



CHAPTER cvii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Perth Corporation Water. A.D. 1926.
[15th December 1926.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63
Vict. c. 47.

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

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

2. This Act may be cited as the Perth Corporation Water Order Confirmation Act 1926. Short title.

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SCHEDULE.

PERTH CORPORATION WATER.

Provisional Order to authorise the construction of additional waterworks for the city and royal burgh of Perth to confer further borrowing powers for the purposes of the water undertaking of the city and for other purposes.

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Perth (hereinafter called "the Corporation") are vested with the municipal and police administration of the said city and royal burgh (hereinafter called "the burgh") and are the local authority within the burgh under the Public Health (Scotland) Act 1897 and are also the owners of the water undertaking of the burgh :

And whereas the existing water supply of the burgh is mainly derived from an intake in the River Tay and such supply is now insufficient for the wants and conveniences of the present population and the trade and manufactures of the burgh :

And whereas by the Perth Corporation (Waterworks &c.) Order 1921 power was obtained to provide a new and additional supply of water by another intake in the River Tay at a point above the city and by conduits and lines of pipes :

And whereas the works authorised by the said Perth Corporation (Waterworks &c.) Order 1921 have not been proceeded with and it is now desired to amend the scheme proposed by the said Order and for that purpose to construct and maintain the works hereinafter described :

And whereas the aggregate moneys authorised to be borrowed by the Perth Water Acts 1877 to 1921 in connection with and for the purposes of the water undertaking of the Corporation amount to two hundred and thirty-six thousand eight hundred and seventy-five pounds which amount has been or is in course of being

borrowed to the extent of ninety-nine thousand and eighty-five pounds and it is expedient to authorise the Corporation to borrow additional money for the purpose of the waterworks by this Order authorised and for the general purposes of their water undertaking as hereinafter provided : A.D. 1926.

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

	£
Purchase of lands and servitudes - - - - -	2,800
Intake collecting conduit filter tunnels and relative works - - - - -	10,500
Trunk mains - - - - -	59,020
Reservoir embankments and relative works - - - - -	27,000
Subsidiary works - - - - -	1,680
	£101,000

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 the Corporation should be authorised to borrow and raise money for the purposes of the waterworks by this Order authorised and for the other purposes of this Order and to levy rates and assessments as in this Order provided :

And whereas it is expedient that the further powers and provisions hereinafter in this Order contained should be conferred on the Corporation and made as by this Order provided :

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Order and the lands proposed to be taken for the purposes thereof and of this Order and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands houses and other property required or which may be taken for the purposes or

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A.D. 1926. — under the powers of this Order were duly deposited with the sheriff clerk of the county of Perth at his office in Perth and are hereinafter referred to as the deposited plans sections and book of reference :

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

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

Short title and citation of Acts.

1. This Order may be cited for all purposes as the Perth Corporation Water Order 1926.

The Perth Water Acts 1877 to 1921 and this Order may be cited as the Perth Water Acts 1877 to 1926.

Commencement of Order.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter in this Order referred to as "the commencement of this Order."

Division of Order into Parts.

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

Part I.—Preliminary.

Part II.—Waterworks.

Part III.—Lands.

Part IV.—Financial.

PART I.

PRELIMINARY.

Incorporation of Acts.

4. The Lands Clauses Acts are so far as the same are applicable for the purposes and are not varied by or inconsistent with the provisions of this Order incorporated with and form part of this Order.

This Order shall be deemed to be a special Act within the meaning of those Acts.

The Waterworks Clauses Act 1847 (except the provisions with respect to the communication pipes to be laid by the undertakers and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and also with the

exception of clauses 68 70 71 72 and 88 thereof) and the Waterworks Clauses Act 1863 and the 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 with respect to the crossing of roads or other interference therewith are (except where expressly varied by this Order) incorporated with and form part of Part II. of this Order Provided that sections 25 and 26 of the Railways Clauses Consolidation (Scotland) Act 1845 shall be read so as to apply to the construction of the conduits or lines of pipes by this Order authorised and the prescribed limits shall be two hundred yards from every or any part of the respective works. A.D. 1926.

5. In this Order terms words and expressions to which meanings are assigned by the Perth Water Act 1877 and the Acts wholly or partially incorporated with this Order shall subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Order the following words and expressions have for the purposes of this Order the meanings hereby assigned to them (that is to say):— Interpretation.

“The promoters of the undertaking” “the undertakers” and “the company” respectively mean the Corporation;

“The railway” means the works by this Order authorised and “the centre of the railway” means the boundaries of those works.

Further in this Order the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context inconsistent with or repugnant to such construction (that is to say):—

“Burgh” means the city and royal burgh of Perth;

“Corporation” means the lord provost magistrates and councillors of the burgh;

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

“Sheriff clerk” means the sheriff clerk of the county of Perth;

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- “The Act of 1877” means the Perth Water Act 1877;
- “The Act of 1888” means the Perth Water and Gas Act 1888;
- “The Act of 1899” means the Perth Water Police and Gas Act 1899;
- “The Order of 1904” means the Perth Corporation Order 1904;
- “The Order of 1908” means the Perth Corporation Order 1908;
- “The Order of 1921” means the Perth Corporation (Waterworks &c.) Order 1921;
- “The Water Acts” means the Water Acts as defined in the Order of 1908 and that Order and the Order of 1921 so far as they respectively relate to water and water purposes;
- “The water undertaking” means and comprehends the water undertaking as defined by the Act of 1899.

PART II.

WATERWORKS.

Power to
make
additional
water-
works.

6. Subject to the provisions of this Order the Corporation may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter described wholly situate in the county of Perth (that is to say):—

- (1) An intake (Work No. 1) comprising a collecting conduit or well with ten filter tunnels connecting therewith all situate in the sand and gravel bank lying in the River Tay opposite to and to the east of the Woody or Scone Islands situate in the parish of Scone and county of Perth:
- (2) A conduit or line of pipes (Work No. 2) situate in the parishes of Scone Tibbermore and Perth all in the county of Perth commencing in the intended collecting conduit or well (Work No. 1) at the south end thereof and terminating in the well within the pumping station at the corner of Tay Street and Marshall Place in the parish

of Perth in the burgh of Perth That portion A.D. 1926.
of the conduit or line of pipes which crosses
the River Tay will be laid as a double line of
pipes :
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- (3) A sedimentation chamber (Work No. 3) wholly situate in the parish of Tibbermore in the county of Perth on the west bank of the River Tay at a point on the line of said conduit (Work No. 2) sixty-five yards or thereby northwards from the north-east corner of the field or enclosure numbered 366 on the $\frac{1}{2500}$ Ordnance survey map (second edition 1901) :
- (4) A reservoir (Work No. 4) situate partly on the lands of Atholebank and partly on the lands of Cornhill and within the fields or enclosures numbered 516 517 and 518 on the $\frac{1}{2500}$ Ordnance survey map (edition 1901) lying to the north-west of the existing reservoir known as Viewlands Reservoir such new reservoir to be formed by an embankment commencing at a point where an imaginary straight line measured in an easterly direction one hundred and seventeen yards or thereabouts from the south-west corner of said field or enclosure numbered 518 would intersect an imaginary straight line measured in a northerly direction forty-two yards or thereabouts from the north-east corner of the house called Atholebank which embankment will extend in a north-easterly direction for a distance of one hundred yards or thereabouts thence in a northerly direction in a curved line for a distance of two hundred and eighty yards or thereabouts thence in a south-westerly direction for a distance of eighty-six yards or thereabouts thence in a southerly direction in a curved line for a distance of two hundred and seventy yards or thereabouts and terminating at the commencing point before mentioned all situate in the parish of Tibbermore in the burgh of Perth :
- (5) A conduit or line of pipes (Work No. 5) situate in the parishes of Perth and Tibbermore in the burgh of Perth commencing in the pumping station at the corner of Tay Street and Marshall

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Place and terminating in the proposed reservoir (Work No. 4) at the north-west corner thereof :

- (6) A conduit or line of pipes (Work No. 6) situate in the parishes of Tibbermore and Perth in the burgh of Perth commencing in the south end of the said intended reservoir (Work No. 4) and terminating in the said existing Viewlands Reservoir on the north-west side thereof.

Application
of certain
sections of
existing
provisions
as to works.

7. The sections hereinafter specified of the Act of 1899 and of the Order of 1921 shall so far as applicable extend and apply *mutatis mutandis* to the works and reservoir by this Order authorised and to the lands to be acquired by the Corporation under the authority of this Order and to the Corporation in respect thereof in the same manner as if the said sections had been re-enacted in this Order with reference thereto (that is to say) :—

Of the Act of 1899—

- Section 6 (Power to make subsidiary works and improve existing works);
Section 7 (Limits of lateral deviation);
Section 16 (Supply to local authorities in bulk or otherwise).

Of the Order of 1921—

- Section 7 (Limits of vertical deviation);
Section 9 (Power to alter roads &c. temporarily);
Section 10 (Power to divert and impound waters);
Section 11 (For protection of conduits &c. from pollution);
Section 12 (Works below high-water mark to be subject to approval of Board of Trade);
Section 13 (Temporary discharge of water into streams);
Section 14 (Corporation may enlarge or increase number of pipes);
Section 15 (Power to lay pipes in streets not dedicated to public use);
Section 18 (Limit of powers of Corporation to abstract water);
Section 55 (Crown rights).

8. The provisions of section 20 (For protection of Caledonian Railway Company) of the Order of 1921 shall so far as applicable extend and apply mutatis mutandis to the London Midland and Scottish Railway Company and the London and North Eastern Railway Company and to the works and reservoir by this Order authorised and to the lands to be acquired by the Corporation under the authority of this Order and to the Corporation in respect thereof in the same manner as if the said section had been re-enacted in this Order with reference thereto.

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 For protection of London Midland and Scottish and London and North Eastern Railway Companies.

9. If the works authorised by this Order are not completed within six years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Corporation for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Corporation from altering renewing relaying extending enlarging or discontinuing any of their pumping apparatus filtration plant engines machinery conduits aqueducts mains pipes or conveniences at any time and from time to time as occasion requires subject to the provisions of this Order.

Period for completion of works.

10.—(1) The Corporation shall so long as any part of the water supply for the burgh is taken from the River Tay provide an adequate and efficient chlorinating plant to the satisfaction of the director of water examinations Metropolitan Water Board or such other person as the Scottish Board of Health may approve the fee of such director or other person being payable by the Corporation and such plant shall at all times be maintained in good working order and shall be so worked as to ensure that at all times the water supplied to the consumers shall be pure and wholesome.

Provisions as to chlorinating plant &c.

(2) The Corporation shall at all times employ a full time qualified water engineer who shall be approved by the Scottish Board of Health and who shall have under his direct and constant control and management the whole water undertaking including the said chlorinating plant and who shall from time to time take and submit samples of the water for bacteriological examination by a bacteriologist to be retained by the Corporation and

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(3) Any person duly authorised by the Scottish Board of Health for that purpose may at any time enter any premises pertaining to or any part of the water undertaking in order to inspect and examine the same and may inspect and examine the same and may take samples.

Works to form part of water undertaking.

11. The works by this Order authorised shall form part of the existing water undertaking of the Corporation and all the powers and provisions vested in and applicable to the Corporation by the Water Acts with reference to their water undertaking shall be and the same are hereby in so far as applicable and not inconsistent with the provisions of this Order extended and applied to the waterworks by this Order authorised.

Abandonment of certain works previously authorised.

12. The Corporation shall abandon the construction of the works authorised by section 6 (Power to make additional waterworks) of the Order of 1921.

Compensation for damage to land by entry &c. for purposes of works abandoned.

13. The abandonment by the Corporation under the authority of this Order of any portion of any works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Corporation on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Corporation to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Perth Corporation (Waterworks &c.) Order 1921.

Compensation to be made in respect of portions of works abandoned.

14. Where before the commencement of this Order any contract has been entered into or notice given by the Corporation for the purchasing of any land for the purposes of or in relation to any portions of the works authorised to be abandoned by this Order the Corporation shall be released from all liability to purchase or

to complete the purchase of any such land but notwithstanding full compensation shall be made by the Corporation to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

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PART III.

LANDS.

15. Subject to the provisions of this Order the Corporation may enter upon take and use such of the lands shown upon the deposited plans and described in the deposited book of reference as they require for the purposes of the construction and maintenance of the works by this Order authorised.

Power to
take lands.

16. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from accident or mistake he shall certify the same accordingly in duplicate and shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the sheriff clerk and a duplicate thereof shall also be deposited with the clerk of the parish council of any parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to enter upon take and use the lands and execute the works in accordance with such certificate.

Correction
of errors in
deposited
plans and
book of
reference.

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Lands for
accesses &c.

17. The Corporation may subject to the provisions of this Order acquire compulsorily or by agreement and may appropriate hold and use the lands hereafter in this section described and shown on the deposited plans and described in the deposited book of reference or some part or parts of such land (that is to say):—

Firstly—Lands situate wholly in the parish of Scone in the county of Perth within the enclosures numbered 387 392 and 420 on the 25-inch Ordnance survey map (1901 edition) of that parish;

Secondly—Lands situate in the parish of Tibbermore in the county of Perth within the enclosures numbered 174 175 176 179 and 180 and lands situate in the parish of Scone in the county of Perth within the enclosures numbered 387 and 420 on the 25-inch Ordnance survey map (1901 edition) of those respective parishes;

and use the same or any part thereof as and for accesses to Work No. 1 hereinbefore described and for the other purposes of this Order.

Application
of certain
sections of
existing
provisions
as to ser-
vitudes &c.

18. The sections hereinafter specified of the Act of 1899 and of the Order of 1921 shall so far as applicable extend and apply mutatis mutandis to the lands and servitudes to be acquired by the Corporation under the authority of this Order and to the Corporation in respect thereof in the same manner as if the said sections had been re-enacted in this Order with reference thereto (that is to say):—

Of the Act of 1899—

Section 20 (Additional lands by agreement for water purposes);

Section 21 (Power to take servitudes &c. by agreement).

Of the Order of 1921—

Section 24 (Corporation may acquire servitudes only in certain cases).

Period for
compulsory
purchase of
lands.

19. The powers of the Corporation for the compulsory purchase of lands and property required for or in connection with the works authorised by this Order shall cease after the expiration of three years from the commencement of this Order.

20. And whereas in the construction of the works authorised by this Order or otherwise in exercise of the powers of this Order it may happen that portions only of the lands and property shown on the deposited plans and numbered thereon 1 to 10 both inclusive in the parish of Scone and 1 to 10 both inclusive and 12 13 15 and 16 in the parish of Tibbermore and 1 to 41 both inclusive in the parish of Perth may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the said lands and property and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the official arbiter or other authority to be appointed under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the said properties so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested by severance or otherwise.

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Owners may be required to sell parts only of certain lands and buildings.

PART IV.

FINANCIAL.

21. The power given to the Corporation by section 28 (Power to borrow additional moneys for water undertaking) of the Order of 1921 to borrow the sum of one hundred and thirty thousand pounds for constructing the works authorised by that Order and the purchase of lands and other property and rights and servitudes under the authority of that Order and for the general purposes of the water undertaking and to borrow with the sanction of the Secretary for Scotland further sums of money for the general purposes of that undertaking is hereby repealed.

Repeal of part of borrowing powers under Order of 1921.

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Power to
borrow
additional
money.

22.—(1) The Corporation (in addition to any moneys borrowed or which they have power to borrow under and in virtue of the Water Acts as amended by this Order) may from time to time under the authority of this Order borrow on mortgage of the several rates and charges leviable by them under the provisions of the Water Acts and this Order such sums not exceeding the amounts hereinafter mentioned for the respective purposes following (that is to say) :—

- (a) In respect of the purchase of lands and servitudes and the construction of the reservoir embankments and relative works the sum of twenty-nine thousand eight hundred pounds;
- (b) In respect of the construction of the intake collecting conduit filter tunnels and trunk mains the sum of sixty-nine thousand five hundred and twenty pounds;
- (c) In respect of the subsidiary works the sum of one thousand six hundred and eighty pounds;
- (d) In respect of the general purposes of the water undertaking the sum of fifteen thousand pounds;
- (e) With the sanction of and subject to the conditions as to the period of repayment and otherwise prescribed by a Secretary of State such further sums as may be requisite for the general purposes of the water undertaking;
- (f) In respect of the costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto and also in respect of the costs charges and expenses of and incident to the preparing and applying for or otherwise in relation to the application in the year one thousand nine hundred and twenty-five for a Provisional Order in respect of the Loch Ordie Water Scheme such sum as may be necessary.

(2) The Corporation may make and grant mortgages of and over the said several rates and charges accordingly in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money by this section authorised or any part thereof the

Corporation pay off the same or any part thereof otherwise than by means of instalments or the sinking fund hereinafter mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

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23. The sections hereinafter specified of the Act of 1877 and of the Order of 1921 shall so far as applicable extend and apply mutatis mutandis to the money to be borrowed or raised by the Corporation under the authority of this Order and to the mortgages assignments or transfers of mortgages interest warrants drafts or orders and discharges to be granted in respect thereof in the same manner as if such money and such mortgages assignments or transfers of mortgages interest warrants drafts or orders and discharges had been borrowed or raised or granted under the authority of the Act of 1877 and of the Order of 1921 (that is to say):—

Application
of certain
sections of
existing
provisions
as to
mortgages
&c.

Of the Act of 1877—

- Section 113 (Forms of mortgage and transfer) and the Second and Fourth Schedules therein mentioned;
- Section 114 (Mortgages may be accompanied with interest warrants) and the Third Schedule therein mentioned;
- Section 120 (Arrears may be enforced by appointment of judicial factor);
- Section 121 (Powers and duties of judicial factor);
- Section 122 (Mortgages to be personal estate);
- Section 123 (Discharge of mortgages) and the Fifth Schedule therein mentioned.

Of the Order of 1921—

- Section 30 (Application of money borrowed or raised for water undertaking);
- Section 32 (Annual estimates to include interest on money borrowed &c.).

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Priority of
existing
securities
for money
borrowed
for water
purposes.

24. All mortgages and securities granted by the commissioners incorporated by the Act of 1877 and by the former burgh commissioners and by the Corporation in pursuance of the powers of the Water Acts before the commencement of this Order and which shall be subsisting at the commencement of this Order shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by the Corporation for moneys borrowed or raised by them in relation to the water undertaking under this Order.

Application
of water
revenue.

25. Section 33 (Application of water revenue) of the Order of 1921 is hereby repealed and subject to the provisions of the Water Acts and this Order the Corporation shall apply all moneys from time to time received by them under the powers of the Water Acts or this Order (not being money raised by borrowing for the application of which provision is otherwise made) in the manner and order following and not otherwise (that is to say) :—

(Firstly) In payment of the expenses of managing and maintaining the water undertaking including therein all expenses of and incidental to the raising levying and recovering of rates rents charges and revenues and the borrowing of moneys and also in payment of any feu duties ground annuals or other charges exigible in respect of any lands or property forming part of the water undertaking :

(Secondly) In payment of interest of money borrowed under the authority of—

- (a) The Act of 1877 ;
- (b) The Act of 1888 relating to the water undertaking ;
- (c) The Act of 1899 relating to the water undertaking ;
- (d) The Order of 1904 relating to the water undertaking ;
- (e) The Order of 1908 relating to the water undertaking ;
- (f) The Order of 1921 relating to the water undertaking ; and
- (g) This Order :

(Thirdly) In setting apart the instalments or sinking fund for paying off the money borrowed under the authority of the Water Acts and this Order: A.D. 1926.
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(Fourthly) In carrying the other powers and provisions of the Water Acts (so far as not repealed or altered) and this Order into execution:

(Lastly) The surplus (if any) from time to time shall be so applied as to facilitate the reduction of the domestic water rate the public water rate and the rates and charges fixed by special agreement for a supply of water when circumstances shall permit the same to be done.

26. The Corporation shall pay off all moneys borrowed by them under the powers of this Order (other than moneys to be borrowed with the sanction of a Secretary of State) within the respective periods following (which periods shall severally be deemed to be "the prescribed period" referred to in section 47 (Sinking fund) of the Order of 1904) (that is to say):— Periods of repayment of moneys.

- (1) As to moneys borrowed under the authority of subsection (a) of the section of this Order of which the marginal note is "Power to borrow additional money" within sixty years from the date or dates of the borrowing of the same:
- (2) As to moneys borrowed under the authority of subsection (b) of the section of this Order of which the marginal note is "Power to borrow additional money" within forty years from the date or dates of the borrowing of the same:
- (3) As to moneys borrowed under the authority of subsections (c) and (d) of the section of this Order of which the marginal note is "Power to borrow additional money" within thirty years from the date or dates of the borrowing of the same:
- (4) As to moneys borrowed under the authority of subsection (e) of the section of this Order of which the marginal note is "Power to borrow additional money" such period as shall from

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time to time be prescribed by the Secretary of State :

- (5) As to moneys borrowed for paying the costs charges and expenses referred to in the section of this Order of which the marginal note is " Costs of Order and Loch Ordie application " within five years from the commencement of this Order.

Application of certain sections of existing provisions as to borrowings &c.

27. The sections hereinafter specified of the Order of 1904 and of the Order of 1921 shall so far as applicable extend and apply mutatis mutandis to all moneys borrowed or raised by the Corporation under the powers of this Order in the same manner as if such moneys had been borrowed or raised under the powers of the Order of 1904 and of the Order of 1921 (that is to say) :—

Of the Order of 1904—

- Section 46 (Mode of repayment);
Section 47 (Sinking fund);
Section 48 (Power to Corporation to borrow on cash account);
Section 49 (Protection of lenders from inquiry);
Section 50 (Order not to restrict borrowing powers of Corporation);
Section 51 (Annual return to Secretary for Scotland with respect to sinking fund).

Of the Order of 1921—

- Section 52 (Powers of Secretary for Scotland in relation to borrowing);
Section 53 (Manner in which mortgages and deeds to be granted by the Corporation).

Public water rate to be levied.

28.—(1) From and after Whitsunday one thousand nine hundred and twenty-seven the Corporation are hereby authorised and required once in every year to assess and levy upon and from the owners of all lands and heritages within the compulsory water limits except lines and railways and railway sidings the public water rate of such sum in the pound of the full annual value of all such lands and heritages according to the valuation roll in force therein for the time being as the Corporation

shall from time to time decide Provided always that such public water rate shall not exceed twopence in the pound. A.D. 1926.

(2) Section 89 (Public water rate to be levied) of the Act of 1877 is hereby repealed as from Whitsunday one thousand nine hundred and twenty-seven.

29.—(1) Section 71 (Supply of water to railway companies and general station committee at fixed price) section 72 (Price so fixed to be in full of all payments except public water rate) and section 73 (Railway companies and station committee may take supplies of water elsewhere) of the Act of 1877 and section 19 (Amendment of section 71 of the Perth Water Act 1877) of the Order of 1921 are hereby repealed as from the date when the supply of water from the works by this Order authorised commences. Supply of water to railway companies and general station committee.

(2) The Corporation shall from the date above mentioned provide and furnish to each of the London Midland and Scottish Railway Company and the London and North Eastern Railway Company and to the Perth General Station Committee incorporated by the Perth General Station Act 1865 at such places within the water limits as defined in the Water Acts as such companies and committee respectively shall appoint and by means of communication pipes meters and other necessary and proper apparatus to be provided laid down and maintained at the cost of such companies and committee respectively sufficient supplies of water for the buildings works water tanks engines and other property belonging to or occupied by them respectively and for all other purposes for which they may respectively require supplies of water including the refreshment rooms and hotel and appurtenances thereof which are or may hereafter be erected in connection with the Perth general station but excepting other dwelling-houses upon payment at the rate of sixpence for each quantity of one thousand gallons as ascertained by meter which may be so supplied Provided always that the total amount payable to the Corporation by each of the said parties in respect of such supplies shall not in any year be less than the sums following that is to say four hundred and ninety-five pounds by the London Midland and Scottish Railway Company one

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hundred and fifty pounds by the London and North Eastern Railway Company and sixty pounds by the Perth General Station Committee although the quantities of water taken from the Corporation by the said parties respectively may not in such year be sufficient to yield the said respective sums at the aforesaid rate unless the Corporation have failed to supply the said parties respectively with quantities of water sufficient to yield the said respective sums at that rate. Provided that the before-mentioned rate and sums shall be subject to revision every ten years from the date above mentioned. Provided further that any difference arising under this section between the Corporation on the one hand and the London Midland and Scottish Railway Company the London and North Eastern Railway Company and the Perth General Station Committee or any one or more of them on the other hand shall be settled by an arbiter to be appointed on the application of the Corporation or either of the railway companies or the Perth General Station Committee by the sheriff.

(3) In consideration of the payments provided for in the immediately preceding subsection the two companies and each of them and the Perth General Station Committee and the lands and heritages belonging to and occupied by them respectively (including and excepting as in the immediately preceding subsection) shall be exempt from the domestic water rate levied from time to time by the Corporation and from all other rates and payments under the Water Acts or this Order except the public water rate not exceeding twopence in the pound of the annual value according to the valuation roll of the lands and heritages belonging to them respectively within the compulsory water limits as defined in the Water Acts other than lines of railway and railway sidings. Provided always that the said exemption shall only exist so long as the said lands and heritages remain the property of the two companies or either of them or of the said Perth General Station Committee.

(4) Nothing in the Water Acts or this Order contained shall prevent the two companies or either of them or the Perth General Station Committee from taking supplies of water otherwise than from the Corporation but they shall nevertheless pay the sums

and rates by this Order provided to be paid by them as if they took no such other supplies. A.D. 1926.

30.—(1) The agreement as set forth in the Schedule to this Order made between the Corporation and the Right Honourable Alan David Earl of Mansfield is hereby confirmed and made binding on the parties thereto and on the successors of the said Earl of Mansfield in the lands of Scone and others and North Muirton and others referred to in the said agreement or any portions thereof affected by the works or matters mentioned in the said agreement. Confirma-
tion of
agreement.

(2) References to the Earl of Mansfield in the articles of the said agreement shall be construed so as to include his successors aforesaid.

(3) Provided always that nothing contained in the said agreement shall be held to recognise or confirm any right title or claim of the said Earl of Mansfield to any foreshore or bed of the River Tay below high water mark or to any mines minerals or mineral substances therein or thereunder or to any salmon fishings in the said river but the right and title to such foreshore and river bed mines minerals and mineral substances and to such salmon fishings shall remain in the same state as if this Order had not been made.

31. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto and the costs charges and expenses of and incident to the preparing and applying for and otherwise in relation to the application for a Provisional Order in the year one thousand nine hundred and twenty-five for the Loch Ordie Water Scheme shall be paid by the Corporation out of the funds and revenues of their water undertaking or the moneys which the Corporation are by this Order authorised to borrow for the payment of the same on the security of the said funds and revenues. Costs of
Order and
Loch Ordie
application.

A.D. 1926. The SCHEDULE referred to in the foregoing Order.

AGREEMENT between THE RIGHT HONOURABLE ALAN DAVID EARL OF MANSFIELD (hereinafter referred to as "Lord Mansfield") of the first part and THE LORD PROVOST, MAGISTRATES AND COUNCILLORS OF THE CITY AND ROYAL BURGH OF PERTH (hereinafter referred to as "the Corporation") of the second part.

WHEREAS Lord Mansfield is heritable proprietor of inter alia the lands of Scone and others in the parish of Scone and the lands of North Muirton and others partly in the parish of Tibbermore and partly in the parish of Perth and county of Perth :

And whereas the Corporation have made application to the Secretary for Scotland under the Private Legislation Procedure (Scotland) Act 1899 for a Provisional Order entitled "Provisional Order to authorise the construction of additional waterworks for the city and royal burgh of Perth to confer further borrowing powers for the purposes of the water undertaking of the city and for other purposes" :

And whereas by the Order the Corporation seek statutory powers for the construction of inter alia the following works upon or affecting portions of the said lands of Scone and others and North Muirton and others belonging to Lord Mansfield videlicet :—

- (1) An intake (Work No. 1) comprising a collecting conduit or well with ten filter tunnels connecting therewith all situate in the sand and gravel bank lying in the River Tay opposite to and to the east of the Woody or Scone Islands situate in the parish of Scone and county of Perth ;
- (2) A conduit or line of pipes (Work No. 2) situate in the parishes of Scone Tibbermore and Perth all in the county of Perth commencing in the intended collecting conduit or well (Work No. 1) at the south end thereof and terminating in the well within the pumping station at the corner of Tay Street and Marshall Place in the parish of Perth in the burgh of Perth That portion of the conduit or line of pipes which crosses the River Tay will be laid as a double line of pipes ;

- (3) A sedimentation chamber (Work No. 3) wholly situate in the parish of Tibbermore in the county of Perth on the west bank of the River Tay at a point on the line of said conduit (Work No. 2) sixty-five yards or thereby northwards from the north-east corner of the field or enclosure numbered 366 on the 25100 Ordnance survey map (second edition 1901);

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all as delineated on the deposited plans and as described in the book of reference relative to the Order :

And whereas it has been agreed between the parties that provision should be made for the protection of the rights and interests of Lord Mansfield in the event of the Order passing :

Therefore notwithstanding anything to the contrary contained in the Order or in any Order therewith incorporated the parties have agreed and do hereby agree and bind and oblige themselves as follows videlicet :—

1. The powers of the Corporation for the compulsory purchase of lands servitudes wayleaves and other rights in or over lands for the purposes of the Order shall not be put in operation against Lord Mansfield provided that the Corporation shall be entitled to acquire from Lord Mansfield and Lord Mansfield shall be required to sell to the Corporation for the purposes of the Order at the price and subject to the conditions and reservations in this agreement expressed the lands servitudes and rights following videlicet :—

- (a) The whole or such part as the Corporation may require of that area of ground forming part of the said lands of Scone and others which is delineated and coloured red on the plan signed by the parties to this agreement as relative thereto within which area Work No. 1 and part of Work No. 2 are intended to be constructed Declaring that the following rights are reserved to Lord Mansfield and his lessees tenants and others having his authority and permission in so far as such rights or the exercise thereof shall not interfere with or prejudicially affect the water supply or the sources thereof or the works by the Order authorised (1) the exclusive right of salmon and other fishing in said river (2) the exclusive right of fishing sporting shooting and boating on and from said area of ground (3) the right to remove sand and gravel for estate purposes from said area of ground and (4) right of access to and passage over said area of ground for the due exercise of the rights hereby reserved and for the purpose of inspection of the works during the construction or any alteration or renewal thereof;

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- (b) A privilege of passage at such times as may be arranged but only for the purposes and during the period of the construction of the works for heavy plant and materials to and from said area delineated and coloured red on said plan by the road commonly known as the Gas Works road commencing at a point on the Perth-Stormontfield public road opposite the Scone Curling Pond and thence along the line shown coloured green on the said plan. Provided that the Corporation shall without cost to Lord Mansfield lay and during the construction of the works maintain a sleeper track along said line and on the completion of the works leave the same in situ if required free of charge ;
- (c) A perpetual servitude of access or passage to and from said area coloured red on said plan by the Sheriffton Farm service road commencing at a point on the Perth-Stormontfield public road opposite the Scone Foresters' Bothy and thence along the line shown coloured red to the point marked "A" on said plan thence from the point marked "A" to the said area coloured red by such suitable line as may be mutually agreed upon. Provided that the Corporation shall as far as reasonably possible restrict the use of this access to the conveyance of heavy plant and materials and to any other purpose connected with their water supply for which the access hereinafter provided by North Muirton Farm may be reasonably unsuitable and inconvenient ;
- (d) A perpetual servitude of passage to and from said area coloured red on said plan by the access road to North Muirton Farm commencing at a point on the Perth-Dunkeld public road at North Muirton Farm cottages and thence along the line shown coloured blue on said plan ;
- (e) A perpetual servitude of wayleave for the conduit or line of pipes Work No. 2 of said Order so far as such work passes through or over the lands of Lord Mansfield such servitude of wayleave to be within the limits of deviation shown on the Parliamentary plans lodged with said Order ;
- (f) An area of ground part of the said lands of North Muirton and others of such extent as may be necessary for the erection of the sedimentation chamber forming Work No. 3 of said Order such area of ground to be within the limits of deviation shown on said Parliamentary plans.

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2. Subject to the provisions of the immediately preceding article and to the provisions of the Waterworks Clauses Act 1847 with reference to mines and minerals all mines metals and minerals in and under said lands affected by this agreement are reserved and shall belong to Lord Mansfield.

3. The Corporation shall not be entitled to commence the construction of any part of the works or to bring or have any workmen plant or materials on any land belonging to or to be acquired from Lord Mansfield (except for the purposes of making preliminary surveys and investigations in connection with the preparation of contract plans and the letting of such contracts) unless and until they shall have first intimated to Lord Mansfield by a notice in writing signed by the town clerk of Perth their intention to proceed with the undertaking Failing such notice being given within three years after the commencement of the Order this agreement and all the powers by the Order authorised with reference to any lands belonging to Lord Mansfield shall lapse and determine except as regards Article 7 hereof.

4. Before entering upon any lands belonging to Lord Mansfield for the construction of their works thereon (other than preliminary investigations &c. as aforesaid) the Corporation shall serve upon Lord Mansfield a notice to treat specifying the lands wayleaves and other rights to be acquired by them for the purposes of the undertaking and the Corporation shall pay to Lord Mansfield such sum as may failing agreement be fixed by arbitration between the parties hereto in manner provided by the Lands Clauses Consolidation (Scotland) Act 1845 as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as in full satisfaction save as hereinafter mentioned of all claims competent to Lord Mansfield for the lands and rights to be taken or exercised by the Corporation in pursuance of this agreement and for compensation in respect thereof all in respect of the works to be constructed or powers to be exercised under the Order or this agreement which sum shall bear interest at the rate of five per centum per annum from the date of the Corporation's entry upon the said lands for the purpose of construction as aforesaid until payment.

5. The Corporation shall relieve Lord Mansfield of all claims by agricultural and other tenants or lessees expressly including tenants or lessees of salmon fishings for damage and disturbance and shall make good all damage to roadways bridges water courses water supplies pipes drains embankments dykes fences and ditches occasioned by the construction maintenance or renewal of the works by the Order authorised The Corporation shall indemnify Lord Mansfield against reduction of fishing rental for a period of ten years after the expiry of

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A.D. 1926. — the current leases in 1927 and 1928 provided such reduction of rental is shown to be due to the operations by the Order authorised In so far as the Corporation in the construction of the works authorised by this Order shall interfere with the banks of the said river they shall be bound to restore the same and thereafter for a period of three years maintain the portions so restored in good order and repair.

6. During the construction of the works by the Order authorised access for all workmen employed by the Corporation or on their behalf shall be by the right bank of said river and no such workmen shall be permitted to remain on the left bank of said river except when actually engaged on the works.

7. The Corporation shall relieve Lord Mansfield of all expenses (including stamp duties searches and revising fees) of and incident to conveyances of lands and servitude rights deeds of restriction or discharge of heritable securities and all other writs necessary for carrying out the provisions of this agreement and of this agreement.

8. Subject to the provisions of Article 3 hereof the works when begun shall be carried on with all reasonable expedition irrespective of any other part of the undertaking and shall be completed within a period not exceeding three years after the date of the notice therein referred to Provided however that should the completion of the works be delayed in consequence of the condition of the river preventing the work being proceeded with within the said period such an extension of the period above fixed shall be given as may be found necessary.

9. After the completion of the works the Corporation and their contractors and all persons employed by them shall in the maintenance renewal and use of the works carry on their operations as far as reasonably practicable in such manner and at such times as will be least injurious to the interests of Lord Mansfield and his tenants and lessees.

10. Lord Mansfield shall grant facilities for the erection of such temporary huts or stores as may be required for the carrying out of said works but such huts or stores shall only be erected on sites to be approved of by Lord Mansfield and immediately upon the completion of the works the Corporation shall remove all huts stores plant and other erections from land the property of Lord Mansfield and shall level and restore the sites thereof to the satisfaction of Lord Mansfield No erection for occupation by workmen or others employed on the works (except watchmen) shall be placed on the left bank of said river.

11. In constructing the conduit or line of pipes so far as situated upon or within lands belonging to or acquired from

Lord Mansfield the Corporation shall restore as far as reasonably practicable all ground opened or disturbed and where said conduit or line of pipes is laid on or near or above the surface of the ground the same shall be covered with earth to a sufficient depth and the slopes of any banking or cutting finished to a gradient approved by Lord Mansfield and thereafter maintained by the Corporation for a period of three years from the completion of restoration.

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12. The Corporation undertake that all pipes and conduits laid or constructed under the powers of the Order within the lands belonging to Lord Mansfield shall be so laid and constructed as not to interfere with or raise the bed of any stream ditch water-run or drain.

13. All surplus material arising from the construction or maintenance of any of the works shall be removed by the Corporation on the completion of the work or deposited on such part of Lord Mansfield's lands as he may approve.

14. Neither the Corporation nor any contractor or other person employed by the Corporation or on their behalf shall be entitled to make use of any private road or path over or within the lands belonging to Lord Mansfield nor except by agreement with Lord Mansfield enter upon or use or allow their workmen or others under their control to enter upon or use for any purpose any lands streams or private road or path over or within the lands belonging to Lord Mansfield excepting only the land and servitude rights specified in Article 1 hereof and the Corporation shall not without the consent of Lord Mansfield in writing interfere in any way by themselves or any contractor or workman employed by them or on their behalf with the bed of the River Tay above or below the limits of the area coloured red on said plan except only so far as may be necessary for the laying protecting maintaining or renewing of said conduit or line of pipes across said river.

15. The Corporation shall be bound at all times to use every reasonable precaution and means in their power to prevent trespass poaching and other disturbance or injury by any person in their employment or under their control to game and fish and to sporting and fishing rights upon within or appertaining to any lands belonging to or acquired from Lord Mansfield and shall take all reasonable means and precaution to prevent dogs guns snares traps and other implements for the capture or destruction of game ground game wildfowl or fish being brought kept or used by any person in their employment or under their control upon any lands belonging to or acquired from Lord Mansfield and if any person in the service or under the control of the Corporation or of any contractor employed by them shall be convicted or reasonably suspected of poaching or

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A.D. 1926. — trespassing or otherwise causing disturbance or injury to the lands or sporting or fishing rights of Lord Mansfield the Corporation or any contractor employed by them shall be bound on requisition in writing by Lord Mansfield instantly to dismiss such person or persons and to remove such person or persons from any lands acquired from Lord Mansfield or in the occupation of the Corporation.

16. From and after the completion of the works the Corporation's right of access to said area coloured red on said plan shall be restricted to the members of the Corporation and any duly accredited officials or workmen employed by the Corporation for all purposes strictly connected with the inspection and necessary supervision maintenance and renewal of the works and such right of access shall at all times be exercised in such a way as will cause least disturbance and injury to game and sport within the lands belonging to or acquired from Lord Mansfield and the least personal inconvenience to Lord Mansfield and his tenants.

17. In the event of the Corporation at any time or times after the completion of the works entering again upon any lands belonging to or acquired from Lord Mansfield for any purpose connected with the works other than ordinary inspection supervision maintenance or renewal the Corporation shall be liable to pay compensation to Lord Mansfield for all disturbance and other damage thereby occasioned to his lands and sporting and fishing rights and shall free and relieve Lord Mansfield of all claims at the instance of his lessees or tenants in respect of such disturbance or other damage.

18. If any difference arises under this agreement between Lord Mansfield and the Corporation such difference shall except where otherwise specially provided be determined by an arbiter to be mutually agreed upon by the parties hereto and failing agreement by an arbiter to be appointed by the sheriff of the county of Perth.

19. This agreement shall be scheduled to and confirmed by the Order and the obligations of the parties under this agreement are conditional on the passing during the session of 1926 or the session of 1927 of the Order into law confirming this agreement and making the same binding on the parties hereto And this agreement is made subject to such alterations as Parliament or the Secretary for Scotland may think fit to make therein but in the event of Parliament or the Secretary for Scotland making any material alteration therein either party may withdraw from this agreement.

In witness whereof these presents typewritten on this and the eight preceding pages are together with the plan annexed

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and signed as relative hereto executed by the parties hereto as follows videlicet They are subscribed for and on behalf of the said lord provost magistrates and councillors of the city and royal burgh of Perth and sealed with their common seal by authority and in the presence of a special meeting of the town council held within the council hall municipal buildings Perth on the Thirtieth day of June nineteen hundred and twenty-six by Thomas Dempster Lord Provost who presided over said meeting and Robert Adam town clerk both of said burgh before these witnesses Henry Douglas depute town clerk Perth and Charles Macpherson town officer Perth and they are subscribed by the said Alan David Earl of Mansfield at Perth the first day of July and year last mentioned before these witnesses David Mackenzie writer to the signet Perth and John Black Lawson clerk to Messrs. Condie Mackenzie & Co. writers to the signet Perth.

A.D. 1926.
—

DAVID MACKENZIE Witness.

MANSFIELD.

J. B. LAWSON Witness.

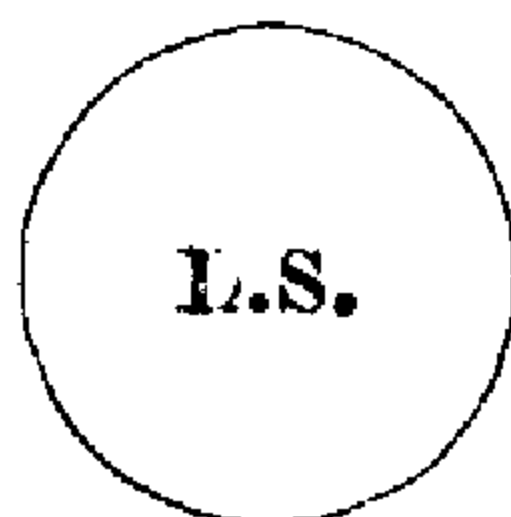
THOMAS DEMPSTER

HENRY DOUGLAS Witness.

Lord Provost.

CHARLES MACPHERSON Witness.

ROBT. ADAM Town Clerk.



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