



CHAPTER lx.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Irvine and District Water Board. [15th July 1915.]

A.D. 1915.

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict.
c. 47.

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

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

Confirmation
of Order in
schedule.

2. This Act may be cited as the Irvine and District Water Board Order Confirmation Act 1915.

Short title.

A.D. 1915.

SCHEDULE.

IRVINE AND DISTRICT WATER BOARD.

Provisional Order to authorise the Irvine and District Water Board to construct additional Waterworks to borrow further Moneys and for other purposes.

WHEREAS by the Public Health (Scotland) Act 1867 Order Confirmation (Irvine and Dundonald) Act 1876 and the Order thereby confirmed (hereinafter called "the Order of 1876") the provost magistrates and councillors of the royal burgh of Irvine (hereinafter called "the corporation of Irvine") and the parochial board of the parish of Dundonald as the local authorities in the said burgh and parish respectively were empowered upon the terms therein mentioned to acquire certain lands for the purposes of the construction of waterworks for the supply of water in the burgh of Irvine and parish of Dundonald or such part or parts thereof as might be formed into a special water supply district under the powers of the Public Health (Scotland) Act 1867 :

And whereas the corporation of Irvine and the said parochial board as local authorities in the said burgh and parish acquired such lands and constructed under the powers of the Public Health (Scotland) Act 1867 and Acts amending the same certain waterworks for the supply of the burgh and the special water supply district of the parish of Dundonald which was duly formed :

And whereas by the Irvine Burgh Act 1881 (hereinafter called "the Act of 1881") the boundaries of the burgh of Irvine were extended and the undertaking of the Irvine waterworks made and constructed by the said local authorities was transferred to and vested in the corporation of Irvine and the corporation of Irvine were empowered to maintain such waterworks and to construct additional waterworks and supply water within the burgh as extended by that Act and the suburbs thereof and places adjacent within the parishes of Irvine Dundonald Kilwinning Stevenston Ardrossan and Dreghorn in the county of Ayr :

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And whereas by the Irvine Corporation Order 1902 (hereinafter called "the Order of 1902") the corporation of Irvine were authorised to construct certain additional works to impound the waters of the Caaf Water and Bradshaw Burn:

And whereas by the Irvine and District Water Board Order 1903 (hereinafter called "the Order of 1903") a water board was constituted under the name of the Irvine and District Water Board (hereinafter called "the Board") representing the corporation of Irvine the county council of the county of Ayr and the town council of Saltcoats and the water undertaking of the corporation of Irvine was transferred to and vested in the Board subject to the mortgage debt and other debts and liabilities attaching thereto and to the payment to the corporation of Irvine by the Board of compensation and other moneys:

And whereas the limits of supply of the Board were defined by the Order of 1903 to include the limits defined in section 121 of the Act of 1881 and section 18 of the Order of 1902 and the limits for the compulsory supply of water by the Board were also defined:

And whereas the Board were authorised to borrow money for the purpose of constructing or completing the works authorised by the Order of 1902 and for carrying the objects and purposes of the Order of 1903 into effect:

And whereas the Board were required to estimate the amount of annual expenditure and income to be incurred or required in each year and provision was made for the issue of precepts to the authorities constituting the Board by the Board for the amounts of the contributions to be paid by such authorities and other powers were conferred upon the Board by the Order of 1903:

And whereas the Board have constructed and completed the greater part of the waterworks authorised by the Order of 1902 and are supplying water within their limits of supply:

And whereas the supply of water is insufficient for the wants of the inhabitants and for the trade manufactures and shipping within the limits of supply of the Board and it is expedient that the Board should be authorised to construct the reservoir and additional waterworks described in this Order:

And whereas in view of the additional amount of water which may be impounded by the said reservoir and other works

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A.D. 1915. it is expedient to amend and revise the provisions of the Order of 1902 with regard to compensation water:

And whereas it is expedient to amend the provisions of the Order of 1903 with respect to the contributions to be made to the Board under that Order by the authorities constituting the Board and to simplify the provisions of the Order of 1903 with regard to the payments to be made by consumers of water supplied at special rates:

And whereas it is expedient to amend the Order of 1902 and the Order of 1903 in other respects and to confer further powers upon the Board in relation to their water undertaking as provided in this Order:

And whereas it is expedient to authorise the Board to borrow further moneys for the purposes of this Order and for the general purposes of their undertaking:

And whereas an estimate has been prepared by the Board of the cost of constructing the additional works by this Order authorised including the amount necessary for the purchase of lands in connection therewith and such estimate is as follows:—

	£
Purchase of land and servitudes	9,800
Embankment	36,150
Reservoir	7,950
Road of access	500
Aqueduct intake and weir	10,800
Catchwater conduits	4,800

And whereas the reservoir and other works included in such estimate are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Order have been deposited with the principal sheriff clerk of the county of Ayr in his offices at Ayr and Kilmarnock respectively and are hereinafter respectively referred to as the deposited plans sections and books of reference:

And whereas the Board have complied with the provisions of section 69 of the Order of 1903 in relation to the promotion of this Order:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 : A.D. 1915.

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

1. This Order may be cited as the Irvine and District Water Board Order 1915. Short title.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.” Commence-
ment of
Order.

3. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order are hereby incorporated with this Order (namely) :— Incorporation of Acts.

(1) The Lands Clauses Acts :

(2) The Waterworks Clauses Act 1847 except—

(A) The words in section 44 thereof “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” ;

(B) The provisions thereof 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 ;

(c) Sections 68 70 71 and 72 :

(3) The Waterworks Clauses Act 1863 :

(4) The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads and other interferences therewith and in the said Act “the company” shall mean the Board and “the railway” shall mean the embankment authorised by this Order and the works immediately connected therewith and “the centre of the railway” shall mean any part of the works.

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This Order shall be deemed to be a special Act within the meaning of the Acts wholly or partially incorporated therewith.

Interpreta-
tion.

4. In this Order unless there be something in the subject or context repugnant to such construction—

“The Board” means the Irvine and District Water Board;

“The corporation of Irvine” means the provost magistrates and councillors of the royal burgh of Irvine;

“The county council” means the county council of the county of Ayr;

“The town council of Saltcoats” means the provost magistrates and councillors of the burgh of Saltcoats;

“Constituent authorities” means the corporation of Irvine the county council and the town council of Saltcoats;

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

“The Water Acts” means the Order of 1876 the Act of 1881 the Order of 1902 and the Order of 1903 recited or referred to in the preamble to this Order;

“The valuation roll” means the valuation roll or rolls made up under the Lands Valuation (Scotland) Act 1854 and Acts amending that Act.

Power to
make works.

5. Subject to the provisions of this Order the Board may wholly in the county of Ayr make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

(1) A road of access (Work No. 1) situate wholly in the parish of Dalry commencing at a point in the public road leading from Dalry to Fairlie four hundred and twenty yards or thereabouts measured in a north-westerly direction from the west corner of Knockendon farm steading and terminating at a point five hundred and five yards or thereabouts measured in a westerly direction from the said west corner of Knockendon farm steading and two hundred and thirty-seven yards or thereabouts from the point of commencement before described:

- (2) An embankment (Work No. 2) across the Drum Burn commencing at a point in the parish of Dalry five hundred and five yards or thereabouts measured in a westerly direction from the west corner of Knockendon farm steading which point is the termination of the road of access (Work No. 1) before described and terminating at a point in the parish of West Kilbride two hundred and forty-eight yards or thereabouts measured in a west by northerly direction from the west corner of field or inclosure numbered 1288 on the 25-inch Ordnance map (edition 1910) of the parish of Dalry: A.D. 1915.
- (3) A reservoir (Work No. 3) situate partly in the parish of Dalry and partly in the parish of West Kilbride commencing at a point in the parish of West Kilbride five hundred and ninety yards or thereabouts measured in a north-east by northerly direction from the centre of the cairn on the Caldron Hill and terminating in the embankment (Work No. 2) before described at a point one hundred and ninety-five yards or thereabouts measured in a north-westerly direction from the west corner of field or inclosure numbered 1288 on said Ordnance map:
- (4) An aqueduct (Work No. 4) commencing by an intake and weir in the parish of Dalry at a point in the Caaf Water four hundred and ninety-three yards or thereabouts measured in a north-westerly direction from the north-west corner of field or enclosure numbered 1299 on said Ordnance map and terminating in the reservoir (Work No. 3) before described at a point in the parish of West Kilbride seven hundred and thirty-eight yards or thereabouts measured in a north-easterly direction from the centre of the cairn on the Caldron Hill:
- (5) A catchwater conduit or line of pipes (Work No. 5) situate wholly in the parish of Dalry commencing at a point in the Caaf Water four hundred and ninety-three yards or thereabouts measured in a north-westerly direction from the north-west corner of field or inclosure numbered 1299 on said Ordnance map which point is the commencement of the aqueduct

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(Work No. 4) before described and terminating by an intake and weir on the Stock Burn at a point one hundred and thirty-three yards or thereabouts measured in a north-easterly direction from the south-east corner of field or inclosure numbered 1372 on said Ordnance map.

Power to
make subsi-
diary works.

6. The Board in addition to the foregoing works may upon the lands delineated on the deposited plans and acquired by them make erect and maintain all such cuts channels catchwaters tunnels adits pipes conduits culverts drains sluices byewashes shafts wells bores water towers overflows waste-water channels gauges filters filter beds tanks banks walls bridges embankments piers approaches engines machinery and appliances as may be necessary or convenient in connection with or subsidiary to the works but nothing in this section shall exonerate the Board from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Limits of
deviation.

7. In the construction of the works authorised by this Order the Board 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 five feet upwards and to any extent downwards Provided that the Board shall not construct the embankment or wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition and that except for the purpose of crossing over a stream bridge or culvert no part of any pipe shall be raised above the surface of the ground unless and except so far as is so shown on the deposited sections.

Power to
alter roads
&c. tempo-
rarily.

8. For the purposes of and during the execution of the several works which the Board are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Board may temporarily break up alter divert or cross over or under or stop up any streets highways roads lanes paths bridges railways or tramways shown on the deposited

plans and described in the deposited books of reference and any sewers drains watercourses gas pipes water pipes telegraphic telephonic electrical and other mains pipes wires posts and other works in on or under the same or in on or under any of the lands so shown and described which they may from time to time find it expedient for any of those purposes to interfere with the Board doing as little damage as possible and providing where practicable a proper temporary substitute before interrupting the traffic on any such street highway road lane path bridge railway or tramway or the flow of sewage gas water or electricity or telephonic communication in or by means of any such sewer drain watercourse pipe main wire or post and making full compensation to all persons injuriously affected thereby. Provided that nothing in this section shall extend to authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster-General. Provided also that nothing in this section shall authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section.

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9. The Board may hold any lands acquired by them under the powers of this Order which they may deem necessary for the purpose of protecting their waterworks against pollution fouling and contamination 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 but the Board shall not create or permit a nuisance on any such lands and shall not erect 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 their water undertaking.

Power to hold lands for protection of waterworks.

10. The reservoir (Work No. 3) by this Order authorised and the embankments thereof shall not be used for shooting fishing or recreation except that the officials and servants of the Board may fish in the reservoir by net only to such an extent as may be necessary to preserve the purity of the water of the said reservoir.

Reservoir not to be used for fishing &c.

11. Section 20 of the Order of 1902 shall apply and have effect with respect to the works by this Order authorised.

Application of section 20 of Order of 1902.

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Power to
grant servi-
tudes &c. by
agreement.

12. 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 Board 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.

Power to
acquire ser-
vitudes only
for lines of
pipes.

13.—(1) The Board 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 and rights only in such lands as they may require for such purposes and may give notice to treat in respect of such servitudes and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such servitudes and rights as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Board have acquired servitudes and rights only under the provisions of this section the Board 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 and rights have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

(3) Provided always that nothing in this section contained shall authorise the Board to acquire by compulsion any servitude or right in any case in which the owner in his particulars of claim shall require the Board to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude or right only and every notice to treat for the acquisition of a servitude or right shall be endorsed with notice of this provision but this proviso shall not apply to so much of the aqueduct (Work No. 4) by this Order authorised as shall be constructed in tunnel with the crown of the arch at a depth of twenty feet or more below the surface of the ground.

Accommoda-
tion for
workmen &c.

14. The Board shall if and when required by the local authority of the district in which the works by this Order

authorised 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. A.D. 1915.

In the event of any dispute arising between the Board and the local authority as to the amount or nature or situation of the housing accommodation or 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 Board of any requirement of the local authority under this section either party may appeal to the Local Government Board for Scotland (in this section called "the Local Government Board") and the decision of the Local Government Board shall be final and binding on both parties:

Provided that if it appears to the Local Government Board at any time that sufficient provision for the aforesaid purposes is not made the Local Government Board shall have power to require the Board to make provision or additional provision therefor to the satisfaction of the Local Government Board.

In the event of the Board or the local authority failing to comply with any order or requirement of the Local Government Board under this section they shall be liable to a penalty not exceeding five pounds for every day during which such failure continues and such penalty shall be recoverable with expenses at the instance of the Lord Advocate on behalf of the Local Government Board in any competent court.

For the purposes of this section the Local Government 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.

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A.D. 1915. 15. The Board may use for the purposes of this Order any lands or property already acquired under the powers of the Water Acts which are not required for the purposes for which the same were originally purchased.

Power to use lands already acquired.

Waterworks &c. to form part of existing water undertaking of Board. 16. The works by this Order authorised and the lands acquired under the powers of this Order shall form part of the water undertaking of the Board and the powers and provisions of the Water Acts as amended by this Order shall so far as applicable extend and apply to the said works and lands.

Single arbiter. 17. In all cases of disputed compensation arising under this Order in respect of land taken compulsorily or otherwise which fall to be determined under the provisions of the Lands Clauses Acts it shall unless the Board and the other party or parties to the dispute concur in the appointment of a single arbiter in terms of such Acts be in the power of the Board or such other party or parties to apply to the Lord Ordinary on the Bills to appoint a single arbiter to determine the compensation to be paid and it shall not be competent thereafter to have the same determined by arbiters oversman sheriff or jury acting under the last-mentioned Acts. The said arbiter upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts and the provisions of those Acts with regard to arbitration shall apply accordingly and the arbiter shall notwithstanding anything contained in the said Acts determine the amount of expenses in the arbitration and such determination shall be final. The remuneration of the said arbiter shall failing agreement be fixed by the Lord Ordinary on the Bills.

Period for compulsory purchase of lands. 18. The powers for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

Period for completion of works. 19. If the works authorised by this Order are not completed within seven years from the conclusion of peace following the present war then on the expiration of that period the powers granted to the Board for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Limiting powers of Board to abstract water. 20. The Board 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 in an Act of Parliament or Order confirmed by Parliament. A.D. 1915.

21. Subject to the provisions of this Order the Board may collect divert intercept impound appropriate store use and distribute for the purposes of this Order and of their water undertaking the waters of the streams called the Drum Burn the Caaf Water and Bradshaw Burn and of all or any of the affluents of those streams and all such springs streams and waters as may be impounded or intercepted by the works authorised by this Order. Power to take water.

22.—(1) After the completion of the reservoir by this Order authorised and the first filling thereof the following provisions shall apply:— As to compensation water.

(A) The Board shall during every day of twenty-four hours discharge or deliver into the said Caaf Water at a point near the measuring tank or basin (Work No. 21) authorised by the Order of 1902 not less than one million two hundred and fifty 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 Caaf Water the Board shall erect and maintain in or near the said measuring tank or basin a proper and suitable measuring gauge over or through which the said compensation water shall flow and the same shall be open to the inspection and examination of all persons interested in the said compensation water:

(C) In case of any neglect on the part of the Board 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 Board 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:

(D) If any difference arises between the Board and any person so interested with respect to the construction

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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:

- (E) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Board can divert collect impound or appropriate under the powers of the Order of 1902 and of this Order.

(2) Immediately upon the coming into operation of the provisions of this section section 12 (Compensation water) of the Order of 1902 shall be repealed by virtue of this Order.

For protection of Lord Kelburn and William Graham of Crosbie.

23. For the protection of the Right Honourable Patrick Boyle Viscount Kelburn or other the owner or owners for the time being of the lands of Knockendon in the county of Ayr and of William Graham of Crosbie or other the owner or owners for the time being of the lands of Crosbie Hill in the said county the following provisions shall apply:—

- (1)—(A) No water shall be diverted into the reservoir (Work No. 3) by this Order authorised by means of the aqueduct (Work No. 4) by this Order authorised unless a flow of water at the rate of thirty thousand gallons per day is running down the Caaf Water at the point of intake and the Board shall during every day of twenty-four hours discharge from the said reservoir into the Drum Burn not less than thirty thousand gallons of water in a continuous flow:

(B) For the purpose of measuring said quantities of water the Board shall erect or maintain at a point on the said Caaf Water at or near the said intake and at a point on the Drum Burn at or near the said reservoir (Work No. 3) suitable measuring gauges over or through which the said water shall flow and the same shall be open to the inspection and examination of all persons interested in the said water:

- (2) Before commencing the reservoir (Work No. 3) by this Order authorised the Board shall erect a sufficient iron fence enclosing the said work painted white and shall thereafter maintain the same.

24. All private rights of way over any lands which shall under the powers of this Order be taken compulsorily shall as from the date of such acquisition be extinguished. Provided that the Board shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with respect to the taking of land otherwise than by agreement.

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As to private rights of way over lands taken compulsorily.

25. In addition to the lands which the Board are by this Order authorised to purchase compulsorily and any other lands which they may acquire and hold for the protection of their waterworks they may from time to time by agreement for the purposes of this Order and the Water Acts purchase any additional quantity of land not exceeding in the whole ten acres. Provided that the Board shall not create or permit a nuisance and shall not erect any buildings on such lands except offices and buildings for persons in their employ and such buildings as may be incident to or connected with the exercise of the powers conferred by this Order.

Power to acquire additional lands by agreement.

26.—(1) The Board may from time to time under the powers and subject to the provisions of the Order of 1903 borrow at interest upon mortgage of the revenue of the water undertaking or any part thereof including the contributions receivable by them from the constituent authorities or any town council under the provisions of the Order of 1903 or of this Order the additional sums of money necessary for the purposes hereinafter specified (that is to say):—

Power to borrow.

- (A) For the purposes of constructing the works authorised by this Order and the purchase of lands and servitudes therefor a sum not exceeding seventy thousand pounds:
- (B) For the general purposes of the undertaking of the Board to which capital is properly applicable any sum not exceeding ten thousand pounds:
- (C) For the general purposes of the undertaking of the Board to which capital is properly applicable such further sum or sums not exceeding twenty thousand pounds as the Secretary for Scotland may approve:
- (D) For the purpose of paying the costs charges and expenses of this Order the sum necessary for that purpose.

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(2) The Secretary for Scotland shall have and may exercise in relation to such approval as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889.

Application of borrowed money.

(3) Money borrowed under this section shall be applied only to the purposes for which it is authorised to be borrowed.

Periods for repayment.

(4) Any moneys borrowed under this section for the purposes mentioned in (A) shall be repaid within sixty years from the borrowing of the same provided that if the Board decide to repay such moneys by means of equal annual instalments of principal and interest combined or by means of an accumulating sinking fund as provided by sections 41 and 42 of the Order of 1903 such moneys shall be repaid within fifty years from the borrowing of the same any moneys borrowed under this section for the purposes mentioned in (B) shall be repaid within the period of thirty years from the borrowing of the same any moneys borrowed under this section for the purposes mentioned in (C) shall be repaid within such period (not exceeding forty years) and in such manner as the Secretary for Scotland may prescribe and any moneys borrowed under this section for the purpose mentioned in (D) shall be repaid within five years from the commencement of this Order.

Re-borrowing.

(5) If having borrowed any money under the provisions of this Order the Board pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of lands or other moneys received on capital account (not being borrowed moneys) they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

Certain borrowing powers extinguished.

(6) The power of the Board to borrow money under head (A) of subsection (1) of section 41 of the Order of 1903 so far as the same has not been already exercised is hereby cancelled and extinguished.

Restriction on borrowing during continuance of present war.

27. Notwithstanding anything in this Order contained the Board shall not under the powers of this Order borrow any money during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained.

28. The following sections of the Order of 1903 shall apply to mortgages granted by the Board under the powers of this Order (that is to say):—

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 Application to mortgages of provisions of Order of 1903.

- Section 42 (Sinking fund);
- Section 43 (Annual return to Secretary for Scotland with respect to sinking fund);
- Section 44 (Board may borrow under Local Authorities Loans (Scotland) Acts 1891 and 1893);
- Section 45 (Form of mortgage);
- Section 46 (Manner in which mortgages to be signed and executed);
- Section 47 (Transfer of mortgages);
- Section 48 (Transmission of mortgages in case of bankruptcy);
- Section 49 (Mortgages to be personal property);
- Section 50 (Discharge of mortgages);
- Section 51 (Ranking of mortgages);
- Section 52 (Protection of lender from inquiry);
- Section 53 (Appointment of judicial factor);
- Section 54 (Powers and duties of judicial factor).

29. The Board may enter into and carry into effect agreements with any local authority within the limits of the Order of 1903 for the supply of water to any such local authority in bulk and for such remuneration and upon such terms and conditions and for such period as may be agreed upon.

Contracts for supply of water in bulk.

30. Subject to the provisions of the Water Acts and this Order the Board shall supply water in bulk to the county council for the use of the special water supply district of Dreghorn at such point within the Board's limits of supply as the county council may select on the same terms and under the same conditions including the right of appeal as are applicable from time to time to supplies to traders and Nobel's Explosives Company Limited under the provisions of section 37 of the Order of 1903 Provided that the minimum quantity of water to be taken annually from the Board by the county council for the said district shall be five million gallons and that the county council shall pay the cost of all pipes and works necessary for conveying the water from the Board's existing mains to the said district and of the necessary meters and of maintaining the said pipes and meters for the supply to the said district.

Supply to special water supply district of Dreghorn.

[Ch. lx.] *Irvine and District Water Board* [5 & 6 GEO. 5.]
Order Confirmation Act, 1915.

A.D. 1915.
Amendment
of section 63
of Order of
1903.

31. The Board shall be entitled to recover from any constituent authority the amount by which the assessment levied by such constituent authority on any premises actually supplied by the Board with water by meter for the time and deducted by the Board from the price of the water so supplied under the provisions of section 64 of the Order of 1903 shall exceed the contribution made by such constituent authority to the Board in respect of the particular premises so supplied under section 63 of the Order of 1903.

Amendment
of section 64
of Order of
1903.

32. Section 64 (Premises not to be charged with both assessment and meter rental &c.) of the Order of 1903 shall be read and have effect as though the words "or at special rates" were omitted therefrom wherever they occur in that section.

Costs of
Order.

33. All costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Board out of the moneys to be borrowed by them for that purpose under the powers of this Order.

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