficient for its protection from injury arising from the reasonable use of any steam or other roller or traction engine for the repair of such county highway or from the passage of the traffic on such highway or in repairing any county bridge or the approaches thereto:
- (7) For the purposes of section 57 of the Roads and Bridges (Scotland) Act 1878 the Commissioners shall be deemed to be the person by whose order any excessive weight shall have been passed or any extraordinary traffic conducted on the county highways in connexion with the execution of the works by this Part of this Order authorised:
- (8) If any difference arise between the county council or the central district committee of the county council and the Commissioners touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be determined by a single arbiter to be

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mutually agreed upon by the parties and failing agreement to be appointed by the sheriff of Stirling Dumbarton and Clackmannan on the application of any of the parties.

Power to hold lands to prevent fouling of water.

26. The Commissioners may hold any lands acquired by them under the powers of the recited Acts or this Order and the Commissioners may by agreement purchase or acquire and hold or may take on lease any other lands rights or servitudes or restrictions over any lands which the Commissioners may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or of obviating danger of contamination of the water in the gathering grounds of any reservoir belonging to the Commissioners or for the protection of their waterworks against nuisance contamination encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the Commissioners shall not create or permit a nuisance and shall not erect any buildings on such lands while so held except offices and buildings for persons in their employ and such buildings as may be incident to or connected with the water supply authorised by the recited Acts and this Order and the Commissioners shall have power to let such lands for such periods and on such terms and under such conditions and restrictions as to the Commissioners may seem necessary for the purposes aforesaid.

Power to use lands already acquired.

27. The Commissioners may use for the purposes of this Part of this Order any lands or property already acquired for the purposes of the recited Acts and which are not required for the purposes for which the same were originally purchased.

Period for compulsory purchase of lands.

28. The powers for the compulsory purchase of lands by the Commissioners for the purposes of this Part of this Order shall cease after the expiration of three years from the commencement of this Order.

Period for completion of works.

29. If the works by this Order authorised are not completed within eight years from the commencement of this Order then on the expiration of that period the powers granted to the Commissioners for making and completing the same or otherwise in relation thereto

shall cease except as to so much thereof as is then completed. A.D. 1921.

30.—(1) The Commissioners may from time to time for the purposes of the recited Acts and this Part of this Order borrow on mortgage and security of their undertaking and clear revenues of the lands and property connected therewith and of the rates and rents leviabie under the recited Acts and this Order any sums not exceeding in the whole the sum of fifty-five thousand pounds in addition to the moneys borrowed or authorised to be borrowed by them under the recited Acts and if after having borrowed the sums of money by this Order and the recited Acts authorised or any part thereof the Commissioners shall pay off the same or any part thereof otherwise than by means of the sinking fund provided by the recited Acts or of the proceeds of the sale of surplus lands or other moneys in the nature of capital not being borrowed moneys the Commissioners may again borrow the amount so paid off and so from time to time. Provided that all moneys so reborrowed shall for the purpose of repayment be deemed part of the sum originally borrowed and shall be repaid within the period prescribed for the repayment of the money in lieu of which such reborrowing has been made.

Power to borrow money.

(2) The whole provisions of the recited Acts with reference to the borrowing of money application and repayment of borrowed money shall mutatis mutandis apply to moneys borrowed under this Part of this Order. Provided that the prescribed period for the repayment of the moneys borrowed under the authority of this Part of this Order shall be forty years from the date or dates of borrowing the same.

31. The Commissioners may apply for the purposes of this Order to which capital is properly applicable any money already borrowed or which may be borrowed by them for the purposes of the waterworks undertaking of the Commissioners which is not required for the purposes for which the same was borrowed.

Power to apply funds.

PART IV.

MISCELLANEOUS.

32. All the rights acquired by and the obligations imposed on the Commissioners under this Order and the

Works &c. to form part

[Ch. cxi.] *Grangemouth and Stirling Water Order Confirmation Act, 1921.* [11 & 12 GEO. 5.]

A.D. 1921. works authorised to be made and maintained and the lands acquired thereunder shall for all purposes whatsoever form part of the waterworks undertaking of the Commissioners authorised by the recited Acts and this Order and all the powers and provisions of the recited Acts shall extend and apply accordingly.

Costs of Order.

33. The costs charges and expenses of and incident to the preparing for applying for obtaining and confirming this Order and otherwise in relation thereto shall be paid in equal proportions by the Town Council out of the capital or revenue of their water undertaking and by the Commissioners (save that so much of the fees of the engineers and the cost of the preparation of parliamentary plans and books of reference as are applicable to works which are executed by either party alone shall be paid by such party) All which first-mentioned costs charges and expenses shall be apportioned between the respective parties and in default of agreement shall be settled by arbitration Provided that if any part of the said costs charges and expenses be paid out of borrowed money the same shall be repaid out of revenue within five years after the commencement of this Order.

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