



CHAPTER ix.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Ayr Burgh (Water &c.).

A.D. 1927.

[29th July 1927.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) 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.
16 & 17
Geo. 5. c. 18.

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

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

Confirma-
tion of
Order in
schedule.

2. This Act may be cited as the Ayr Burgh (Water &c.) Order Confirmation Act 1927.

Short title.

A.D. 1927.

SCHEDULE.

AYR BURGH (WATER &c.).

Provisional Order to authorise the Provost Magistrates and Councillors of the Burgh of Ayr to construct additional waterworks to make provision with regard to their water undertaking to confer further borrowing and financial powers upon the Corporation and for other purposes.

WHEREAS the burgh of Ayr (hereinafter called "the burgh") in the county of Ayr is under the government for municipal purposes of the provost magistrates and councillors of the burgh (hereinafter called "the Corporation"):

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

And whereas the supply of water is now derived from Lochs Finlas and Derclach and certain springs at Milton and Grange and the supply from the existing waterworks of the Corporation is inadequate to meet the present and growing demands upon their water undertaking:

And whereas it is expedient that a more abundant supply of water should be provided for use within such limits of water supply and that the Corporation should be empowered to construct additional waterworks and to acquire lands for the purposes thereof and for protecting their waterworks from pollution:

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

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And whereas it is expedient that the Corporation should be empowered to borrow further money for the purposes of the waterworks by this Order authorised and for the general purposes of their water undertaking and that the domestic water rate which the Corporation are authorised to charge and recover should be increased as hereinafter provided :

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	10,500
Reservoir and road of access	40,110
Filters and tank	23,750
Conduits and pipes :—	
Mains	135,710
Distribution	12,000
New boiler and subsidiary works	6,850

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 the powers of the Corporation to borrow money on the security of the common good under section 60 of the Ayr Burgh Act 1899 are exhausted and the powers conferred upon the Corporation by section 46 (2) (A) (ii) of the Order of 1922 are limited to the borrowing of money for slaughterhouse purposes and it is expedient that further powers in relation to the borrowing of money for the purposes of the common good be conferred upon the Corporation as in this Order contained :

And whereas it is expedient for providing better facilities in the management of the funds of the Corporation on loans account and the simplification of the accounts of the Corporation relating to borrowed money and the redemption thereof that the further powers contained in this Order in relation to the borrowing of money and the establishment of a loans fund should be conferred upon the Corporation :

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

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And whereas plans and sections showing the lines situations and levels of the several works authorised by this Order and plans showing the lands which may be taken compulsorily for the purposes or under the powers 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 such lands were duly deposited with the sheriff clerk of the county of Ayr and such plans sections and book of reference are in this Order respectively referred to as the deposited plans sections and book of reference :

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

PART I.

PRELIMINARY.

Short title and citation of Acts.

1. This Order may be cited as the *Ayr Burgh (Water &c.) Order 1927.*

The Acts of 1873 to 1922 and this Order may be cited together as the *Ayr Burgh Acts 1873 to 1927.*

Commencement of Order.

2. This Order shall (except as otherwise in this Order provided) commence and have effect on and from the date of the passing of the Act confirming this Order which date is hereinafter 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.—Water.

Part III.—Finance.

Incorporation of Acts.

4. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Order)

are hereby incorporated with and form part of this Order A.D. 1927.
(namely) :—

(1) The Waterworks Clauses Act 1847 except—

(A) So much thereof as authorises the Corporation to cut off or discontinue any supply of water for domestic purposes on account of non-payment of water rates ;

(B) The sections and provisions thereof with respect to the communication pipes to be laid by the undertakers ;

(C) Sections 68 70 71 and 72 ;

(D) Sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts ;

(2) The Waterworks Clauses Act 1863 ;

In construing the provisions of the foregoing Acts " the undertakers " " the company " and " the promoters of the undertaking " shall mean the Corporation ;

(3) The Lands Clauses Acts ;

(4) The sections 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 sections and provisions " the company " means the Corporation " the railway " means the works authorised by this Order and the works connected therewith and " the centre of the railway " means any part of those works.

This Order shall be deemed a special Act within the meaning of the provisions of the said Acts wholly or partly incorporated herewith.

5. In this Order the several words terms and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless there be something in the Interpretation.

[Ch. ix.] *Ayr Burgh* [17 & 18 GEO. 5.]
(*Water &c.*) *Order Confirmation Act, 1927.*

A.D. 1927. subject or context repugnant to such construction And
— in this Order unless the context otherwise requires—

“ The burgh ” means the municipal burgh of Ayr ;

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

“ The town clerk ” and “ the chamberlain ” mean
respectively the town clerk and the chamberlain
of the burgh for the time being ;

“ The tribunal ” means the tribunal to whom any
question of disputed purchase money or com-
pensation is referred in pursuance of the Acqui-
sition of Land (Assessment of Compensation)
Act 1919 ;

“ The sheriff ” means the sheriff of the County of
Ayr and includes his substitutes ;

“ The Act of 1873 ” “ the Act of 1885 ” “ the Act of
1899 ” “ the Order of 1904 ” “ the Order of
1908 ” and “ the Order of 1922 ” mean respec-
tively the Ayr Burgh Act 1873 the Ayr Burgh
Act 1885 the Ayr Burgh Act 1899 the Ayr
Corporation Tramways Order 1904 the Ayr
Corporation Tramways Order 1908 and the Ayr
Burgh (Tramways &c.) Order 1922 ;

“ The Acts of 1873 to 1922 ” means the Act of 1873
the Act of 1885 the Act of 1899 the Order of
1904 the Order of 1908 and the Order of 1922 ;

“ The water limits ” means the limits of supply as
defined by the Act of 1885 or any Act or Order
altering or amending the same ;

“ The water undertaking ” means the existing water-
works and water undertaking of the Corporation
and the waterworks and water undertaking
authorised by this Order ;

“ Statutory security ” means any security in which
trustees are for the time being by or under
any Act of Parliament passed or to be passed
authorised to invest trust money and any
mortgage bond debenture debenture stock stock
or other security authorised by or under any
Act of Parliament passed or to be passed of any

county council corporation or other local authority but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation; A.D. 1927.

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from any undertakings land or other property for the time being of the Corporation.

PART II.

WATER.

6. Subject to the provisions of this Order the Corporation may wholly in the county of Ayr and in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):— Power to make works.

In the parish of Straiton—

- (1) A reservoir (Work No. 1) being an enlargement of Loch Recawr commencing at a point on Slochy Lane six hundred yards or thereby below the outlet of Loch Slochy and terminating at the embankment (Work No. 2) hereinafter described;

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- (2) An embankment (Work No. 2) four hundred and forty-three yards or thereby in length commencing at a point two hundred yards or thereby north-west and terminating at a point one hundred and ninety-eight yards or thereby south by east of the centre of the Whitespout Lane at the outlet of Loch Recawr;
- (3) A catchwater (Work No. 3) commencing at a point in the stream from Loch Goosie three hundred and thirty-one yards or thereby north by west of the centre of the Whitespout Lane at the outlet of Loch Recawr and terminating at a point on the bank of Loch Recawr two hundred and fifty yards or thereby south-west from the said point of commencement;
- (4) A road of access (Work No. 4) commencing at a point in the embankment (Work No. 2) thirty yards or thereby north by west of the centre of the Whitespout Lane at the outlet of Loch Recawr and terminating at the end of the public road known as the Loch Doon Road at or near Craigmalloch Steading;
- (5) A conduit or line of pipes (Work No. 5) commencing at a point in the embankment (Work No. 2) thirty yards or thereby north by west of the centre of the Whitespout Lane at the outlet of Loch Recawr and terminating at a point one hundred and fifty yards or thereby north-west of the centre of the Garpel Burn where it discharges into Loch Doon;
- (6) A conduit or line of pipes (Work No. 6) commencing in the measuring house at Loch Finlas and terminating at a point one hundred and fifty yards or thereby north-west of the centre of the Garpel Burn where it discharges into Loch Doon.

In the parishes of Straiton and Dalmellington—

- (7) A conduit or line of pipes (Work No. 7) commencing in the parish of Straiton at a

point one hundred and fifty yards or thereby north-west of the centre of the Garpel Burn where it discharges into Loch Doon and terminating in the parish of Dalmellington at a point in the public road from Dalmellington to Ayr immediately to the north-west of Buchan's Bridge over the Cummock Burn.

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In the parishes of Dalmellington and Dalrymple—

- (8) A conduit or line of pipes (Work No. 8) commencing in the parish of Dalmellington at a point on the public road from Dalmellington to Ayr one thousand three hundred and sixty-two yards or thereby west north-west of Buchan's Bridge and terminating in the parish of Dalrymple in the existing service tank of the Corporation at Knockjarder.

In the parish of Dalmellington—

- (9) A break pressure tank (Work No. 9) situate within the enclosure numbered 499 on the $\frac{1}{2500}$ Ordnance map of the parish of Dalmellington (edition of 1909) at a point twenty-five yards or thereby east of the public road from Dalmellington to Ayr and one hundred and fifty-six yards or thereby north-east of the railway bridge at Downieston.

In the parish of Dalrymple—

- (10) A battery of filters (Work No. 10) situate within the enclosure numbered 524 on the $\frac{1}{2500}$ Ordnance map of the parish of Dalrymple (edition of 1909) and at a point thirty-two yards or thereby south-east of the existing filters of the Corporation at Knockjarder;
- (11) A clear water tank (Work No. 11) situate within the enclosure numbered 480(b) on the $\frac{1}{2500}$ Ordnance map of the parish of Dalrymple (edition of 1909) and at a point forty yards or thereby south-west of the most southerly of the existing clear water tanks of the Corporation at Knockjarder.

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Subsidiary
works.

7. In addition to the foregoing works the Corporation may upon the lands delineated on the deposited plans and described in the deposited book of reference make maintain and use all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of
deviation.

8. In the construction of the works by this Order authorised the Corporation may deviate laterally to any extent not exceeding the limits of lateral 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 in the case of the reservoir (Work No. 1) three feet upwards and five feet downwards in the case of the embankment (Work No. 2) three feet upwards and to any extent downwards and in the case of other works five feet upwards and to any extent downwards Provided as follows (that is to say) :—

The Corporation shall not construct the embankment (Work No. 2) of a greater height above the general surface of the ground than that shown on the deposited sections in respect thereof and three feet in addition;

Except for the purpose of crossing a stream or railway no part of any pipe shall be raised above the surface of the ground unless and except so far as shown on the deposited sections.

Power to
take waters.

9. Subject to the provisions of this Order the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of Loch Recawr Loch Slochy and Loch Goosie and all streams and tributaries the waters of which drain or flow into the said lochs and all such springs streams and waters as may be intercepted by the works by this Order authorised.

10.—(1) Until the date of completion of the reservoir (Work No. 1) the Corporation may take from the stream known as the Whitespout Lane at a point not more than two hundred yards below the embankment (Work No. 2) any water they may require subject to the following restrictions:—

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Compensation water.

(a) They shall place a gauge weir across the said stream at or near the proposed intake through an aperture in which six hundred and fifty-seven thousand gallons of water shall be allowed to pass every day of twenty-four hours;

(b) On any such day during such time as the flow of water in the said stream shall be less than at the rate of six hundred and fifty-seven thousand gallons per day of twenty-four hours the Corporation shall not be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the Corporation may take all or such part of the excess as they may require up to but not exceeding one million gallons in any day of twenty-four hours.

(2) After the completion of the reservoir (Work No. 1) and the embankment (Work No. 2) the following provisions shall apply:—

(a) The Corporation shall during every day of twenty-four hours discharge or deliver into the said stream at a point therein situate not more than two hundred yards below the foot of the said embankment not less than six hundred and fifty-seven thousand gallons of water in a continuous flow:

(b) For the purpose of measuring the quantity of water to be so discharged or delivered into the said stream the Corporation shall erect and maintain at a point on the said stream not more than two hundred yards below the foot of the said embankment a proper and suitable measuring gauge over or through which the said compensation water shall flow and such gauge shall be under the sole management and control of the Corporation and shall be open to the inspection and examination of all persons interested therein or of persons duly authorised by them in that behalf:

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(c) In lieu of discharging or allowing to flow down the said stream the whole of the compensation water of six hundred and fifty-seven thousand gallons per day as provided in subsection (2) (A) of this section the Corporation may allow to flow from Loch Finlas down the Garpel Burn and thence to Loch Doon in addition to the quantity of water which they are required to discharge from Loch Finlas under section 38 (Compensation water) of the Act of 1885 such part of the said compensation water as they may think fit but not exceeding four hundred thousand gallons in each day of twenty-four hours Provided that the Corporation shall continue to discharge or allow to flow down the Whitespout Lane in terms of subsection (2) (A) of this section so much of the said compensation water mentioned in that subsection as is not discharged from Loch Finlas.

(3) In case of any neglect on the part of the Corporation to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(4) If any difference arises between the Corporation and any persons so interested with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the sheriff.

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all the waters of Lochs Recawr Slochy and Goosie and the streams and tributaries flowing into the said lochs which the Corporation can divert collect impound or appropriate by means of the works by this Order authorised except in respect of any lands situate between

the foot of the embankment (Work No. 2) and the said point of discharge into the said stream. A.D. 1927.

11. Subject to the provisions of this Order the existing waterworks of the Corporation and the works to be constructed under the authority of this Order shall for all purposes whatsoever be and be deemed to be part of the water undertaking. Existing waterworks and new works to form one undertaking.

12. The Corporation may subject to the provisions of the section of this Order whereof the marginal note is "For protection of county council of county of Ayr" and with the consent of the road authority at any time for the purposes of conveying water from any of the existing waterworks of the Corporation or of the works by this Order authorised or for distributing and supplying water beyond the water limits lay down make maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway and renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road or highway and making full compensation to all persons injuriously affected by anything done under the provisions of this section Provided that the consent aforesaid of the road authority shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be referred to and determined by an arbiter to be nominated failing agreement by the sheriff on the application of either party and the decision of such arbiter shall be final Provided also that nothing in this section shall prejudice extend or affect the powers or provisions of this Order with respect to the works authorised by this Order. Laying mains on public roads.

13. For the purposes and during the execution of the several works which the Corporation are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Corporation may temporarily from time to time break up or cross over or under alter or stop up any streets highways roads lanes footways footpaths bridges passages sewers drains watercourses gas pipes and water pipes and electric Power to alter roads &c. temporarily.

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or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway road lane footway footpath bridge or passage or the flow of water gas sewage or electricity or telephonic communication in 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 further that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1926 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section. Provided also that in carrying out any works under the provisions of this section the Corporation shall provide access for passenger and vehicular traffic to the stations and depots of any railway company.

Corporation
may enlarge
or increase
number of
pipes.

14. The Corporation may from time to time subject to the provisions of this Order and notwithstanding the expiration of the period limited for the completion of the works by this Order authorised lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) mains pipes filters filter beds tanks channels and other works and conveniences from time to time in use or required for filtering storing conveying and distributing water for the purposes of the water undertaking. Provided always that such extension enlargement or increase shall be executed only on lands or property belonging to the Corporation or over which the Corporation have acquired a servitude or which may be acquired by them by agreement or in roads and streets which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes.

Corporation
to have
powers of a

15. The Corporation shall within the water limits have and may exercise for the purpose of laying water mains and pipes other than the works described in the

section of this Order whereof the marginal note is " Power to make works " elsewhere than in any public road or street all the powers of a local authority under the Public Health (Scotland) Act 1897 with respect to the laying of water mains and pipes inside the district of such local authority.

A.D. 1927.
 —
 local authority for laying mains within water limits.

16. The Corporation shall have and may exercise in relation to the carrying of water mains and pipes without the water limits for the purpose of affording a supply of water within those limits the like powers subject to the like restrictions (including the liability to make compensation for damage caused by the exercise of such powers) as are conferred and imposed on a local authority by the Public Health (Scotland) Act 1897 in relation to the carrying of sewers without the district of the local authority Provided that in exercising the powers conferred by this section the Corporation shall be subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets except section 29 of that Act and that for the protection of railways and canals and any bridge tunnel or other work in connection therewith section 107 of the Public Health (Scotland) Act 1897 shall apply.

Power to lay mains outside water limits.

17. The Corporation may at any time for the purpose of constructing repairing examining emptying or cleansing any of the waterworks of the Corporation cause the water in any such works to be temporarily discharged into any available drain stream or watercourse.

Power to discharge water temporarily into streams.

In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by an arbiter agreed on between the parties or failing agreement appointed by the sheriff on the application of either party.

18. The Corporation may hold retain and use for the purposes of the water undertaking any lands already acquired for the purposes of their existing waterworks.

Power to hold lands already acquired.

19. Subject to the provisions of this Order the Corporation may purchase enter upon take hold and use such of the lands delineated on the deposited plans and

Power to acquire lands.

A.D. 1927. described in the deposited book of reference as may be required for the purposes of the works by this Order authorised.

Additional lands.

20. Subject to the provisions of this Order the Corporation may purchase enter upon take hold and use for the purpose of protecting from pollution fouling or contamination the waters which they are authorised to appropriate and use and for other purposes of their water undertaking the following lands in the county of Ayr shown on the deposited plans and described in the deposited book of reference (that is to say) :—

In the parish of Maybole—

Certain lands (including plantation and dam) known as the farm of Low Milton and comprising the enclosures numbered 1312 1269 1270 1263 1116 1114 1110(a) 1271 1117 1259 1119 1118 1269(a) 1262 1271(a) 1258 1260 1115 1110(b) and 1261 on the $\frac{1}{2500}$ Ordnance map of the parish of Maybole (edition of 1909).

In the parish of Ayr—

Certain lands comprising part of the farm of Carcluie and being a portion of the enclosure numbered 9 on the $\frac{1}{2500}$ Ordnance map of the parish of Ayr (edition of 1909).

Owners may be required to sell parts only of certain properties.

21. And whereas in the construction of the works authorised by this Order or otherwise in exercise of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties described in the First Schedule to this Order and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the tribunal be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the premises so required without the Corporation being obliged or

compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. A.D. 1927.

22.—(1) The Corporation 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 only in certain cases.

(2) As regards any lands in respect of which the Corporation have acquired servitudes only under the provisions of this section the Corporation 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 that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this provision.

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 Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively. Persons under disability may grant servitudes &c. by agreement.

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

Power to
acquire and
hold lands
for protec-
tion of
works and
prevention
of pollution.

24. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in like manner as if such rights were to be compulsorily acquired by the Corporation under this Order.

25. The Corporation may hold any lands acquired by them for the purposes of or in connection with their existing waterworks and any lands acquired by them under this Order and may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which they may deem necessary or desirable for the purpose of securing the purity of the water in the drainage areas of any of the reservoirs of the Corporation and of protecting their water supply against pollution fouling contamination nuisance 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 this Order or the Lands Clauses Acts respectively. Provided that the Corporation shall not create or permit a nuisance on any such lands and shall not erect or permit the erection of any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the water undertaking or farm buildings.

The Corporation may let for such period as they think fit or sell or feu any land acquired under this section on such terms conditions and restrictions as regards its use as to the Corporation may seem fit and to secure that such land shall not be manured or broken up for tillage and that no buildings which may prejudicially affect the water supply or the purity of the water shall be erected thereon. The proceeds of the sale of any land by the Corporation shall only be applied to purposes of the water undertaking to which capital is properly applicable.

Reservation
of water
rights on
sale.

26. The Corporation on selling any lands acquired for or in connection with the purposes of this Order and not required to be retained for those purposes may subject to the provisions of the section of this Order of which the marginal note is "Limiting powers of Corporation to abstract water" reserve to themselves all or any part

of the water rights belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit. A.D. 1927.

27. The Corporation may on any lands which they may acquire under the powers of this Order or otherwise construct all such drains channels and other works as they may think necessary or desirable for preventing sewage or polluting liquids or contaminated or impure water from entering or polluting any of the reservoirs conduits watercourses or waterworks of the Corporation or any waters flowing into the same. For protection of reservoirs &c. from pollution.

28. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage areas of any of the reservoirs of the Corporation with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by the Acts of 1873 to 1922 and this Order authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into such reservoir and works. Power to agree as to drainage of lands.

29.—(1) If in the opinion of the Corporation it shall be expedient in order to preserve the purity of the water which they are by the Acts of 1873 to 1922 and this Order authorised to take to prohibit the washing or dipping of sheep in any of the waters within the drainage areas of any of the reservoirs of the Corporation the Corporation shall have power to prohibit such washing or dipping of sheep Provided that before the Corporation carry this provision into effect in respect of any place where it has been the practice to wash or dip sheep they shall give notice to the owners and occupiers of any such washing or dipping place by advertisement in a newspaper circulating in the district in which such washing or dipping place is situate and shall also provide and maintain in the nearest convenient and available situation another suitable washing or dipping place and also a suitable folding place in the vicinity thereof. Sheep washing or dipping.

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(2) Any person aggrieved by any prohibition issued by the Corporation under this section may within three months after the issue thereof appeal to the sheriff provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Corporation.

(3) In the event of any such appeal the sheriff shall have power to cancel the prohibition or to allow the same unconditionally or subject to such conditions as to the area within which the same shall take effect or as to the provision and maintenance of another suitable washing or dipping place or otherwise as he may think fit and to award costs which costs shall be recoverable as a civil debt.

Power to acquire lands by agreement.

30. The Corporation may from time to time for the purposes of the water undertaking purchase by agreement in addition to the lands by this Order authorised to be acquired by compulsion any lands not exceeding in the whole twenty acres but nothing in this Order shall exonerate the Corporation 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 any houses or buildings which may be required in connection with the water undertaking.

Limiting powers of Corporation to abstract water.

31. The Corporation 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 some other Order confirmed by or having the effect of an Act of Parliament or in some Act of Parliament.

Period for compulsory purchase of lands.

32. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of four years from the commencement of this Order.

Period for completion of works.

33. If the works in this Order described are not completed within ten years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Corporation for executing the same shall cease except as to so much thereof as is then completed.

34.—(1) In the execution maintenance and working of the works authorised by this Order all reasonable regard shall be had to the preservation as well for the public as for private owners of the beauty of the scenery of the district in which the said works are situated and particularly but without prejudice to the generality of the above enactment provision shall be made by the Corporation (provided the proprietor and lessee (if any) of the land affected consent) that all broken ground and mounds of surplus material and spoil arising from or in the course of the construction of the works shall as soon as and as far as practicable be sown down with grass seeds of a suitable variety or covered with other vegetation so that the same may not disfigure the scenery.

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For pre-
servation of
scenery.

(2) The Corporation shall not exhibit or permit to be exhibited any advertisements whether on hoardings or otherwise upon any lands purchased by them under the provisions of this Order.

(3) If the Corporation wilfully fail to comply with any of the provisions of this section they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day during which such failure continues such penalties to be recoverable by the Secretary of State as a debt due to the Crown is recoverable.

35. The following provisions for the protection of the London Midland and Scottish Railway Company (hereinafter in this section called "the company") shall unless otherwise agreed between the company and the Corporation apply and have effect (that is to say):—

For protec-
tion of
London
Midland and
Scottish
Railway
Company.

(1) The Corporation shall not under the powers of this Order take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such servitude in under over or upon the lands property and works of the company as may be required for making maintaining repairing and renewing in accordance with the provisions of this Order the works by this Order authorised:

(2) Before constructing any work under the powers of this Order or any subsequent repairs or renewals thereof in over under or affecting any

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of the railways works and property of the company the Corporation shall submit to the company plans sections working drawings and specifications thereof for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications for approval. Provided that where there is not a reasonably sufficient space on any bridge over any such railway to lay any mains or pipes between the road surface and the structure of any such bridge the company may require such mains or pipes to be carried below outside or (if reasonably required by them) independently of the structure of any such bridge and shall afford all reasonable facilities for the purpose:

- (3) All the said works and operations shall be constructed carried on and completed and thereafter maintained repaired and renewed by the Corporation in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Corporation and at the sight and to the reasonable satisfaction of the engineer of the company:
- (4) The Corporation shall not without the previous consent in writing of the company enter upon alter or interfere with the railways works and property of the company further or otherwise than may be necessary for constructing maintaining repairing and renewing under the powers of this Order any works to be laid in upon over or under the said railways works and property of the company of which they shall give the company twenty-one days' notice in writing except in cases of emergency in which case such notice as is reasonably practicable shall be given:
- (5) The Corporation shall pay to the company all reasonable costs charges and expenses which the company may incur in connection with the

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construction maintenance renewal use alteration replacing or repair of any works under the powers of this Order including (without prejudice to the said generality) any expense which the company may reasonably incur in connection with the employment of inspectors signalmen watchmen and others and for superintendence during construction or renewal of the works constructed under the powers of this Order and for all extra precautions for the safety and working of the company's traffic or protection of their property on account of the execution maintenance renewal use alteration replacing or repair of the said works :

- (6) All the said works and operations of the Corporation and the subsequent maintenance renewal alteration replacing or repair thereof shall in so far as the same affect the railways works and property of the company be carried out by the Corporation so as not to alter or interfere with (except so far as may be necessary for carrying out the said works and operations) or injure or endanger the structure or stability of any of the said railways works and property of the company and should any damage or injury to or interruption or impediment of or interference with the passage or conduct of traffic on the said railways works and property of the company be caused by or be in any way owing to the said works or operations of the Corporation or to the failure of or defect in any of the said works or operations the Corporation shall free of all expense to the company execute all such works as may be necessary to repair and make good the damage or prevent such interruption impediment or interference as the case may be or the company in their option and for any of these purposes may enter upon the works or property of the Corporation and execute all such works necessary to repair and make good such damage or prevent such interruption impediment or interference and the Corporation shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith :

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- (7) If in consequence of the execution by the Corporation of their said works and operations or the subsequent maintenance renewal alteration replacing or repair thereof any underpinning or other protective works should be necessary to secure the support or safety of the said railways works and property of the company the Corporation shall free of all expense to the company execute and do all such underpinning or other works or the company may in their option and for any such purpose enter upon the works or property of the Corporation and themselves execute all such underpinning or other works as may be reasonably necessary and the Corporation shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith:
- (8) The Corporation shall make reasonable compensation to the company for all loss or damage caused by such works and operations interruption impediment or interference to or with the said railways and works and property of the company and the Corporation shall also free and relieve and indemnify the company from all damages or compensation which may be recovered from the company by reason of such interruption impediment or interference or of any accident so far as such interruption impediment interference or accident shall have been occasioned by or through the acts or default of the Corporation or those for whom they are responsible:
- (9) Should it be necessary in constructing maintaining renewing altering or repairing any works under the powers of this Order to alter or remove any telegraph posts wires or other telegraphic telephonic or signalling apparatus belonging to or maintained by the company the Corporation shall pay to the company all expenses incurred by them in connection with such alteration or removal and the erection of other posts wires or apparatus in substitution for those so altered or removed:

- (10) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing or strengthening any of the lines of railway or other works or property belonging to them without interference on the part of the Corporation and without incurring any liability to them or to any person using any works constructed under the powers of this Order for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal or strengthening Provided that any extra expense which the company may incur in such maintenance repair renewal strengthening alteration or reconstruction by reason of the existence of any of the said works of the Corporation shall be paid by the Corporation: A.D. 1927.
- (11) In the event of the company doing any of the acts referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as practicable to and with the works of the Corporation and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) twenty-one days previous notice in writing to the Corporation before commencing any such operations as may affect any of the said works:
- (12) If the company give to the Corporation notice that they themselves desire to construct so much of any works to be constructed under the powers of this Order or to carry out so much of the alterations of any mains pipes or culverts to be laid by the Corporation under the powers of this Order as will be situate on the lands and property of the company the company may themselves execute such works and alterations at the sight and to the reasonable satisfaction of the engineer to the Corporation and in accordance with plans and specifications to be previously approved of by him and recover the reasonable cost thereof from the Corporation:

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(13) Any question or difference between the Corporation and the company arising under this section shall be referred to and determined by an arbiter to be agreed upon between the Corporation and the company or failing agreement to be nominated by the sheriff on the application of the Corporation or the company.

Accommodation for workmen &c.

36. The Corporation shall if and when required by the local authority of the district in which the works authorised by this Order are situate (in this section called "the local authority") make provision to the satisfaction of the local authority for the proper housing and sanitary requirements of the persons employed in constructing the said works and for the treatment of cases of sickness (other than infectious disease) and accident occurring among the said persons during the construction of the said works. In considering what provision ought to be made for the said purposes the local authority shall take into consideration the provision already available in the neighbourhood of or conveniently accessible from the said works.

In the event of any dispute arising between the Corporation and the local authority as to the amount or nature or situation of the housing accommodation and sanitary requirements to be provided or as to the sufficiency of the provision for the treatment of cases of sickness (other than infectious disease) and accident or as to the time within which such accommodation shall be provided and such provision made or as to the carrying out by the Corporation of any requirement of the local authority under this section either party may appeal to the Scottish Board of Health (in this section called "the board") and their decision shall be final and binding on both parties :

Provided that if it appear to the board at any time that sufficient provision for the aforesaid purposes is not made they shall have power to require the Corporation to make provision or additional provision therefor to the satisfaction of the board.

In the event of the Corporation or the local authority failing to comply with any order or requirement of the board under this section they shall be liable to a penalty not exceeding twenty pounds and to a further penalty

not exceeding five pounds for every day during which such failure continues and such penalties shall be recoverable with expenses at the instance of the Lord Advocate on behalf of the board in any competent court.

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For the purposes of this section the board shall have the same powers of holding inquiries and of requiring reports to be made by local authorities and their officials as they have under the Public Health (Scotland) Act 1897 for the purposes of that Act and the provisions of the said Act relating to such inquiries and reports shall apply accordingly.

37. The Corporation may purchase or take on lease dwelling-houses for such of the keepers of reservoirs water officers foremen or workmen employed by them for the purposes of the water undertaking as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed and may erect maintain and let dwelling-houses with all necessary conveniences and appurtenances for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking and with the consent of the Scottish Board of Health upon any other lands for the time being belonging to or leased to the Corporation.

Dwelling-houses for persons employed by Corporation.

38. The water to be supplied from any main or pipe of the Corporation whether existing or authorised to be constructed or reconstructed by this Order need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations nor be supplied in any case at a level above or at a greater height than can be supplied or afforded by gravitation from the existing service reservoirs or tanks of the Corporation or from the waterworks by this Order authorised from which the supply is given.

Pressure.

39. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Corporation not bound to supply several houses by one pipe.

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Maintenance of
common
pipe.

40. When several dwelling-houses or tenements of dwelling-houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or tenements the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and its connections to main and stopcocks and their respective proportions of contributions shall be settled by the water engineer of the Corporation.

Notice of
discontinu-
ance.

41. A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the water engineer of the Corporation or be given by the consumer personally at the said office.

Byelaws for
preventing
waste of
water.

42.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

(2) Such byelaws shall apply only in the case of premises to which the Corporation are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to all byelaws so made.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not

being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as the water rates in respect of the premises are recoverable. A.D. 1927.

(4) All rules and regulations made under the authority of sections 41 and 42 of the Act of 1885 and which are in force at the commencement of this Order shall continue in full force and effect until the same shall be repealed altered or varied under the authority of this section and such rules and regulations and all penalties and forfeitures thereby respectively imposed may and shall be enforced recovered and applied in the same manner in all respects as the same respectively might be enforced recovered and applied in case the same respectively were made and imposed under the authority of this Order.

(5) All byelaws made under this section which affect any district beyond the water limits shall be subject to the approval of the district committee of the county council for such district Provided that such consent shall not be necessary where in the opinion of the Scottish Board of Health it has been unreasonably withheld.

43. The Corporation shall not be bound to supply with water otherwise than by meter any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required. Supply to houses partly used for trade &c.

44. Before any person connects or disconnects any meter by means of which any of the water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. Notice to Corporation of connecting or disconnecting meters.

45. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument Injuring meters. &c.

A.D. 1927. — for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as water rates and assessments are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Penalty for taking water except for domestic use.

46. Every person who fraudulently takes or uses water belonging to the Corporation for any purpose other than domestic or drinking purposes shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty of five pounds for each day any such offence continues after conviction.

Application of penalties.

47. All penalties exigible under the provisions of this Part of this Order and of the Acts wholly or partially incorporated herewith (excepting any penalties which may be imposed upon the Corporation) shall be paid over to the Corporation instead of being applied in the

manner provided in the said Acts or the Acts therein referred to. A.D. 1927.

48. All offenders against any of the provisions of this Part of this Order or of any of the Acts incorporated herewith or against any of the byelaws of the Corporation may be prosecuted and all penalties in respect of offences against any of such provisions or byelaws may be recovered summarily by the Corporation under the Summary Jurisdiction (Scotland) Act 1908. Prosecution of offenders.

49. Any meters or fittings let for hire by the Corporation shall not be subject to pouding or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such meters or fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof. Fittings not subject to pouding &c.

50. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to the public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if section 29 of the Waterworks Clauses Act 1847 had been excepted from the incorporation of that Act in this Order: Power to lay pipes in private streets.

Provided that the provisions of this section shall not apply to any street belonging to or maintained by a railway company except with the consent of such railway company in writing which consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be determined by the sheriff in a summary manner upon the application of the Corporation and the decision of the sheriff shall be final.

51. For the purpose of complying with any obligation under the Acts of 1873 to 1922 and this Order to maintain any water pipe or apparatus the person liable to maintain the same shall have the like power to open As to breaking up ground for maintaining communication pipes.

A.D. 1927. — the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

Corporation to connect communication pipes with mains.

52. The Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation execute on any such main subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Penalty for closing valves and apparatus.

53. Every person who shall (without the consent of the Corporation) wilfully or negligently close or shut off or interfere with any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing any valve on his communication pipe.

Power to Corporation to supply water to local authorities and others.

54. The Corporation may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the water limits to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon :

Provided that such supply shall not be given except with the consent of any local authority company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for any purpose within the water limits.

55. The Corporation may from and after the completion of the waterworks by this Order authorised supply by agreement water from any of the lines of pipes by this Order authorised or from any of the works of the Corporation to any owners or occupiers of lands or heritages beyond the water limits and lying adjacent or near to any such lines of pipes or works and also to any local authority in or through or near to whose district the lines of pipes or waterworks of the Corporation may pass or be constructed and the Corporation may contract with all or any of such persons or authority for such supply at such rates upon such terms and conditions and for such period or periods of time as they may agree. Provided always that any supply of water under the provisions of this section shall not prejudicially affect or restrict the supply of water from time to time required for any purpose within the water limits. Provided also that any supply of water by the Corporation under this section shall not be given except with the consent of any local authority company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district.

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Supply of
water by
Corporation
along line of
pipes.

56. The following provisions for the protection of the county council of the county of Ayr (hereinafter in this section called "the county council") shall unless otherwise agreed upon in writing between the Corporation and the county council apply and have effect (that is to say):—

For protec-
tion of
county
council of
county of
Ayr.

- (1) The Corporation shall as soon as they shall by means of the works by this Order authorised be in a position to supply water supply for the period after mentioned unfiltered water in bulk by meter to the county council and the county council shall take a quantity not exceeding seven hundred and fifty thousand gallons per diem for use within the county of Ayr:
- (2) The period during which such supply shall be afforded shall be twenty-five years as from and after the date on which the Corporation shall by means of the works by this Order authorised be in a position to afford such supply:
- (3) The supply shall be delivered by the Corporation at such point on their main above the break

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pressure tank at Patna as may be agreed between the Corporation and the county council or failing agreement be determined as hereinafter provided and at sufficient pressure to rise to the level of seven hundred and fifty-three feet Ordnance datum at the works of the county council at Kerse through a sixteen inch diameter pipe to be laid by the county council from the said point:

- (4) In consideration of the right conferred upon the county council to receive from the Corporation a supply up to seven hundred and fifty thousand gallons per diem as aforesaid the county council shall pay to the Corporation as from the date on which the Corporation shall by means of the works by this Order authorised be in a position to afford such supply the following sums (namely):—

(First) The sum of fourteen hundred and seventy-five pounds per annum payable by half-yearly instalments at Whitsunday and Martinmas;

(Second) The sum of one penny per thousand gallons for a quantity not exceeding three hundred and seventy-five thousand gallons per diem (to be paid for whether that quantity of water be taken or not);

(Third) The sum of one penny per thousand gallons for such further quantity as may be taken by the county council up to a total supply of five hundred thousand gallons per diem; and

(Fourth) The sum of twopence per thousand gallons for such further quantity as may be taken by the county council in excess of the said five hundred thousand gallons per diem up to the maximum of seven hundred and fifty thousand gallons per diem;

- (5) Accounts for the sums due by the county council to the Corporation (other than the said sum of fourteen hundred and seventy-five pounds per annum) shall be rendered to the county council half-yearly and if not paid by the county council within one month after the date of

the rendering of such accounts shall bear interest at the rate of five per centum per annum from the date on which the accounts are rendered until the date of payment:

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- (6) The meters for measuring the supply to be afforded under this section and the houses and land in which the same are fixed shall together with the necessary connections be provided by the Corporation at the expense and to the reasonable satisfaction of the county council and shall be under the control of the Corporation and be open at all reasonable times to inspection by a person to be appointed by the county council. The said meters meter-houses and connections shall be maintained in good and sufficient order by the Corporation at the expense of the county council. The connection between the main of the Corporation and the meter shall be made by the Corporation at the expense of the county council:
- (7) If at the end of the said period of twenty-five years the Corporation are in a position to afford by means of the works by this Order authorised a supply of water to the county council they shall notwithstanding anything hereinbefore in this section contained continue to afford a supply on the terms before-mentioned except that the payment of the said sum of fourteen hundred and seventy-five pounds per annum shall cease. In the event of the parties differing as to whether the Corporation can then afford a supply to the county council or as to the quantity of the supply which can then be afforded such difference shall be referred to the decision of an arbiter to be appointed by the President of the Institution of Civil Engineers on the application of either the Corporation or the county council and the decision of such arbiter shall be final. If on the arbiter giving his decision the county council should then determine that any supply to be afforded to them in terms thereof is not sufficient for their purposes they shall not be bound to continue to take a supply from the Corporation under the preceding provisions of

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this section but they shall be entitled to take the supply hereinafter mentioned :

- (8) Should the Corporation deem it necessary on account of the requirements of the consumers within the water limits to discontinue the supply to the county council as aforesaid or should the county council determine to cease taking the supply aforesaid at the expiry of the said period of twenty-five years or at any time thereafter the Corporation shall subject to the provisions of subsection (7) hereof be entitled to discontinue the supply and the county council shall be entitled to cease taking such supply on the expiry of five years from the date of written notice to that effect given by the one party to the other :
- (9) The county council shall as soon as possible after the Corporation have accepted tenders for the Works Nos. 1 2 3 5 7 and 8 by this Order authorised apply to the Secretary of State for a Provisional Order for the supply and distribution of the said water and necessary powers relative thereto :
- (10) The foregoing provisions of this section shall not become operative except in the event of the county council obtaining powers to form a special district for the supply and distribution of the said water :
- (11) In the event of the foregoing provisions of this section ceasing to be operative at the end of the said period of twenty-five years or at any time thereafter as before provided the Corporation shall permit the county council if they so desire to lay a pipe at their own expense from the outlet pipe at the embankment of the reservoir of either Loch Recawr or Loch Finlas belonging to the Corporation and to obtain from either of those sources a supply of unfiltered water by meter in perpetuity not exceeding one million five hundred thousand gallons per diem. The county council shall pay the Corporation for any supply taken by them in terms of this subsection at the rate of one penny per thousand gallons but the payment

shall not be less than for a supply of five hundred thousand gallons per diem whether the county council take that quantity of water or not The Corporation shall so far as it is in their power give the county council all facilities for laying their pipe as near as may be alongside the pipe of the Corporation: A.D. 1927.

- (12) 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 or at the side thereof as the county council in writing under the hand of their surveyor for the district in which such highway or county bridge is situate may reasonably direct:
- (13) The Corporation shall not be held to be in breach of their obligation to supply water to the county council under this section if the failure arises from frost unusual drought or other unavoidable cause or accident:
- (14) 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 Corporation in the exercise of the powers of this Order Provided that the notice required by section 30 of that Act shall not be less than seven days instead of three days:
- (15) 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 by the Corporation to the county council or their district surveyor for approval not less than in the case of a county bridge one month and in all other cases fourteen days before the Corporation commence to break or open up any county highway or interfere with any county bridge for the purpose of executing such works The approval of the county council or their surveyor to such plan section and specification shall not

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be unreasonably withheld and may be given upon such conditions as the county council or their surveyor may reasonably determine. Provided that the county council shall be deemed to have given such consent if within one month after such plan section and specification shall have been submitted to their surveyor he shall not have given written notice to the Corporation objecting thereto :

- (16) No greater length than one hundred and fifty yards of any county highway shall be broken up at any one place at one time without the consent of the county council. A clear and sufficient carriageway shall if practicable be kept for the passage of carriages and traffic along every county highway and over every county bridge during any interference therewith by the Corporation unless where by arrangement with the county council a county highway or county bridge may be temporarily closed and in case of default in compliance by the Corporation with the provisions of this subsection the county council may by their own servants and workmen clear any such carriageway and recover the expenses of and incident thereto from the Corporation :
- (17) Nothing in this Order contained shall authorise the Corporation to interfere with the structural part of any county bridge without the consent in writing of the district surveyor of the county council 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 county council shall be deemed to have given such consent if within one month after plans of the proposed works have been submitted to their surveyor he shall not have given written notice to the Corporation objecting thereto :
- (18) Nothing in this Order contained shall interfere with the right of the county council to alter the level of or to divert or improve in any manner they think fit any county highway in or along

which a conduit or line of pipes of the Corporation shall have been laid and the Corporation shall forthwith on receiving notice in writing under the hand of the clerk or district surveyor of the county council alter the position of any such conduit or line of pipes in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration as hereinafter provided: A.D. 1927.

- (19) Nothing in this Order contained shall interfere with the right of the county council at any time or times to remove alter or re-build any county bridge or the approaches thereto over or near or attached to which any conduit or line of pipes of the Corporation is carried in the same manner as they might have removed altered or re-built any such bridge or the approaches thereto if this Order had not been confirmed and such conduit or line of pipes had not been constructed or laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such conduit or line of pipes is laid being removed altered or re-built as aforesaid the Corporation shall at their own cost alter so far as the county council may reasonably require the position of such conduit or line of pipes and any works by which such conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto as aforesaid. Provided that during the removal alteration or re-building of such bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such conduit or line of pipes across or along any road or stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such conduit or line of pipes:

- (20) All works shall be so executed by the Corporation as not without the consent of the county council to stop the traffic and so far as reasonably practicable not in any way to impede or

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interfere with the traffic on any highway under the jurisdiction of the county council or over any county bridge or the approaches thereto:

- (21) 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 Corporation 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:
- (22) The Corporation shall fix a hydrant at each of such points as the county council may reasonably require for the supply to the county council therefrom of water for the purposes of road making and maintenance which points shall be determined by the road surveyor for the county council and the Corporation's water engineer Provided that such hydrants shall not be affixed directly to the main pipe but on branches at the side thereof and that the supply to any such hydrant shall be by meter which meters shall be supplied and maintained at the cost of the county council Water so supplied shall be included within and shall be paid for by the county council as part of the minimum supply of water to be supplied by the Corporation to the county council as hereinbefore provided:
- (23) For the purposes of section 57 of the Roads and Bridges (Scotland) Act 1878 the Corporation 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 connection with the execution of the works by this Order authorised:
- (24) If any difference shall arise between the Corporation and the county council under this section (other than under subsection (7) hereof)

such difference shall be referred to the decision of an arbiter to be mutually chosen or failing agreement to be appointed by the sheriff on the application of either party and the decision of such arbiter shall be final.

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57. The Corporation may if they see fit furnish a supply of water for the purposes of watering or cleansing streets or of flushing or cleansing sewers and drains or for public baths washhouses or lavatories or for public fountains or wells at such charge and upon such terms and conditions as they shall think proper.

Cleansing
sewers &c.

58. When water supplied for domestic purposes is used for washing horses carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation may if a hose pipe or other similar apparatus is used charge such additional sum or sums per annum as shall from time to time be fixed by the Corporation or in the event of disagreement be fixed by the sheriff upon summary application by either of the parties and the decision of the sheriff shall be final and any sum charged under the provisions of this section shall be recoverable in the same manner as water rates.

Supply by
hose to
stables &c.

59. Except as provided in the section of this Order whereof the marginal note is "Supply by hose to stables &c." it shall not be lawful for the owner or occupier of any house or premises supplied with water by the Corporation without their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Corporation or to any communication or service pipe or apparatus of such owner or occupier for the purpose of washing horses carriages or other vehicles houses or buildings or for watering gardens or washing pavements or roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the Corporation a penalty not exceeding forty shillings.

Tube or
hose not to
be affixed to
mains or
pipes with-
out consent
of Corpora-
tion.

60. The Corporation may agree with any person for supplying him with water by measure and may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure

Rent for
water may
be ascer-
tained by
meter.

A.D. 1927. In both cases a meter for ascertaining the quantity consumed shall be provided by the Corporation at a reasonable rent to be fixed by the Corporation.

Repeal of certain provisions of Acts of 1873 and 1885.

61. The following sections of the Act of 1873 and the Act of 1885 are hereby repealed (that is to say):—

The Act of 1873—

Section 79 (Water need not be supplied above a certain elevation);

Section 84 (Byelaws with respect to supply of water).

The Act of 1885—

Section 41 (Regulations for preventing waste of water);

Section 42 (Conditions of supply).

PART III.

FINANCE.

Increase of domestic water rate.

62. Section 53 (Domestic water rate) of the Act of 1885 shall be read and have effect as if the words "not exceeding four shillings" had been inserted therein instead of the words "not exceeding two shillings":

Provided that the domestic water rate and the drainage rate leviable by the Corporation shall not in any year except with the approval of the Scottish Board of Health together exceed the sum of four shillings in the pound.

Minimum water rate.

63. The Corporation shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year.

Power to borrow.

64.—(1) The Corporation may from time to time borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and they shall pay off all moneys so borrowed within the respective periods (each of which is in this

Order referred to as "the prescribed period") mentioned in the third column thereof (namely):— A.D. 1927.

Purpose.	Amount.	Period for repayment.
(a) Water :—	£	
(i) For the purchase of lands and servitudes.	10,500	Sixty years from the date or dates of borrowing.
(ii) For the construction of reservoir and road of access.	40,110	Sixty years from the date or dates of borrowing.
(iii) For the construction of filters and tank.	23,750	Fifty years from the date or dates of borrowing.
(iv) For conduits and pipes :—		
(a) Mains - - - -	135,710	Forty years from the date or dates of borrowing.
(b) Distribution - - -	12,000	Thirty years from the date or dates of borrowing.
(v) For new boiler and subsidiary works.	6,850	Thirty years from the date or dates of borrowing.
(b) For paying the costs charges and expenses of this Order.	The sum requisite.	Five years from the commencement of this Order.

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

(i) Such sums of money for the purposes of the water undertaking as the Secretary of State may sanction ;

(ii) Such sums of money for the purposes of the common good in excess of the sum of one hundred thousand pounds mentioned in the proviso (1) to section 60 (Power to charge police rate with common good debt) of the Act of 1899 as the Secretary of State may sanction.

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

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(c) The Secretary of State shall have and may exercise in relation to any such sanction as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889 and such sanction shall be subject to such conditions (if any) as the Secretary of State may consider proper.

Charge of
moneys
borrowed.

65. All moneys owing or to be owing or borrowed or to be borrowed and all stock issued or to be issued by the Corporation together with the interest dividends annuities and all other annual sums for the time being payable thereon shall be and the same are hereby by virtue of this Order charged indifferently upon all the funds rates assessments and revenues of the Corporation and shall rank equally one with the other without any priority whatsoever.

Power to
use one
form of
mortgage
for all pur-
poses.

66.—(1) Where the Corporation have from time to time any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) All mortgages to be granted by the Corporation after the commencement of this Order for moneys borrowed in the exercise of any statutory borrowing power may be in or near to the form contained in the Second Schedule to this Order and such mortgages may be renewed transferred and discharged by minutes of renewal transfer or discharge in or near to the forms in the said schedule contained.

(3) The Corporation may issue along with any such mortgage and during the period of any renewal thereof interest warrants in or near to the form in the said schedule contained and signed by the chamberlain for the periodical payment of the interest on the principal sum thereby secured during the period for which such mortgage is intended to subsist and the delivery to the Corporation or to any person on their behalf of any such interest warrant duly stamped (where necessary) as a receipt shall be a valid and sufficient discharge to the Corporation for the interest in respect of which the same was issued.

(4) All mortgages granted under this section and any interest thereon shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever

and shall also rank equally with all other securities granted by the Corporation and any interest thereon at any time after the date of the first grant of a mortgage under this section.

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(5) The repayment of all moneys borrowed and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Order charged indifferently upon all the funds rates assessments and revenues of the Corporation.

(6) There shall be kept at the office of the town clerk a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed which register may be inspected at any reasonable time by any person interested in every such mortgage without fee or reward.

(7) There shall be kept at the office of the town clerk a register of the transfers of mortgages granted under this section and within thirty days after the date of every transfer if executed within the United Kingdom or within thirty days after the arrival of such transfer in the United Kingdom if executed elsewhere the same duly stamped shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the transferor and transferee and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(8) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any money secured thereby.

67. The Corporation shall pay off all moneys borrowed by them on mortgage (other than money borrowed for current expenses) under this Order either by means of a sinking fund formed under the provisions of this

Mode of repayment of borrowed money.

A.D. 1927. — Order or by equal yearly or half yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

Water re-
serve fund.

68. The Corporation may provide out of the yearly water assessment and rates rents charges and other revenues of the water undertaking a reserve fund for that undertaking by setting aside such a sum annually as they may from time to time think fit and investing the same and the resulting income thereof in any securities in which they are authorised to invest sums paid into any sinking fund which reserve fund shall not at any time exceed in the whole the sum of ten thousand pounds and shall be applicable as and when the Corporation may determine from time to time for the renewal of the works plant mains pipes and apparatus or any extraordinary claim or demand at any time arising against the Corporation in respect of the water undertaking.

Use of
moneys
forming part
of sinking
and other
funds.

69. The Corporation may use for the purpose of any statutory borrowing power possessed by them any moneys forming part of any sinking fund loans fund redemption fund reserve fund or insurance fund of the Corporation (in this section respectively referred to as "the lending fund") and not for the time being required subject to the following conditions:—

(a) The moneys so used shall be repaid to the lending fund in the same manner as those in respect of other mortgage loans borrowed under the same authority Provided that nothing in this section shall be held to relieve the Corporation from any obligation under the loan sanction as to borrowing and repayment of loans:

(b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid to the fund Such interest shall be calculated at a rate per centum per annum to be determined by the Corporation and to be equal as nearly as may be to the rate of interest which would be payable on a loan raised on mortgage under the statutory borrowing power and shall be paid out of the fund rate or revenue which would be applicable to the payment of

interest on a loan raised under the statutory borrowing power : A.D. 1927.

- (c) The statutory borrowing power for the purpose of which the moneys are so used shall be deemed to be exercised by such use as fully in all respects as if a loan of the same amount had been raised in exercise of the power.

70.—(1) Notwithstanding anything contained in any Act or Order as from the fifteenth day of May one thousand nine hundred and twenty-eight or as from any succeeding fifteenth day of May the Corporation may if they think fit establish a fund to be called the “Ayr Corporation loans fund” (in this Order referred to as “the loans fund”) to which shall be paid as and when they are received—

- (a) All moneys borrowed by the Corporation whether by the issue of stock or other security in connection with the exercise of any statutory borrowing power ;
- (b) All moneys of a capital nature received by the Corporation whether from the sale of capital assets or otherwise except such as are applied by the Corporation with due authority to another capital purpose ;
- (c) The appropriate sums provided in each year out of other funds or accounts of the Corporation to comply with the terms and conditions as to repayment attaching to their several borrowing powers ;
- (d) A sum or sums equal to the nett aggregate amount of all dividends or interest payable in each year on the stock bonds or other securities issued in exercise of the statutory borrowing powers of the Corporation and remaining outstanding ; and
- (e) Such other sum or sums as may be consistent with or essential to the operation of the loans fund ;

and there shall also be carried to the credit of the loans fund the unapplied balances of all moneys borrowed or received on capital account or the interest and dividends thereon or for the redemption thereof except of such

A.D. 1927. moneys as have been borrowed from the Public Works Loan Commissioners and of all sums provided by the Corporation as aforesaid before the fifteenth day of May as from which the loans fund shall be established.

(2) The Corporation may also if they think fit carry to the credit of the loans fund all moneys from time to time standing in any reserve renewal depreciation superannuation or other funds of the Corporation for use in accordance with the provisions of subsection (3) of this section.

(3) The moneys of the loans fund shall be used or applied by the Corporation—

(a) In the exercise of any statutory borrowing power by transfer of the required amount to the appropriate fund or account of the Corporation;

(b) In the redemption of stock or any other securities issued by the Corporation the purchase of stock for extinction or the repayment of any moneys borrowed by the Corporation;

(c) In the payment of dividends and interest on the stock bonds or other securities issued in the exercise of the statutory borrowing powers of the Corporation and remaining outstanding; or

(d) In the payment of the expenses of managing the loans fund and other expenses incidental thereto;

and any moneys of the loans fund not used or applied in these ways may be invested in statutory securities and the sums realised by the sale of such securities or the repayment of such investments shall be repaid on receipt to the loans fund and the moneys of the loans fund shall not be used or applied otherwise than as provided in this subsection or in the section of this Order of which the marginal note is "Raising of contributions to loans fund."

(4) All moneys borrowed or received and used or applied in the exercise of any statutory borrowing power or otherwise as provided by subsection (3) of this section prior to the establishment of the loans fund shall to the extent of the amount outstanding be deemed to have been so used or applied from the loans fund.

(5) Save as in this Order expressly provided all the obligations of the Corporation to the holders of annuities or other securities of the Corporation shall continue in force. A.D. 1927.

(6) The powers conferred by this section shall not be put into operation by the Corporation except in accordance with a scheme to be approved by the Secretary of State and such scheme may make provision for any matters incidental to the establishment and administration of the loans fund.

(7) The accounts of the Corporation for or relating to the loans fund shall be subject to the same audit and certification as all other accounts of the Corporation under the provisions of the Town Councils (Scotland) Acts 1900 to 1923 and any Acts amending or extending the same.

71.—(1) The Corporation shall from time to time in order to raise the amounts of the several contributions out of the several revenues of the Corporation for payment into the loans fund do all such acts exercise all such powers collect all such money and impose assess and levy all such rates and assessments as they lawfully can or ought to do exercise collect impose assess and levy for the purposes of or in relation to their respective statutory borrowing powers. Raising of contributions to loans fund.

(2) If there is a deficiency on the revenue of the Corporation in respect of any required contribution the Corporation shall advance the amount of the deficiency out of the loans fund.

(3) The amount so advanced shall be a debt due from the revenue of the Corporation on which the deficiency existed to the loans fund and interest shall be payable thereon at a rate to be determined upon by the Corporation until repayment and the same debt and interest thereon shall as soon as in the judgment of the Corporation may be raised and paid out of the revenue of the Corporation on which the deficiency existed.

72.—(1) If at any time it shall appear to the Corporation that the amount of any deficiency in respect of any contribution from any of the revenues of the Corporation to the loans fund as hereinbefore provided Loans fund guarantee rate.

A.D. 1927.

— should be paid into the loans fund out of moneys to be raised by means of the guarantee rate hereinafter mentioned and the Corporation at a meeting specially called with notice of the object resolve so to pay the amount of any such deficiency the Corporation may and they are hereby empowered to impose assess and levy upon and from all lands and heritages situated within the burgh such rate as they may consider necessary for the purpose of paying the amount of any such deficiency which rate shall be called the "loans fund guarantee rate" and the sums so imposed assessed and levied shall be carried to and form part of the loans fund and be applied as herein provided with respect to contributions to the said fund.

(2) The loans fund guarantee rate shall be imposed and assessed one-half on the owners and one-half on the occupiers of all lands and heritages within the burgh and shall be levied recovered and collected in the same manner and along with and subject to the same provisions and exemptions as are provided with respect to the public health general assessment leviable by the Corporation within the burgh.

Saving for existing rating limits and exemptions.

73.—(1) Notwithstanding anything contained in this Order the accounts of the Corporation shall be so kept as to show under a separate heading or division in relation to the respective funds assessments and accounts of the Corporation the amounts of all revenues and expenditure (including moneys paid into or out of the loans fund) and the Corporation shall not impose assess or levy any rate for the purpose of any fund assessment or account which taking one year with another shall be in excess of any limit which may now be prescribed as the maximum amount of the rate for such fund assessment or account.

(2) Nothing in this Order shall limit prejudice or affect any exemption to which any company body or person is now entitled from or in respect of any rate imposed assessed or levied by the Corporation for any purpose.

Evidence of transfer or transmission of securities.

74. It shall not be obligatory on the Corporation to receive or register any transfer assignation certificate of death burial bankruptcy or marriage probate confirmation letters of administration or other document

evidencing a transmission of any authorised security except upon the production to and temporary deposit with the town clerk of the security or the certificate thereof for the purpose of the endorsement thereon of a memorandum of such transmission or the issue of a new security or certificate thereof and in case of the issue of a new security or certificate for the purpose of cancellation of the security or certificate so deposited. A.D. 1927.
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75. If any money is payable to a mortgagee or stockholder being a pupil minor idiot or lunatic the receipt of the guardian or trustee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Corporation. Receipt in case of persons not sui juris.

76. Where more persons than one are registered as joint holders of any mortgage of the Corporation any one of them may give an effectual receipt for any interest thereon unless notice to the contrary has been given to the town clerk by any other of them. Interest on securities held jointly.

77. Notwithstanding anything contained in this Order the Corporation shall show in their accounts relating to any undertaking or purpose all items (including payments in respect of loans applicable thereto) which ought to be entered therein in order to show the financial position of the undertaking or purpose. Form of accounts.

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

79. Notwithstanding anything contained in any Acts or Orders or regulations governing the same the rate of accumulation of the annual payments to every accumulating sinking fund formed by the Corporation for any purpose shall in respect of any moneys to be borrowed by the Corporation after the commencement of this Order be three pounds ten shillings per centum per annum or such other rate as the Secretary of State may from time to time approve. Rate of accumulation of annual payments to sinking fund for repayment of loans.

A.D. 1927:

—
Return to
Secretary of
State with
respect to
repayment
of debt.

80.—(1) The chamberlain shall if and when he is requested by the Secretary of State so to do transmit to the Secretary of State a return showing the provision made for the repayment of any loans raised by the Corporation under the authority of the Acts of 1873 to 1922 and this Order.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Secretary of State may require and shall if so required by him be verified by statutory declaration of the chamberlain and be transmitted within one month after the making of the request and in the event of his failing to make such return the chamberlain shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Secretary of State as a debt to the Crown is recoverable and notwithstanding the recovery of such penalty the making of the return shall be enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

(3) If it appears to the Secretary of State by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required to be set apart for any sinking fund (whether such instalment or annual payment or sum is required by any Act or Order or by the Secretary of State in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Secretary of State may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Secretary of State as soon as the order is complied with and any such order shall be enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

(4) The provisions of this section shall extend and apply to any annual returns required to be made to the Secretary of State with regard to the repayment of debt by any provisions of the Acts of 1873 to 1922 not-

withstanding anything contrary to or inconsistent there- A.D. 1927.
with in any such Act.

81. The provisions of the following sections of the Application
Act of 1873 the Act of 1885 and the Order of 1922 so of provisions
far as not varied by or inconsistent with the provisions of Acts of
of this Order shall with any necessary modifications 1873 and
extend and apply to the exercise of the powers of this 1885 and
Part of this Order as if the same were re-enacted in this Order of
Order (that is to say) :— 1922.

The Act of 1873—

Section 117 (Arrears may be enforced by appoint-
ment of judicial factor);

Section 118 (Powers and duties of judicial factor);

Section 119 (Mortgages to be personal estate).

The Act of 1885—

Section 58 (Corporation may borrow on credit
of a cash account);

Section 73 (Protection of lender from inquiry).

The Order of 1922—

Section 47 (Power to re-borrow);

Section 48 (Borrowing for current expenses);

Section 50 (Application of money borrowed);

Section 52 (Sinking fund).

82. The following sections of and Schedules to the Repeal of
Act of 1873 the Act of 1885 and the Order of 1922 are certain pro-
hereby repealed (that is to say) :— visions of
Acts of 1873
and 1885
and Order
of 1922.

The Act of 1873—

Section 105 (Form of mortgage);

Section 106 (Mortgages may be accompanied with
interest warrants);

Section 107 (Corporation may borrow on credit
of a cash account);

Section 108 (Manner in which mortgages and
orders on bank account to be
signed and executed);

Section 120 (Discharge of mortgages); and

The Seventh Eighth and Ninth Schedules.

A.D. 1927. The Act of 1885—

- Section 59 (Form of mortgage);
- Section 60 (Mortgages may be accompanied with interest warrants);
- Section 61 (Manner in which mortgages and orders on bank account to be signed and executed);
- Section 62 (Discharge of mortgages); and
- The Third Fourth and Fifth Schedules.

The Order of 1922—

- Section 53 (Annual return to Secretary for Scotland with respect to sinking fund).

Water annuities.

83. Nothing in or done under this Order shall affect any annuity granted by the Corporation under the Act of 1885.

Saving for existing mortgages.

84. Nothing in or done under this Order shall affect any mortgage or obligation granted by the Corporation before and subsisting at the commencement of this Order and the Corporation shall whenever required by the holder of any such mortgage or obligation apply all such money do all such acts exercise all such powers collect all such money and make and levy all such rates as they would or ought to have applied done exercised collected made and levied for his benefit and security as if the Act confirming this Order had not been passed.

Costs of Order.

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

The SCHEDULES referred to in the foregoing Order. A.D. 1927.

FIRST SCHEDULE.

PROPERTIES WHEREOF PORTIONS ONLY MAY BE TAKEN.

Parish.	Numbers on deposited Plans.
Straiton - - - -	40 41 42 43 44 66 68 and 69.
Dalmellington - - -	13 14 15 70 73 and 84.
Dalrymple - - - -	11 12 and 14.

SECOND SCHEDULE.

FORM OF MORTGAGE.

BURGH OF AYR.

Mortgage No. £

By virtue of the Ayr Burgh Acts 1873 to 1927 and of other Acts and powers in that behalf we the Provost Magistrates and Councillors of the Burgh of Ayr (hereinafter called "the Corporation") in consideration of the principal sum of [*specify amount*] paid by [*name and designation of mortgagee*] (hereinafter called "the said mortgagee") to the Chamberlain of the Burgh for the purposes of the said Acts do hereby grant and assign to the said mortgagee and his executors administrators and assignees [*or as the case may be*] such proportion of the moneys to be raised under the annual rates and assessments leviable by the Corporation and of the revenues of the Corporation from time to time arising from any undertakings land or other property for the time being of the Corporation as shall be equivalent to the said principal sum to hold to the said mortgagee and his foresaids until the said principal sum and the whole interest due thereon shall be fully paid and satisfied And it is hereby stipulated that the said principal sum shall be repayable within the office of the Chamberlain of the Burgh at Ayr on the [*date*] or shall thereafter in virtue hereof remain as a loan to the Corporation until the expiration of such further term of years and at such rate of interest as shall be specified in a minute or minutes to be indorsed

A.D. 1927, hereon and signed by the said mortgagee or his foresaids and by
 — the Chamberlain of the Burgh and which minute or minutes
 are hereby declared and shall be held to be valid and binding
 though they may be neither holograph of the said parties nor
 tested And the Corporation for and in respect of interest on the
 said principal sum from the day of to the said date
 of repayment first above mentioned (being at the rate of [*specify*
rate] per centum per annum) shall pay the several sums contained
 in the [*state number*] interest warrants bearing the number and
 date hereof and delivered herewith and that at the several times
 mentioned in such warrants upon delivery of the same respectively
 and such delivery shall be a sufficient receipt and discharge to
 the Corporation for the contents of such warrants Declaring
 that the said mortgagee and his foresaids shall not be entitled
 to make and that the Corporation shall not be bound to recognise
 or register any partial assignation of these presents or of the
 sums of money principal or interest herein contained and that
 the Corporation shall not be liable for any expenses that may
 be incurred by the said mortgagee or his foresaids for or in
 relation to the preparation revision adjustment or execution
 of this mortgage or of any discharge renunciation release
 assignation or minute of postponement or renewal thereof
 In Witness whereof these presents are subscribed and sealed
 at a meeting of the Corporation held at Ayr upon the
 day of one thousand nine hundred
 and before these witnesses.

.....Witness.Provost or Chairman.
Witness.Town Clerk.
 Ayr Registered in the Register of Bonds.
Town Clerk.

FORM OF INTEREST WARRANT.

BURGH OF AYR.

Mortgage No. Date 19

Interest Warrant.

For pounds shillings and pence - £
 Less Income Tax - - - -

Payable on 19 at the
Chamberlain.

MINUTE OF RENEWAL—No.

A.D. 1927.

19 .—It has been arranged that repayment of the within mentioned principal sum shall be postponed till the term of one thousand nine hundred and and that the interest to be paid thereon shall be at the rate of per centum per annum and shall be paid half-yearly on presentation of the interest warrants in number issued herewith.

Signature of Mortgagee. Chamberlain.

.....

FORM OF TRANSFER.

I (C.D.) within designed [or I (C.D.) executor dative *or otherwise as the case may be* of (E.F.) within designed] do hereby transfer the within Mortgage with all right title or interest which I have under the same to (G.H.) his [or her or their] (*as the case may be*) executors or assignees In Witness Whereof (*insert testing clause*).

FORM OF DISCHARGE.

RECEIVED from the Chamberlain of the Burgh of Ayr acting on behalf of the Provost Magistrates and Councillors of that Burgh the sum of being the principal sum contained in the within mortgage (all interest due thereon having been previously paid) and the said mortgage is now delivered up as paid.

Dated this day of one thousand nine hundred and

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FOR

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

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