



CHAPTER xliii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Fife County Council.

[6th November 1940.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament:

26 Geo. 5. &
1 Edw. 8.
c. 52.

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 is hereby confirmed.

Confirmation
of Order in
schedule.

2. This Act may be cited as the Fife County Council Order Confirmation Act 1940.

Short title.

SCHEDULE.

FIFE COUNTY COUNCIL.

Provisional Order to consolidate with amendments the Acts and Orders relating to the supply of water by the county council of the county of Fife to transfer to the County Council the undertaking of the Wemyss and District Water Trustees to authorise the County Council to acquire lands and construct water and sewerage works to confer further powers upon the County Council with regard to their water undertaking and in relation to drainage buildings cleansing public health weights and measures the control of camping grounds and other matters to empower the County Council to borrow money and make provision for the finance of the county and for other purposes.

WHEREAS the county council of the county of Fife (hereinafter referred to as "the County Council") are the local authority for the county of Fife (hereinafter referred to as "the county") exclusive of the burghs therein:

And whereas by the Dunfermline District Water Orders 1904 to 1918 and the Kirkcaldy District Water Order 1913 powers have been conferred on the County Council for the construction of waterworks and the supply of water within the respective limits of supply defined in those Orders:

And whereas by the Wemyss and District Water Orders 1910 and 1925 the Wemyss and District Water Trustees (hereinafter referred to as "the Wemyss Trustees") are authorised to supply water within the limits of supply therein defined comprising portion of the county and the burgh of Buckhaven and Methil:

And whereas under the provisions of the Public Health (Scotland) Acts 1897 to 1907 certain portions of the county have been formed into special water supply

districts and are supplied with water by the County Council from sources belonging to them:

And whereas there are parts of the county which are without an adequate supply of water:

And whereas the sources of supply in use or available for use in the county are adequate for the needs of all the inhabitants thereof and could if co-ordinated be conveniently and economically utilised and developed for the supply of water not only to those parts of the county which are adequately supplied but also to those parts of the county in which an adequate supply is not available:

And whereas it is expedient that the Acts and Orders relating to the supply of water within the county should be consolidated with additions and amendments that the undertaking of the Wemyss Trustees should be transferred to the County Council that the special water supply districts within the county should cease to exist as special water supply districts assessed for the purposes of water supply separately from other parts of the county and that the County Council should be authorised to supply water within the county and the burgh of Buckhaven and Methil as provided by this Order:

And whereas it is expedient to authorise the County Council to construct additional filtration plant and that the further powers with regard to their water undertaking in this Order contained should be conferred upon the County Council:

And whereas water is abstracted from the river Leven and utilised for the purposes of certain mills manufactories and works and the effluent discharged from such mills manufactories and works forms a source of pollution to the said river:

And whereas polluting and discolouring liquids are discharged from mines into the river Leven and the river Ore and the tributaries thereof:

And whereas it is expedient that the County Council should be authorised to construct the sewers and works connected therewith in this Order described and to make provision for preventing sewage or polluting or discolouring or offensive liquids or matters flowing or falling or being put into the said rivers or

any tributary thereof and for affording further facilities for the removal disposal and treatment thereof:

And whereas it is expedient to empower the County Council to enter into agreements with the owners and occupiers of mills manufactories and other works and premises for the reception into the said sewers and works and the disposal of trade effluent and for contributions by such owners and occupiers towards the cost and maintenance of the said sewers and works:

And whereas it is expedient that further and better provision should be made with reference to buildings cleansing public health and other matters weights and measures and sale of fuel and the control of camping grounds within the county:

And whereas it is expedient that the County Council should be authorised to borrow money for the purposes in this Order mentioned:

And whereas estimates have been prepared by the County Council 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:—

Waterworks—	£
Purchase of lands and servitudes	500
Filtration plant—	
Pressure	40,000
Drainage—	
Purchase of lands and servitudes	1,000
Sewers conduits or lines of pipes—	
Concrete cast iron or glazed ware	50,850
Concrete tubes reinforced	14,600
Steel pipes	34,300
Pumping machinery	1,050
Subsidiary works	3,200

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

And whereas it is expedient to make further provision with regard to the finances of the County Council:

And whereas it is expedient that the other provisions in this Order contained should be enacted:

And whereas plans and sections showing the lines and levels of the works authorised by this Order with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order have been deposited with the sheriff clerks of the counties of Fife and Perth 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 1936:

26 Geo. 5. &
1 Edw. 8.
c. 52.

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

PART I.

PRELIMINARY.

1. This Order may be cited as the Fife County Council Order 1940. Short title.

2. This Order shall except where otherwise provided in this Order come into operation on the date of the passing of the Act confirming this Order which date is in this Order referred to as "the commencement of this Order." Commencement of Order.

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

Part I.—Preliminary.

Part II.—Lands.

Part III.—Water—

A.—Definitions vesting water rights &c.;

B.—Works and lands;

C.—Supply of water;

D.—Water rates and charges;

E.—Protective provisions.

Order divided into Parts.

PART I.
—cont.

- Part IV.—Drainage—
 A.—Works &c.;
 B.—Protective provisions.
- Part V.—Buildings.
- Part VI.—Cleansing and lighting.
- Part VII.—Public health and sanitary.
- Part VIII.—Camping grounds.
- Part IX.—Weights and measures.
- Part X.—Assessments.
- Part XI.—Finance.
- Part XII.—Miscellaneous.

Interpre-
tation.60 & 61
Vict. c. 38.

4. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated with this Order or by the Public Health (Scotland) Act 1897 or the Local Government Acts (as hereinafter in this section defined) have the same respective meanings. And in this Order unless the context otherwise requires the following expressions shall have the meanings hereinafter assigned to them (namely):—

“appointed day” means the sixteenth day of May one thousand nine hundred and forty;

“consolidated rate” means the consolidated rate of the county;

“county” means the county of Fife exclusive of any burgh therein;

“County Council” means the county council of the county of Fife;

“county clerk” “county treasurer” “county registrar” and “county engineer” mean respectively the clerk treasurer registrar and engineer of the County Council;

“county sanitary inspector” means a sanitary inspector appointed by the County Council;

“daily penalty” means a penalty for every day on which an offence continues after conviction therefore;

- “ Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931; PART I.
→cont.
9 & 10
Geo. 5. c. 57.
21 & 22
Geo. 5.
c. 11.
- “ Local Government Acts ” means the Local Government (Scotland) Act 1889 and the Local Government (Scotland) Act 1929 and any Acts amending or extending the same; 52 & 53 Vict.
c. 50.
19 & 20
Geo. 5. c. 25.
- “ medical officer ” means the medical officer of health of the county;
- “ mortgage ” means a deed containing an assignation of the funds rates and revenues of the County Council;
- “ Public Health Acts ” means the Public Health (Scotland) Acts 1897 to 1907 and any Acts amending or extending the same;
- “ repealed Acts ” means the provisions of the Acts and Orders referred to in the section of this Order of which the marginal note is “ Repeal of Acts ”;
- “ security of the County Council ” means any mortgage bond stock or other security granted or issued by the County Council;
- “ sheriff ” means the sheriff of Fife and Kinross and includes his substitutes;
- “ 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

PART I.
—cont.

Act of Parliament passed or to be passed or any Provisional Order confirmed by Act of Parliament passed or to be passed;

“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 or municipal corporation or other local authority as defined by section 4 (Interpretation) of the Local Authorities Loans (Scotland) Act 1891 but does not include annuities rentcharges or securities transferable by delivery nor does it include with reference to the County Council any securities of the County Council;

54 & 55 Vict.
c. 34.

“telegraphic line” has the same meaning as in the Telegraph Act 1878;

41 & 42 Vict.
c. 76.

“tribunal” means the arbiter or other authority to whom any question of disputed purchase money or compensation under this Order is referred;

17 & 18 Vict.
c. 91.

“Valuation Acts” means the Lands Valuation (Scotland) Act 1854 and any Act amending that Act;

“valuation roll” means the valuation roll and any supplementary valuation roll made up in pursuance of the Valuation Acts;

“Wemyss Trustees” means the Wemyss and District Water Trustees.

Incorporation of Acts.

5.—(1) Subject to the provisions of this Order the following Acts and parts of Acts so far as the same respectively are applicable for the purposes of and are not inconsistent with or varied by this Order are hereby incorporated with and form part of this Order:—

8 & 9 Vict.
c. 19.

The Lands Clauses Acts (except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845):

Provided that the bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be under the seal of the County Council and shall be sufficient without the addition of the sureties mentioned in that section:

PART I.
—cont.

So far as regards the provisions of Part III (Water) of this Order—

(a) The Waterworks Clauses Act 1847 10 & 11 Vict.
except— c. 17.

(i) 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”;

(ii) 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;

(iii) So much thereof as authorises the undertakers to cut off or discontinue any supply for domestic purposes; and

(iv) Sections 68 70 and 72;

(b) The Waterworks Clauses Act 1863:

26 & 27 Vict.
c. 93.

So far as regards the provisions of Part III (Water) and Part IV (Drainage) of this Order—

The provisions of sections 25 and 26 of the Railways Clauses Consolidation (Scotland) Act 1845 and for the purposes of this Order the expression “the railway” and “the centre of the railway” in those sections shall be construed as meaning the waterwork and the sewers and other works by this Order authorised and any part of the said works respectively.

8 & 9 Vict.
c. 33.

(2) This Order shall be deemed a special Act within the meaning of the Acts wholly or partially incorporated with this Order and in those Acts the expressions “the undertakers” “the company” “the

PART I.
—cont.

railway company” and “the promoters of the undertaking” mean respectively for the purposes of this Order the County Council.

PART II.

LANDS.

Power to
take lands.

6. Subject to the provisions of this Order the County Council may enter upon take appropriate and use all or any of the lands shown on the deposited plans and described in the deposited book of reference which they may require for the purposes of this Order.

Persons
under dis-
ability may
grant ser-
vitudes &c.

7. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may (if they think fit) subject to the provisions of those Acts and of this Order grant to the County Council 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 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.

Extinction
of private
rights of
way.

8.—(1) All private rights of way over any lands which the County Council are authorised by this Order to acquire compulsorily shall as from the date of the acquisition of such lands by the County Council be extinguished.

(2) The County Council shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Period for
compulsory
purchase of
lands.

3 & 4 Geo. 6.
c. 16.

9. The powers of the County Council for the compulsory purchase of lands for the purposes of this Order shall cease on the thirty-first day of July one thousand nine hundred and forty-three Provided that the Special Enactments (Extension of Time) Act 1940 shall apply as if the Act confirming this Order had been passed before the passing of that Act.

10. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the County Council after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff of the county in which such lands are situated for the correction thereof and if it appears to such sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and he shall in such certificate state the particulars of such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited in the office of the sheriff clerk and a duplicate thereof shall be deposited with the county clerk of the county in which such lands are situated and such certificate and duplicate shall be kept by such sheriff clerk and county clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the County Council to exercise the powers of this Order in accordance therewith.

PART II.
—cont.
Correction of errors in deposited plans and book of reference.

11.—(1) The County Council may in lieu of acquiring any lands for the purposes of the waterworks and sewers and other works authorised by this Order where the same are intended to be laid underground acquire such servitudes and rights in or over such lands as they may require for the purpose of making extending enlarging duplicating altering renewing maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to limited owners and to arbitration and the summoning of a jury shall apply to such servitudes and rights as fully as if the same were lands within the meaning of such Acts.

Power to acquire servitudes only for lines of pipes and sewers.

(2) As regards any lands in respect of which the County Council have acquired servitudes and rights only under the provisions of this section the County Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the

PART II.
—cont.

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 the Act confirming this Order had not been passed.

(3) Nothing in this section shall authorise the County Council to acquire by compulsion any such servitude or right in any case in which the owner in his particulars of claim, shall require the County Council 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.

PART III.

WATER.

A.—Definitions vesting water rights &c.

12. This Part of this Order shall be deemed to have come into force as from the appointed day.

13. In this Part of this Order unless the subject or context otherwise requires—

“domestic water rate” means the domestic water rate authorised to be imposed and levied by the County Council under this Order;

“Dunfermline Order of 1904” “Dunfermline Order of 1913” and “Dunfermline Order of 1918” mean respectively the Dunfermline District Water Order 1904 the Dunfermline District Water Order 1913 and the Dunfermline District Water Order 1918;

“Dunfermline Orders of 1904 to 1918” means the Dunfermline District Water Orders 1904 to 1918;

“existing water districts” means the whole of the special water supply districts in the county in existence at the appointed day;

“Kirkcaldy Order of 1913” means the Kirkcaldy District Water Order 1913;

“public water rate” means the public water rate authorised to be imposed and levied by the County Council under this Order;

Commencement
of Part III of
Order.

Definitions
for Part III
of Order.

4 Edw. 7.
c. cxlvi.
3 & 4 Geo. 5.
c. clvi.
8 & 9 Geo. 5.
c. 1.

2 & 3 Geo. 5.
c. clxix.

“ water limits ” means the limits within which the County Council are authorised to supply water defined in the section of this Order of which the marginal note is “ Water limits ”;

“ water undertaking ” means and includes the existing water undertakings of and the water undertaking by this Order transferred to the County Council and all the waterworks for the time being of the County Council and all lands minerals railways properties buildings streams springs wells reservoirs filters cisterns machinery plant tanks intakes aqueducts sluices gauges mains meters pipes culverts channels and other works servitudes wayleaves rights powers and privileges for the time being belonging to or held or used or enjoyed by the County Council for or in relation to or in connection with waterworks and the diversion collection storage purification protection and distribution of water or otherwise for or in relation to or in connection with the supply of water by them;

“ Wemyss water district ” means the limits of compulsory supply of the Wemyss Trustees at the appointed day;

“ Wemyss Order of 1876 ” “ Wemyss Order of 1894 ” “ Wemyss Order of 1910 ” and “ Wemyss Order of 1925 ” means the Public Health (Scotland) Act 1867 Order Confirmation (Wemyss) Act 1876 the Wemyss and Buckhaven Methil and Innerleven Water Supply Confirmation Act 1894 the Wemyss and District Water Order 1910 and the Wemyss and District Water Order 1925;

39 & 40 Vict.
c. xciv.
57 & 58 Vict.
c. xli.
10 Edw. 7.
& 1 Geo. 5.
c. cv.
15 & 16
Geo. 5.
c. lxvi.

“ Wemyss Water Orders ” means the Wemyss Order of 1876 the Wemyss Order of 1894 the Wemyss Order of 1910 and the Wemyss Order of 1925.

14. Subject to the provisions of this Order the water undertakings of the County Council under the Dunfermline Orders of 1904 to 1918 and the Kirkcaldy Order of 1913 and the water undertakings of the County Council in respect of the existing water

Water undertakings of County Council to continue

PART III.
—cont.
vested in
County
Council.

districts as they exist and as they are used and enjoyed by and vested in the County Council at the appointed day shall be and continue to be vested in the County Council and be held used and enjoyed by them.

Transfer of
under-
taking of
Wemyss
Trustees to
County
Council.

15. Subject to the provisions of this Order the undertaking authorised by the Wemyss Water Orders and all property vested in held by or due or belonging to the Wemyss Trustees in terms of the Kirkcaldy Order of 1913 and the Wemyss Water Orders shall on and after the appointed day be transferred to and shall by virtue of this Order vest in the County Council and shall be received held used and enjoyed by them and the said undertaking shall for all purposes form part of the water undertaking.

Dissolution
of Wemyss
Trustees.

16. The Wemyss Trustees shall continue to exercise their functions until the appointed day and thereafter the Wemyss Trustees shall be dissolved.

Officers in
employ-
ment of
Wemyss
Trustees
continued
until
removed.

17.—(1) All officers and servants of the Wemyss Trustees other than the clerk and treasurer at the appointed day shall hold their respective offices and employments under the County Council together with the salaries and emoluments attached thereto until lawfully removed therefrom by the County Council and all such officers and servants shall have the same powers privileges and advantages under and in the execution of this Order and shall be liable to the same penalties obligations restrictions and regulations in every respect as they respectively had and were under prior to the appointed day.

(2) (a) All such officers and servants shall in respect of their service with the Wemyss Trustees and with the County Council and in respect of any previous service qualifying for superannuation be entitled to all the privileges and benefits so far as regards superannuation rights which they would have obtained if they had continued to be employees of the Wemyss Trustees.

(b) All former officers and servants of the Wemyss Trustees who are at the appointed day in receipt of superannuation allowance under the Local Government and other Officers' Superannuation Act 1922 shall continue to receive such superannuation allowance.

(c) If any dispute or difference arises under this subsection such dispute or difference shall be referred to an arbiter to be nominated by the Secretary of State and the decision of such arbiter shall be final.

PART III.
—cont.

(3) It shall not be lawful to remove any such officer or servant from his office or employment except on the ground of misconduct or proved inefficiency.

18.—(1) The County Council shall pay to Thomas Bryce Lightbody the present treasurer to the Wemyss Trustees for loss of office such compensation as may be mutually agreed or failing agreement as shall be fixed by an arbiter to be nominated by the Secretary of State whose decision shall be final.

Compensation to treasurer and superintendent of Wemyss Trustees.

(2) (a) Donald McPhail the present superintendent of the Wemyss Trustees shall in addition to the rights conferred on him by the section of this Order of which the marginal note is "Officers in employment of Wemyss Trustees continued until removed" if at any time within five years after the appointed day he relinquishes his office by reason of his having been required to perform duties which are not analogous to or which are an unreasonable addition to those which he was required to perform immediately before the appointed day be deemed (unless the contrary is shown) to have suffered a pecuniary loss in consequence of the transfer of the undertaking of the Wemyss Trustees to the County Council and shall be entitled to compensation for that loss from the County Council Provided—

- (i) that the conditions for compensation shall not be less favourable than those laid down to be paid in respect of officers transferred under the Local Government (Scotland) Act 1929; and
- (ii) that any years of service given to the County Council shall count towards compensation.

(b) Any question arising under this subsection including the amount of such compensation shall failing agreement be determined by an arbiter to be nominated by the Secretary of State whose decision shall be final.

19. Subject to the provisions of this Order the existing water districts shall be deemed as from the appointed day to have ceased to exist as special water

Abolition of existing water districts.

PART III.
—cont.

supply districts and shall cease to be assessed for the purposes of water supply separately from other parts of the county.

Vesting of property transferred to County Council.

20. All property transferred to or vested in the County Council by virtue of this Order shall vest in them without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing but for the purpose of enabling the County Council to complete a title if thought fit to any property transferred to and vested in them by virtue of this Order by expeding a notarial instrument notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such property in favour of the County Council.

Proceedings not to abate.

21. All legal or other proceedings begun before the appointed day by or against the County Council in relation to the supply of water to the existing water districts or by or against the Wemyss Trustees may be carried on by or against the County Council and any such proceeding may be amended in such manner as may be necessary for that purpose.

Books &c. to be evidence.

22. All books and documents relating to the existing water districts or to the undertaking of the Wemyss Trustees which at the appointed day would have been received in evidence shall on and after the appointed day be received in evidence as if the Act confirming this Order had not been passed.

Water rates arrears and grants.

23.—(1) All water rates charges and assessments or any proportion thereof and all arrears thereof penalties debts and sums of money owing to the County Council relating to the existing water districts or under the Dunfermline Orders of 1904 to 1918 or the Kirkcaldy Order of 1913 or owing to the Wemyss Trustees at the appointed day shall be due and payable to the County Council with all interest (if any) due or accruing due for the same and may be recovered and enforced by the County Council accordingly.

(2) All sums requiring to be paid or allocated under the provisions of section 59 of the Local Government (Scotland) Act 1929 in respect of special water rates levied in the existing water districts and the

Wemyss water district shall continue to be paid or allocated as if the Act confirming this Order had not been passed and shall be applied in reduction of the expenditure of the County Council for the purposes of the water undertaking generally.

PART III.
—cont.

24. All debts and sums of money which at the appointed day are due and owing by or to the County Council in relation to the existing water districts or by or to the Wemyss Trustees in relation to the Wemyss undertaking whether by mortgage bond debenture annuity bill bank overdraft or otherwise shall be payable by or to the County Council with all interest due or accruing due thereon from time to time and may be recovered by and enforced from and against the County Council as if the Act confirming this Order had not been passed and any such debt or money owing by the County Council or the Wemyss Trustees shall form a charge upon the water undertaking.

Transfer of
debts.

25. Subject to the provisions of this Order nothing contained in this Order shall prejudice or affect any stock mortgages bonds or assignations or other writs granted in security for money borrowed (whether repayable by instalments or otherwise) by the County Council in respect of or relating to the existing water districts or by the Wemyss Trustees in respect of or relating to the Wemyss undertaking and subsisting at the appointed day and the same shall during the continuance thereof be as valid and effectual in all respects as if the Act confirming this Order had not been passed.

Existing
mortgages.

26. The provisions of this Order shall not prejudice or affect anything done or suffered before the appointed day in relation to the water undertakings in the existing water districts or the Wemyss undertaking or any liability claim or demand incident to or consequent on anything so done or suffered.

Proceed-
ings saved.

27. All contracts agreements and obligations granted made or entered into in favour of or by or with the County Council or any committee of the County Council in relation to the existing water districts or any of them or the supply of water to the County Council for use in the existing water districts or any of them

Saving
existing
agree-
ments, &c.

PART III.
—cont.

or in favour of or by or with the Wemyss Trustees in relation to the Wemyss undertaking in force at the appointed day shall subject to the provisions of this Order remain in force and shall be available to or against the County Council.

Byelaws &c.

28. The byelaws rules and regulations in force at the commencement of this Order relating to the existing water districts and to the Wemyss undertaking shall remain in force until other byelaws rules and regulations are made by the County Council under this Order.

Provisions of Order to apply to existing water-works.

29. The provisions of this Order and the Acts incorporated therewith shall apply to the waterworks reservoirs lands property mains pipes plant and apparatus belonging to or transferred to and vested in the County Council by virtue of this Order in the same manner and to the same effect as if the said waterworks reservoirs lands property mains pipes plant and apparatus had been constructed acquired or laid down under the authority of this Order.

Power to maintain extend or renew water undertaking &c.

30. Subject to the provisions of this Order the County Council may maintain and use the water undertaking and they may lay down extend alter renew relay replace enlarge and duplicate discontinue remove or increase the number and size of the works aqueducts mains pipes intakes filters filter beds reservoirs (other than impounding reservoirs) tanks and other works and conveniences from time to time in use or required for storing purifying filtering conveying measuring or distributing water for the purposes of the water undertaking Provided always that such extension enlargement duplication or increase shall be executed only on lands or property belonging to the County Council or which may be acquired by them by agreement or over which they have acquired or may acquire a servitude or in any roads or streets which they are by the Waterworks Clauses Acts 1847 and 1863 and this Order entitled to open and break up for such purposes.

Appoint-ment of water committee.

31.—(1) The County Council shall subject to regulations to be from time to time made by the County Council and in accordance with the requirements hereinafter in this section provided appoint a committee for the management and maintenance of the water undertaking.

(2) The committee shall subject as hereinafter provided consist of thirty members of the County Council of whom three shall be members of the County Council representing thereon the landward part of the county included within that portion of the water limits which before the appointed day comprised the limits of compulsory supply of the Wemyss Trustees under the Wemyss Water Orders and three shall be nominated by the provost magistrates and councillors of the burgh of Buckhaven and Methil from amongst the members of the County Council representing that burgh.

(3) After the first election of county councillors held after the appointed day the number of members of the committee shall be reduced to twenty-eight of whom two shall be members of the County Council representing the landward part of the county as aforesaid and two shall be nominated by the provost magistrates and councillors of the said burgh from amongst the county councillors representing that burgh as provided by subsection (2) of this section.

32. Subject to the provisions of this Order the County Council may divert impound take appropriate store use and distribute for the purposes of the water undertaking the waters of the river Devon and the streams called or known as Glenquey Burn Garchel Burn Dunmoss Burn Meadow Burn Blackrig Burn Milldeans Burn Carriston Burn Conland Burn river Farg Plains Burn Miln Burn and Slateford Burn and of all or any of the affluents of those streams and all streams springs and waters flowing into or arising within the sites of the waterworks belonging to or transferred to and vested in the County Council by virtue of this Order and which can be collected by those waterworks or any of them.

Power to
take
waters.

33. For the protection of the county council of the county of Clackmannan and the riparian proprietors and millowners and other persons interested (a) on the river Devon below the reservoir (Work No. 2) authorised by the Dunfermline Order of 1913 (hereinafter referred to as "the Glendevon reservoir") and (b) on the Glenquey Burn and river Devon below the reservoir authorised by the Dunfermline Order of 1904 (hereinafter referred to as "the Glenquey reservoir")

Compensa-
tion water
from Glen-
devon and
Glenquey
reservoirs.

PART III.
—cont.

(the said county council and the said riparian proprietors and millowners and other persons interested being hereinafter in this section called "the interested parties") the following provisions shall unless otherwise agreed between the County Council and the interested parties have effect (that is to say):—

(1) Subject to the provisions of this section the County Council shall during every day of twenty-four hours discharge or deliver in a regular and continuous flow over or through the respective recording gauges or meters referred to in subsection (6) of this section (a) from the Glendevon reservoir into the river Devon not less than four million one hundred thousand gallons of water and (b) from the Glenquey reservoir into the Glenquey Burn not less than six hundred and sixty-six thousand six hundred and sixty-six gallons of water:

(2) (a) If and when at any time and from time to time the interested parties reasonably call upon the County Council to provide increased reservoir accommodation to secure the compensation water from the Glendevon catchment area the matter shall be referred to two engineers to be appointed as arbiters the one by the County Council and the other by the interested parties and if at any time the arbiters determine after taking into consideration the requirements of the water limits the amount of compensation water to be provided the dry weather flow and the quantity of water then being abstracted and thereafter to be abstracted that increased reservoir accommodation is required the County Council shall subject as hereinafter in this section provided construct an additional reservoir or provide increased reservoir accommodation as may be determined by the said arbiters;

(b) The reasonable expenses of the parties to the proceedings before the said arbiters including the fees of the said arbiters and their clerk shall be borne and paid by the County Council;

(c) In the event of the said arbiters differing in opinion they shall refer the matter in dispute to an oversman to be appointed by them and in the event of the failure of any oversman so appointed for any reason whatsoever then to any other oversman to be appointed by them and so from time to time and in the event of their failing to agree at any time upon an oversman an oversman shall be appointed by the President for the time being of the Institution of Civil Engineers on the application of the interested parties or of the County Council;

(d) The said arbiters and oversman are hereinafter in this section referred to and included in the expression "the arbiters":

(3) In the event of the County Council deciding to construct an additional reservoir or to provide increased reservoir accommodation to secure the compensation water from the Glendevon catchment area or of the arbiters at any time determining as aforesaid that an additional reservoir or increased reservoir accommodation is required the minimum extent of the additional storage accommodation to be provided by the County Council shall also be determined by the arbiters:

(4) If and when the arbiters have determined (a) that an additional reservoir or increased reservoir accommodation is required and (b) the extent of the additional storage accommodation to be provided by the County Council as aforesaid and if the County Council decide to construct an additional reservoir or to provide increased reservoir accommodation in terms of subsection (3) of this section the County Council shall as soon as possible thereafter make application to the Secretary of State for and use their best endeavours to obtain a Provisional Order authorising them to construct the necessary works and in the event of such Provisional Order being granted by the Secretary of State and confirmed by Parliament shall proceed with all reasonable dispatch to execute such works:

PART III,
—cont.

- (5) In the event of the embankment of the Glenquey reservoir being hereafter raised or additional reservoir accommodation provided at Glenquey the interested parties shall be entitled to call on the County Council to increase the water to be discharged or delivered as compensation water from the Glenquey reservoir or any such additional reservoir as aforesaid and in the event of the County Council failing to increase the compensation water or a difference arising as to the amount (if any) by which the compensation water is to be increased the matter shall be determined by arbitration in the manner provided in subsection (2) of this section and the provisions of this section relating to existing compensation water shall apply to any additional compensation water provided under this subsection:
- (6) The County Council shall maintain at the foot of the embankment of each of the Glendevon reservoir and the Glenquey reservoir a suitable recording gauge or meter over or through which the compensation water to be afforded by the County Council shall flow or be delivered:
- (7) The said recording gauges or meters together with the records thereof shall be open to the inspection of the interested parties or any of them at all reasonable times:
- (8) The said records shall be the property of the County Council but for the convenience of the interested parties shall be transmitted by them fortnightly to the county clerk of the county of Clackmannan or other person to be nominated by the interested parties in manner provided in subsection (13) of this section and on the expiry of fourteen days from the date on which the same have been received by the said clerk or person shall be retransmitted to the county clerk:
- (9) During the said period of fourteen days the said records shall be available for inspection at all reasonable times by the interested parties or any of them:

- (10) The County Council shall also make available to the interested parties records taken weekly of the respective depths of the Glendevon reservoir and of the Glenquey reservoir measured at the respective control towers and the County Council shall fortnightly along with the said records of the recording gauges and meters transmit to the county clerk of the county of Clackmannan or such other person as aforesaid a note of the weekly records of the said depths:
- (11) The reasonable charges and expenses of the county clerk of the county of Clackmannan or such other person as aforesaid not exceeding ten pounds per annum shall be paid by the County Council:
- (12) If at any time the said recording gauges or meters or any of them are out of repair or in an unfit condition for the purpose for which they are intended the County Council shall forthwith put the same into fit repair and condition and if they fail to do so within seven days after notice in writing to that effect given to them or any proper official on their behalf by or on behalf of the interested parties or any one or more of them then the interested parties or any one or more of them may cause the same to be put in fit repair and condition and may recover from the County Council the reasonable cost of so doing in any court of competent jurisdiction:
- (13) Except as in this section otherwise provided if and when the interested parties require to act in connection with any matter referred to in this section they shall act by means of the majority of a committee consisting of five persons of whom one shall be the convener of the county council of the county of Clackmannan for the time being or failing him some other person appointed by the county council of the county of Clackmannan and four shall be nominated from among the interested parties other than the county council of the

PART III.
—cont.

county of Clackmannan two at least being millowners by the majority of such of the interested parties as are present in person or by proxy at a meeting to be held within the burgh of Alloa of which notice shall be given by advertisement as aftermentioned specifying the time and place at which such meeting is to be held and the notices of all such meetings shall be inserted by any two or more of the interested parties twice at least in the Scotsman newspaper and twice at least in a newspaper published in Alloa not more than twenty nor less than five clear days before such meetings:

- (14) In the case of any neglect or default on the part of the County Council to maintain the said recording gauges or meters in a state of efficiency and in the case of any other neglect or default by or in consequence of which the said amounts of compensation water are not discharged and delivered into the river Devon and Glenquey Burn respectively as provided by this section the County Council shall for every day on which such neglect or default occurs forfeit and pay to each of the interested parties affected thereby the sum of five pounds to be recoverable by the interested parties or any of them before the sheriff of Stirling Dumbarton and Clackmannan and shall in addition make compensation for any loss damage or injury sustained by the interested parties or any of them:
- (15) If any difference arises between the County Council and the interested parties or any of them with respect to any of the matters contained in this section such difference shall if not otherwise provided in this section be referred to and determined by an arbiter who unless otherwise agreed upon between the parties in difference shall on the application of either party after seven days' notice in writing to the other of them be nominated by the sheriff of Stirling Dumbarton and Clackmannan:

(16) The provisions of this section shall be accepted and taken by the interested parties as full compensation for all water of the river Devon and Glenquey Burn respectively which the County Council can collect impound or appropriate by means of the Glendevon and Glenquey reservoirs and works connected therewith respectively:

PART III.
—cont.

(17) In this section the expression "sheriff" shall not include his substitutes.

34.—(1) The County Council shall during every day of twenty-four hours discharge or deliver into the stream known as the river Farg at a point therein situated not more than two hundred yards below the foot of the embankment No. 1 authorised by the Wemyss Order of 1910 not less than four hundred and twenty thousand gallons of water in a continuous flow.

Compensation water from Glenfarg reservoir.

(2) For the purpose of measuring the quantity of water to be so discharged or delivered into the said stream the County Council shall maintain at a point on the said stream below the said embankment No. 1 not more than two hundred yards from the foot of the 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 County Council and shall be open to the inspection and examination at all reasonable times of all persons interested therein or of persons duly authorised by them in that behalf.

(3) In the case of any neglect on the part of the County Council to maintain the gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water does not so flow the County Council 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 County Council and any person so interested with respect to the construction or use of the gauge or the state of repair or

PART III.
—cont.

condition thereof or as to the quantity of compensation water 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 of Perth and Angus.

(5) The provisions of this and the immediately succeeding section shall be accepted and taken by all persons interested as full compensation for all water which the County Council can divert collect impound or appropriate by means of the works authorised by the Wemyss Order of 1910 on the river Farg and the Plains Slateford and Miln Burns.

(6) In this section the expression "sheriff" shall not include his substitutes.

Limiting
abstraction
of water
from
Slateford
and Miln
Burns.

35.—(1) The County Council shall not divert into their reservoir at Glenfarg the waters of the Slateford Burn or Miln Burn unless a flow at the rate of one hundred thousand gallons per diem is passing down the course of the Slateford Burn past the point of intake and the County Council shall then be entitled to take and divert into the said reservoir two thirds of such water flowing in the burn up to an amount not exceeding two hundred thousand gallons per diem and in the event of the whole flow of the burn before abstraction exceeding the rate of three hundred thousand gallons per diem the County Council shall be entitled to take and divert into the said reservoir two thirds of such excess in addition to the two hundred thousand gallons before provided and shall leave in the burn to flow past the point of intake one third of such excess in addition to the one hundred thousand gallons before provided:

Provided that during the months of July August and September in any year the County Council shall not divert into the said reservoir at Glenfarg the waters of the Slateford Burn or Miln Burn unless a flow at the rate of three hundred thousand gallons per diem is passing down the course of the Slateford Burn past the point of intake and the County Council shall then be entitled to take and divert into the said reservoir the remainder of the water flowing in the burn up to an amount not exceeding six hundred thousand gallons per diem and in the event of the whole flow of the burn before abstraction exceeding the rate of nine hundred

thousand gallons per diem the County Council shall be entitled to take and divert into the said reservoir two thirds of such excess in addition to the six hundred thousand gallons before provided and shall leave in the burn to flow past the point of intake one third of such excess in addition to the three hundred thousand gallons before provided.

PART III.
—cont.

(2) For the purpose of measuring the flow of water in the said burn and the amount of water which the County Council shall be entitled to take therefrom under the provisions of this section the County Council shall maintain in the said burn at or near the point of intake a proper measuring gauge chamber sufficient for that purpose and such gauge chamber shall be under the control of the County Council and shall be open to the inspection and examination at all reasonable times of all parties interested therein or of persons duly authorised by them in that behalf.

36.—(1) As full compensation for the taking and appropriating of the waters authorised to be taken under the powers of the Wemyss Order of 1876 and the Wemyss Order of 1925 the County Council shall cause to flow from the Carriston reservoir into the channel of the Kennoway Burn a quantity of water not less than one hundred thousand gallons each day and shall maintain a suitable measuring gauge over or through which the said compensation water shall flow or be discharged.

Compensation water from Carriston reservoir.

(2) Such gauge shall be open to the inspection and examination of the several persons interested in the water so to flow or be discharged through or over the same.

(3) If at any time such gauge shall be in an unfit state of repair or condition for the purpose for which it is intended the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the County Council or if they fail so to do within seven days after notice given to them by or on behalf of any of the persons interested as aforesaid requiring the County Council so to do it shall be lawful for any person so interested to cause such works to be done and performed in connection with the said gauge as shall be necessary for placing it

PART III.
—cont.

in a proper and efficient state and condition and to recover the expenses of such works against the County Council in any court of competent jurisdiction:

Compensation water from Coul reservoir.

37.—(1) The County Council shall discharge into or allow to flow down the Conland Burn below the Coul reservoir being Work No. 1 described in the Wemyss Order of 1894 as enlarged by the construction of Work No. 22 authorised by the Wemyss Order of 1910 a regular and continuous flow of water of not less than two hundred thousand gallons in every day of twenty-four hours which quantity of water shall be deemed to be full compensation to all owners lessees and occupiers of lands mills works and other properties and to all other persons for the water intercepted taken and appropriated by means of the said reservoir.

(2) The County Council shall at all times maintain in sufficient repair a suitable measuring gauge on the Conland Burn over or through which the said quantity of compensation water shall flow or be delivered which gauge shall be open to the inspection of all persons legally interested in the waters flowing down the Conland Burn.

Provisions as to gauges.

38. In the case of any neglect on the part of the County Council to maintain in a state of efficiency any gauge referred to in the sections of this Order of which the marginal notes are respectively "Limiting abstraction of water from Slateford and Miln Burns" "Compensation water from Carriston reservoir" and "Compensation water from Coul reservoir" and in the case of any other neglect by or in consequence of which the respective quantities referred to in those sections does not so flow the County Council 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.

Restriction on works for abstraction of water.

39. The County Council shall not construct any works for taking or intercepting water from any lands acquired by or vested in them unless the works are authorised by and the lands upon which the same are to be constructed are specified in an Act of Parliament

or Order confirmed by or having the effect of an Act of Parliament:

PART III.
—cont.

Provided that for the purposes of this section works which are comprised in the water undertakings vested in and transferred to the County Council under this Order and any works carried out by the County Council under the powers of the section of this Order of which the marginal note is "Power to maintain extend or renew water undertaking &c." and any works acquired by the County Council in pursuance of the section of this Order of which the marginal note is "As to purchase of water undertakings" shall be deemed to be situated upon lands which are specified in this Order.

40.—(1) The County Council may for the purpose of the cleansing or repairing of any of their waterworks discharge water from any of such waterworks into any available stream or watercourse or into any stream or watercourse with which any of such waterworks may communicate.

Power to discharge water into streams.

(2) In the exercise of the powers conferred by this section the County Council shall do as little damage as may be and shall make full compensation for all damage caused by reason or in consequence of the exercise of such powers and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

(3) The provisions of this section shall not be exercised so as to damage or injuriously affect the railways works or property of the London and North Eastern Railway Company.

B.—Works and lands.

41. Subject to the provisions of this Order the County Council may make and maintain in the lines and according to the levels shown on the deposited plans the waterwork hereinafter described (that is to say):—

Power to make water-work.

Filtration plant (Work No. 7) to be wholly situated in the parish of Muckhart in the county of Perth immediately north of Yetts of Muckhart within the enclosure numbered 106 on the 1/2500 Ordnance map (1900 edition) of the said parish.

PART III,
—cont.
Subsidiary
works in
connection
with water-
work.

42. In addition to the waterwork hereinbefore described the County Council may upon the lands delineated upon the deposited plans and acquired by them make erect and maintain all such filters filter beds tanks and other works machinery and apparatus as may be necessary or convenient in connection with or subsidiary to the said waterwork but nothing in this section shall exonerate the County Council from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to
deviate
in con-
struction
of water-
work.

43. Subject to the provisions of this Part of this Order the County Council may in the construction of the waterwork authorised by this Part of this Order deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation defined on the deposited plans 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.

Period for
completion
of water-
work.

44. If the waterwork authorised by this Part of this Order is not completed by the thirty-first day of July one thousand nine hundred and forty-seven the powers by this Order granted to the County Council for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed. Provided that the Special Enactments (Extension of Time) Act 1940 shall apply as if the Act confirming this Order had been passed before the passing of that Act.

Waterwork to
form part of
water under-
taking.

45. The waterwork authorised by this Part of this Order shall for all purposes whatsoever be and be deemed to be part of the water undertaking.

Power to
acquire
additional
lands by
agreement.

46.—(1) In addition to any lands which the County Council may under this Part of this Order acquire and hold for the protection of the water undertaking they may from time to time by agreement for the purposes of this Part of this Order purchase any additional quantity of land not exceeding in the whole fifty acres.

(2) The County Council shall not create or permit a nuisance and shall not erect any buildings on such lands except offices and buildings for persons in their

employment and such buildings as may be incident to or connected with the exercise of the powers conferred by this Part of the Order in relation to the water undertaking.

PART III.
—cont.

47.—(1) Subject to the provisions of the Lands Clauses Acts with respect to the sale of superfluous lands the County Council may from time to time if they think fit sell or lease or otherwise dispose of in such way and manner and on such terms and conditions as they may deem proper any lands mines or minerals vested in or acquired by them which may not be required for the purposes of or in connection with the water undertaking:

County Council may sell or lease lands.

Provided that the County Council shall not (unless the Secretary of State otherwise directs) sell lease or otherwise dispose of any lands to which this section applies except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Secretary of State is necessary or has been obtained.

(2) The proceeds of the disposal of any such lands shall be applied towards the reduction of debt affecting the water undertaking or otherwise for the benefit of the water undertaking as the County Council with the consent of the Secretary of State may determine.

48. On the sale by the County Council of any lands they may reserve to themselves all or any part of the water or water rights or other servitudes belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water noxious trades or discharge or deposit of manure sewage or other impure matter as they think fit.

Reservation of water rights.

49. The County Council may hold any lands vested in or acquired by them under this Part of this Order and may by agreement purchase or acquire and hold or may take on lease any other lands rights or servitudes or restrictions over any lands which the County Council may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or obviating danger of

Power to hold lands needful to prevent fouling and to protect water.

PART III.
—cont.

contamination of the water in the gathering grounds of any of their reservoirs or for the protection of their waterworks against nuisance contamination encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the County Council shall not create or permit a nuisance and shall not erect any buildings on such lands while so held except offices and buildings for persons in their employment and such buildings as may be incident to or connected with the water undertaking.

Power to establish communication with works by means of electricity.

50.—(1) The County Council may establish and maintain such wires and apparatus for the transmission of messages and other communications wholly or partially by means of electricity or by telephone (which wires and apparatus are in this section called "any such apparatus as aforesaid") as they think expedient or necessary for the better execution of any of the powers or authorities for the time being vested in them and in relation to any such apparatus as aforesaid for the purposes of the Telegraph Act 1863 the County Council shall be in the like position in all respects as a company authorised by special Act of Parliament to construct and maintain telegraphs would be or might have been under that Act but nothing in this Order shall authorise the County Council to work any such apparatus as aforesaid in consideration of any money payment or other valuable consideration or for any purpose other than the execution of their powers and authorities aforesaid or in contravention of any exclusive privilege by law vested for the time being in the Postmaster-General or of the Wireless Telegraphy Acts 1904 to 1926 or to construct any such apparatus as aforesaid which shall interfere in any way with any telegraphic line in the possession or under the control of the Postmaster-General.

(2) The County Council shall within forty-eight hours of the service on them of a notice in writing by the Postmaster-General in that behalf remove or alter to the satisfaction of the Postmaster-General any such apparatus as aforesaid which in the opinion of the Postmaster-General interferes or will interfere with the efficient or convenient maintaining working or

user of any telegraphic line which the Postmaster-General has constructed or desires to construct and in default of such removal or alteration as aforesaid the Postmaster-General may remove or alter any such apparatus as aforesaid at the expense of the County Council.

PART III.
—cont.

51. The County Council may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in connection with the waterworks and any expenses incurred by the County Council under such undertaking may be defrayed out of any revenue or funds of the County Council.

Postal facilities.

52. Any proprietor having any fishing shooting sporting boating or other rights in over or on any of the reservoirs of the County Council or over any adjoining lands belonging to the County Council may renounce any such rights in favour of the County Council upon such terms and conditions as may be agreed between such proprietor and the County Council.

Acquisition of sporting and other rights by agreement.

53. The County Council may for the protection of their waterworks from injury by subsidence or otherwise by agreement purchase acquire and hold any mines or minerals under any lands which the County Council have acquired or may hereafter acquire for the purposes of the water undertaking or in or through which they have acquired or may hereafter acquire servitudes or wayleaves for such purposes or in or through which any works of the County Council are now or may hereafter be situated or pass or under any land adjoining any such lands respectively:

Acquisition of minerals by agreement.

Provided that as regards coal the powers of the County Council under this section shall be subject to the provisions of section 17 of the Coal Act 1938.

54. The County Council may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any of their waterworks with reference to the execution by the County Council 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

Power to agree as to drainage of lands.

PART III.
—cont.

effectually collecting and conveying and preserving the purity of the waters authorised to be impounded taken and acquired by the County Council flowing to in upon or from such lands directly or derivatively into such waterworks.

Power to
afforest
lands.

55.—(1) The County Council may plant with trees any land acquired by them for the purposes of or in connection with the water undertaking which may be suitable for afforestation.

(2) The exercise of the power conferred by this section shall be deemed to be a purpose of this Order to which capital may be applied.

C.—Supply of water.

Water
limits.

56. The limits within which the County Council are authorised to supply water and which are in this Order referred to as "the water limits" are hereby defined as comprising and including—

(i) The county and the districts formerly forming part of the county which were annexed to the city and royal burgh of Dunfermline by the Dunfermline Burgh Extension and Drainage Act 1911 exclusive of—

1 & 2 Geo. 5.
c. civ.

(a) any part of the area comprised within the limits for the compulsory supply of water by the provost magistrates and councillors of the city and royal burgh of Dunfermline as described in the First Schedule to the Dunfermline Corporation Water Order 1913;

3 & 4 Geo. 5.
c. clvii.

(b) the entire parishes of Forgan and Ferryport-on-Craig forming part of the limits of supply of water by the lord provost magistrates and councillors of the city and royal burgh of Dundee as authorised by section 16 of the Dundee Water Act 1882; and

45 Vict.
c. xliii.

(c) that part of the parish of Balmerino which lies within the compulsory limits of supply of water by the lord provost magistrates and councillors of the city and royal burgh of Dundee as authorised by section 26 (4) of the Dundee Water Act 1891;

54 & 55 Vict.
c. xciv.

(ii) The burgh of Buckhaven and Methill.

57. The water to be supplied by the County Council need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations and the County Council shall not be required to supply water in any case at a pressure greater than can for the time being be afforded by gravitation from the service reservoir from which the supply is taken.

PART III.
—cont.
Constant supply and pressure.

58.—(1) The County Council may so far as not already laid cause pipes to be laid and water to be brought through all streets and roads or portions of streets or roads along which houses are built within the water limits and shall as soon as conveniently may be at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling in any such street or road as aforesaid situated within the water limits or any person entitled to demand a supply of water under the provisions of this Order furnish to such person by means of service or communication pipes and other necessary and proper apparatus to be provided and laid down (so far as not already provided and laid down) and maintained by and at the cost of such person unless otherwise agreed between him and the County Council a sufficient supply of water for domestic purposes in any such house or dwelling (including a supply for private waterclosets and private fixed baths in any such dwelling-house) including the office-houses yards and other pertinents of the same.

Supply of water for domestic purposes.

(2) A person shall not be entitled to demand such supply of water or to require the County Council to lay down pipes or fire plugs unless—

- (a) some pipe of the County Council has been laid within one hundred yards of the premises in respect of which such supply of water or pipes or fire plugs is or are demanded measuring from the outer wall of such premises; or
- (b) the County Council have become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act 1847 to cause pipes to be laid down within the said distance of one hundred yards of such premises.

PART III.
—cont.

(3) Section 35 of the Waterworks Clauses Act 1847 shall in its application to the County Council be read as if "one-eighth part" were substituted therein for "one-tenth part."

Owners to
provide and
maintain
service
pipes.

59.—(1) For the purpose of providing for the better distribution of the water supply among the inhabitants the County Council in addition to the powers conferred by the Public Health Acts may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any road within the water limits in which the pipes of the County Council are laid within one hundred yards from such dwelling-house or tenement of dwelling-houses to take a supply of water for such house or tenement by connecting a service or communication pipe with the main pipe of the County Council in any such road (such connection to be made by the County Council or some person to be employed by them at the expense of the owner) and to provide lay and maintain in good and sufficient repair such service or communication pipes stand-pipes or taps cisterns and other means and apparatus and in such positions as shall appear to the County Council to be necessary for that purpose.

(2) In the event of refusal or delay on the part of such owner to comply with such requisition within one month after the date on which such requisition is given it shall be lawful for the County Council or persons employed by them after twenty-four hours' notice in writing to enter such house or tenement and premises connected therewith between the hours of nine in the morning and five in the afternoon and to provide lay and maintain such service or communication pipes stand-pipes or taps cisterns and other means and apparatus in such positions as aforesaid and to recover the expense thereof from such owner in the same manner as rates or charges are recoverable by the County Council under this Order and the Waterworks Clauses Acts 1847 and 1863.

(3) Any question or difference arising between the County Council and the owner of any house or tenement with respect to the necessity for such supply being provided for such house or tenement or with respect to the number or description of service or communication

pipes stand-pipes or taps cisterns or other means and apparatus necessary for the purpose aforesaid the same shall be determined and fixed by the sheriff on summary application by either of the parties and the decision of the sheriff shall be final and not subject to review.

PART III.
—cont.

60. The supply of water for domestic purposes required by this Part of this Order shall be sufficiently provided before the County Council supply water for any purpose other than domestic purposes.

Domestic supply not to be prejudiced.

61.—(1) The County Council may at such rates and upon such terms and conditions as shall be fixed from time to time by them and published by being exhibited in the office of the County Council furnish to any person within the water limits a supply of water for other than domestic purposes.

Supply of water for other than domestic purposes.

(2) A supply of water for domestic purposes shall not include a supply of water for any of the following purposes (all of which supplies are hereinafter in this Part of this Order included in the expressions "trade supply" and "trade purposes") (namely):—

(a) for cattle or for horses;

(b) for washing carriages motor cars or other vehicles or for any other use in connection with vehicles;

(c) for watering gardens;

(d) for fountains (other than drinking fountains) or ornamental purposes;

(e) for steam engines or railway or dock purposes;

(f) for shipping;

(g) for heating or ventilating any premises other than dwelling-houses;

(h) for any machine or apparatus or for or through a hosepipe or similar apparatus for any purpose;

(i) for any trade manufacture business or occupation;

(j) for extinguishing fires on heaps of refuse cinders or waste materials;

PART III.
—cont.

- (k) for any poorhouse hospital nursing home barracks pithead baths prison asylum sanatorium school or other public building;
- (l) for any hotel club restaurant tavern public-house or boarding house capable of accommodating twelve or more persons including the persons resident therein; or
- (m) for any other purpose not domestic.

(3) (i) In the case of a stable garage or other premises (in which horses carriages motor cars or other vehicles are kept for private use) occupied along with any other private dwelling-house the water supplied for domestic purposes may be used for horses carriages motor cars or other vehicles kept in such stable garage or other premises if the full county water rates or the full preferential rates authorised by this Part of this Order are assessed upon the full rateable value of the private dwelling-house including such stable garage or other premises and no additional charge shall be made for water supplied to such stable garage or other premises unless a hosepipe or similar apparatus is used in which case an additional charge may be made.

(ii) In the case of a garden occupied as a pertinent of a private dwelling-house and assessed therewith for the full county water rates no additional charge shall be made for water supplied for watering the garden when the water is carried in vessels and by hand only from the interior of the dwelling-house of which the garden is a pertinent.

(4) As far as practicable the rates for supplies of water for trade purposes shall be uniform to all persons or companies being supplied or who may be supplied in like circumstances and for the same purposes and requiring the same extent of supply.

(5) In the event of any difference arising between the County Council and any person desiring a trade supply as to the rates or charges or terms or conditions on or in respect of which such supply is to be given the same shall subject to the provisions of this Order be determined by the sheriff in a summary manner upon the application of the County Council or of any such person and the decision of the sheriff shall be final.

62.—(1) Unless where otherwise specially provided in this Order or by agreement in writing between the parties any party using water supplied by the County Council for other than domestic purposes shall be held to have entered into a contract or arrangement for such supply upon the terms of the table of rates and conditions of supply prescribed from time to time by the County Council and exhibited for public inspection in the offices of the County Council:

PART III.
—cont.
Parties using water for other than domestic purposes to be held to have entered into contract for such supply.

Provided that it shall be competent for the County Council to modify the provisions of the aforesaid table in special cases having regard to the period for which water is used the onus of establishing the said period to the satisfaction of the County Council being with the consumer concerned.

(2) Any person who considers himself aggrieved by the terms of the table of rates and conditions of supply for other than domestic purposes prescribed from time to time by the County Council under this section may appeal to the sheriff whose decision shall be final.

63.—(1) The County Council may subject to the provisions of this Order agree with any person for supplying him with water by measure and may require any person supplied with water for trade purposes to take and pay for his supply by measure.

Supply of water by measure.

(2) Where water is supplied by measure the County Council shall provide a meter for ascertaining the quantity of water consumed and that upon such terms and conditions and at such rent as shall be fixed from time to time by the County Council not exceeding ten per centum of the cost of providing and installing the meter.

(3) Any person supplied with water by measure shall provide at his own cost a suitable meter chamber if required to do so by the County Council.

64. Where water is supplied by measure the register of the meter shall be prima facie evidence of the quantity of water consumed.

Register of meter to be prima facie evidence.

65.—(1) The County Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Power to sell or let meters.

PART III.
—cont.

(2) The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the County Council to let for hire any water fittings to any person supplied by them with water.

Supply to houses partly used for trade &c.

66. The County Council shall not be bound to supply with water otherwise than by measure 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.

Water for trading purposes.

67. The County Council after reasonable notice and on the demand of the owner or occupier of any work or manufactory within the water limits to which water can be supplied by any pipe of the County Council shall make connections with such pipe and shall by means thereof furnish to such owner or occupier a supply of water for the use of such work or manufactory at such rate as may be agreed upon between the County Council and such owner or occupier and the expense of such connections shall forthwith be repaid to the County Council by such owner or occupier.

Water supplied for domestic purposes not to be used for other purposes.

68.—(1) In addition to and without prejudice to the provisions contained in this order with regard to the misuse of water supplied by the County Council a person supplied by the County Council with water for domestic purposes shall not use such water or suffer the same to be used for purposes other than domestic.

(2) Any person offending against this enactment shall for every such offence forfeit and pay to the County Council a penalty not exceeding forty shillings.

Water may be supplied for cleansing roads &c.

69. The County Council may if they see fit furnish a supply of water for the purposes of watering or cleansing roads or of flushing or cleansing public sewers or drains or for public baths washhouses or conveniences or for refuse destructors public slaughter-houses or public fountains either gratuitously or at such charge or reduced charge and upon such terms and conditions as they shall think proper. Provided that the supply of water under this section shall not prejudicially affect or restrict the supply of water from time to time required for domestic or trade or manufacturing purposes within the water limits.

70. Water supplied to any local or road authority for road purposes and for flushing public sewers or drains shall be supplied through a stand-pipe the diameter of the orifice of which shall be determined by the County Council.

PART III.
—cont.
Water for
road &c.
purposes.

71.—(1) The County Council may from time to time provide from any of their sources of supply water under pressure for the purpose of supplying motive power by hydraulic pressure for any purposes to which such power is or may be applicable.

Power to
provide
water for
hydraulic
purposes.

(2) For that purpose the County Council may use any of their buildings works machinery mains pipes and other apparatus or may provide erect lay down and maintain any other buildings works machinery mains pipes and apparatus which may be necessary or convenient on their own lands or on lands to be acquired by them by agreement and may make agreements with any person for obtaining supplies of water for such purpose from any sources of water supply belonging to such person.

(3) The County Council may acquire or work any patents relating to the supply of water under pressure for the purpose of supplying motive power by hydraulic pressure but not so as to acquire any exclusive rights in such patents.

(4) The County Council may within the water limits or beyond the same supply any person with water under pressure for the purposes aforesaid at such rates and charges and upon such terms and conditions as may be agreed on between them and the person obtaining such supply.

(5) It shall not be lawful for the County Council to afford a supply of water under this section within any area beyond the water limits except with the consent of any local or other authority or company authorised by statute to supply water therein.

(6) The supply of water under this section shall not at any time interfere with the supply of water for domestic purposes within the water limits.

72.—(1) The County Council may supply in such places within the water limits as they may determine public wells stand-pipes watering troughs and drinking

Public
wells &c.

PART III.
—cont.

fountains from which water may be drawn for drinking and domestic purposes.

(2) Any person who without the written consent of the County Council takes water from any public wells stand-pipes watering troughs and drinking fountains for any purposes other than domestic use or for drinking shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding five pounds.

Removal of
stand-pipes
&c.

73.—(1) The County Council may subject as hereinafter provided from time to time remove or close any stand-pipe fountain or well within the water limits not being or situated on private property the continued use of which in the opinion of the County Council is unnecessary or inexpedient in public interest.

(2) If the County Council determine to remove or close any such stand-pipe fountain or well as aforesaid they shall one month before proceeding to carry such determination into effect give notice thereof by written or printed intimation posted at or on such stand-pipe fountain or well or by advertisement in some newspaper circulating within the district in which the stand-pipe fountain or well referred to in such determination is situated.

(3) Any person whose property may be affected or who thinks himself aggrieved by any determination of the County Council under this section may at any time before such determination is carried into effect appeal therefrom to the sheriff who shall hear try and determine the matter summarily and whose decision shall be final and not subject to review.

Tube or
hose not to
be affixed
to mains or
pipes with-
out consent
of County
Council.

74.—(1) It shall not be lawful for the owner or occupier of any house or premises supplied with water by the County Council 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 County Council or to any service pipe or apparatus of such owner or occupier for the purpose of washing horses motor vehicles or other carriages houses or buildings or windows or for watering gardens or washing pavements or roads or for any other purpose.

(2) Any person who contravenes this enactment shall be guilty of an offence and shall for every such

offence be liable to a penalty not exceeding forty shillings.

PART III.
—cont.

75.—(1) The County Council shall be entitled to withhold any supply of water for non-domestic purposes in cases of scarcity of water due to drought or other causes and for this purpose they shall insert a notice in a newspaper circulating in the locality affected at least one week before depriving any persons of water for non-domestic purposes.

Supply of water for non-domestic purposes in case of drought &c.

(2) Any person interested may within four days of the publication of the said notice appeal to the sheriff summarily against the proposal of the County Council to withhold the supply of water as aforesaid and the operation of the said notice against the person so appealing shall be suspended pending the disposal of the appeal.

(3) Any person using water for non-domestic purposes in contravention of the provisions of such notice shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds for each offence.

76.—(1) A person shall not be entitled to demand or to continue to receive from the County Council a supply of water to any habitation to which this section applies unless he has—

Supply to sheds tents vans &c.

(a) agreed with the County Council to take a supply of water by meter and to pay to them such minimum annual sum as will give them a reasonable return on the capital expenditure incurred by them in providing the required supply and will cover other standing charges incurred by them in order to meet the possible maximum demand for his habitation and will yield a reasonable return on the cost of the water supplied; and

(b) secured to the reasonable satisfaction of the County Council by way of deposit or otherwise payment of such a sum as may be reasonable having regard to his possible maximum demand for water.

(2) The annual sum to be so paid and the security to be so given shall be determined in default of agreement by the sheriff whose decision shall be final.

PART III.
—cont.

(3) The habitations to which this section applies are tents vans or other conveyances whether on wheels or not and sheds or similar structures.

Supply of
water within
Wemyss
water
district.

77. Notwithstanding anything contained in this Order the following provisions shall apply in relation to so much of the water limits as before the appointed day comprised the limits of compulsory supply of the Wemyss Trustees under the Wemyss Water Orders (that is to say):—

(1) (i) The County Council shall for a period of ten years from the appointed day supply water for pithead baths in use at the appointed day within such part of the water limits as follows:—

(a) for the first ten gallons per head per day of the number of persons using such baths free of charge;

(b) for any water supplied in excess of that quantity at the normal meter rate;

(ii) The owners or lessees of the pit at which such pithead baths are established shall furnish the County Council with monthly returns of the number of persons using such baths:

(2) The charge for water supplied by the County Council by measure within such part of the water limits during the period of ten years from the appointed day shall for each one thousand gallons of water supplied during each year of the said period not be in excess of one-half of the rate per pound levied in that year as water assessment (including domestic and public water rate) within such part of the water limits.

Payment
in advance
of charges
for water
supply.

78. The charge for a supply of water by the County Council under any contract of arrangement for a special supply whether existing at the commencement of this Order or entered into after that date shall except when the supply is furnished by meter and unless the contract or arrangement otherwise expressly provides

be payable quarterly one quarter in advance at such dates as the County Council shall fix Provided that when the supply is furnished by meter the consumer may be required to deposit such sum as security for the payment for such supply as the County Council think necessary.

PART III.
—cont.

79. The County Council may make byelaws for securing the cleanliness and freedom from pollution of tanks cisterns and other receptacles in the water limits for storing water for drinking or domestic purposes or for manufacturing human food or drink.

Cleansing
of cisterns.

80. In the event of the County Council supplying water beyond the water limits to and within the jurisdiction of any local authority as defined by the Public Health (Scotland) Act 1897 they shall be bound if and when such local authority themselves resolve to supply water to and within the jurisdiction of such local authority beyond the water limits to sell to such local authority on receiving six months' notice in writing any pipes plant or other apparatus of the County Council which are used exclusively for the distribution of water within the jurisdiction of such local authority beyond the water limits under the powers of this Order and that for such price as may be agreed on or failing agreement as may be fixed by arbitration under the Lands Clauses Acts.

Sale of
portion of
pipes within
jurisdiction
of other
local
authorities.

81.—(1) Subject to the provisions of this Order the County Council on the one hand and the provost magistrates and councillors of the royal burgh of Kirkcaldy the provost magistrates and councillors of the city and royal burgh of Dunfermline the provost magistrates and councillors of the royal burgh of Inverkeithing the provost magistrates and councillors of the burgh of Leven the provost magistrates and councillors of the burgh of Cowdenbeath the provost magistrates and councillors of the burgh of Culross the provost magistrates and councillors of the burgh of Lochgelly the provost magistrates and councillors of the burgh of Alloa the county council of the county of Clackmannan the county council of the county of Kinross and the county council of the county of Perth or any one or more of them or any other local authority or person on the other hand may enter into and carry into effect

Power to
supply
water by
agreement.

PART III.
—cont.

agreements for or with respect to the following purposes or any of them and all matters incidental thereto (that is to say):—

- (a) The supply to the County Council by any such local authority or person of water in bulk or otherwise or for the laying or acquisition of mains pipes or other works either within or beyond the water limits;
- (b) The supply by the County Council out of any surplus water to any such local authority or person of water in bulk or otherwise or for the laying or acquisition of mains pipes or other works either within or beyond the water limits;
- (c) The period during which any such supply of water is to be afforded and the payments to be made or other consideration to be given in respect of such supply and the application by the contracting parties of their respective funds for the purposes of any such agreement.

(2) Without prejudice to the foregoing provisions of this section the County Council may and they are hereby authorised to enter into an agreement with the Secretary of State and with the county council of the county of Perth to provide a supply of water to the emergency hospital at present being erected at Bridge of Earn in the county of Perth and also to any subjects within the county of Perth adjacent to the water pipe to be laid in connection with the supply to the said emergency hospital including the village of Aberargie in the county of Perth of such quantity and on such terms as to price and otherwise as may be agreed between the parties.

(3) Such supply of water shall not be given by the County Council for use in any district beyond the water limits except with the consent of any company or person supplying water under parliamentary authority within such district and of the local authority of that district and shall not prejudicially affect or restrict the supply of water from time to time required for all purposes within the water limits.

Agreements
with
Admiralty.

82. The agreement made the twenty-seventh day of July and the sixth day of September one thousand

nine hundred and twenty between the Dunfermline District Committee of the County Council of the one part and the commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland of the other part set forth in the First Schedule to this Order is hereby confirmed and made binding on the parties thereto and may be carried into effect by the County Council and the said commissioners subject to such modifications (if any) as may be agreed in writing between the County Council and the said commissioners.

83. For the protection of the provost magistrates and councillors of the city and royal burgh of Dunfermline (hereinafter in this section respectively called "the Dunfermline Corporation" and "the burgh") the following provisions shall unless otherwise agreed upon in writing between the County Council and the Dunfermline Corporation have effect (that is to say):—

Supply of
water to
Dunferm-
line Cor-
poration.

- (1) The County Council shall afford to the Dunfermline Corporation in perpetuity a daily supply of water in bulk by meter and subject to the proviso aftermentioned in a regular and continuous flow to the following amounts and at the following rates per diem (that is to say):—

For any quantity up to six hundred thousand gallons at the rate of one penny and decimal seven five of one penny for every one thousand gallons;

For every additional one thousand gallons up to nine hundred thousand gallons at the rate of one penny and decimal six five of one penny for every one thousand gallons;

For every additional one thousand gallons up to one million two hundred thousand gallons at the rate of one penny and decimal five five of one penny for every one thousand gallons;

For every additional one thousand gallons up to one million five hundred thousand gallons at the rate of one penny and decimal four five of one penny for every one thousand gallons;

PART III.
—cont.

For every additional one thousand gallons up to two million gallons at such rate not exceeding one penny and decimal four five of one penny for every one thousand gallons as failing agreement shall be determined by arbitration as hereinafter provided:

Provided that such last-mentioned five hundred thousand gallons shall only be afforded by the County Council to the Dunfermline Corporation if and when the County Council after satisfying all other demands which could have been made upon them under the repealed provisions of the Dunfermline Orders of 1904 to 1918 for a supply of water by them to other bodies and persons shall have a surplus of water available therefor;

The water supplied by the County Council to the Dunfermline Corporation for use within the area within the burgh known as "the Kingseat area and farms" shall be deemed to be included in and to form part of the quantities of water to be afforded by the County Council to the Dunfermline Corporation as aforesaid all which quantities of water under this section shall be delivered by the County Council at a point above and near Glenquey Gate:

- (2) The Dunfermline Corporation shall in consideration of the said daily supply of water by the County Council pay at the rates aforesaid in half-yearly instalments at Whitsunday and Martinmas in each year and the Dunfermline Corporation shall in any case pay for a minimum daily supply of not less than six hundred thousand gallons whether such supply or any portion thereof is or is not taken:
- (3) On the request in writing by the Dunfermline Corporation within six months after the expiry of the period of thirty-five years and also after the expiry of forty years from the fifteenth day of November one thousand nine hundred and twenty-four being the date on which the supply of water was first afforded to

the Dunfermline Corporation the rates aforesaid shall be subject to revision and shall failing agreement be determined by arbitration as hereinafter provided:

PART III.
—cont.

- (4) If such request is made by the Dunfermline Corporation after the expiry of the said period of thirty-five years the moneys borrowed and expended by the County Council on the construction (excluding lands and servitudes) of the portion of the conduit or line of pipes (Work No. 5) authorised by the Dunfermline Order of 1913 situated between the embankment (Work No. 2) authorised by that Order and Glenquey Gate shall for the purpose of such arbitration be deemed to have been repaid by the County Council as at the date of the expiry of the said period of thirty-five years and the rate of interest paid by the County Council in respect of such moneys to have been at the rate of three and three-quarters per centum per annum during such period:
- (5) If such request is made by the Dunfermline Corporation after the expiry of the said period of forty years the moneys borrowed and expended by the County Council on the purchase of lands and servitudes for and on the construction of the reservoir (Work No. 1) the said Work No. 2 and the said portion of the said Work No. 5 authorised by the Dunfermline Order of 1913 shall for the purposes of the said arbitration be deemed to have been repaid by the County Council as at the date of the expiry of the said period of forty years and the rate of interest paid by the County Council in respect of such moneys to have been at the rate of three and three-quarters per centum per annum during such period:
- (6) In the event of the County Council constructing at Glendevon an additional reservoir or providing increased reservoir accommodation at Glendevon as provided by the section of this Order of which the marginal note is "Compensation water from Glendevon and Glenquey reservoirs" the rates mentioned in subsection

PART III.
—cont.

- (1) of this section and in subsection (1) of section 14 (Supply of water by district committee) of the Dunfermline Corporation Order 1913 shall notwithstanding anything contained in those sections be subject to revision at the instance of either the County Council or of the Dunfermline Corporation and shall failing agreement be determined by arbitration as hereinafter provided and the arbiter shall also failing agreement be entitled to determine what (if any) additional supply the Dunfermline Corporation should receive from the County Council over and above the quantities specified in the said sections and the rate or rates to be paid therefor:
- (7) The meter for measuring such supply and the house and land in which the same is fixed shall together with the necessary connections be maintained in good and sufficient order by the County Council at the expense of the Dunfermline Corporation and shall be under the control of the County Council and be open at all reasonable times to inspection by a person to be appointed by the Dunfermline Corporation:
- (8) The Dunfermline Corporation shall not sell for use beyond the limits for the compulsory supply of water by the Dunfermline Corporation as described in the First Schedule to the Dunfermline Corporation Order 1913 any of the water supplied by the County Council to the Dunfermline Corporation under this section:
- (9) Any difference under this section between the County Council and the Dunfermline Corporation shall be referred to and determined by an arbiter to be mutually chosen or failing agreement appointed on the application of either party by the sheriff and the decision of the arbiter so appointed shall be final.

84. For the protection of the provost magistrates and councillors of the burgh of Inverkeithing (hereinafter in this section respectively referred to as "the

Supply of water to Inverkeithing Corporation.

Inverkeithing Corporation" and "the burgh") the following provisions shall unless otherwise agreed upon in writing between the County Council and the Inverkeithing Corporation have effect (that is to say):—

PART III.
—cont.

- (1) In addition to the supply of water afforded by the County Council to the Inverkeithing Corporation under the agreement set forth in the Second Schedule to the Dunfermline Order of 1904 the County Council shall supply in perpetuity water from the works authorised by the Dunfermline Order of 1913 in bulk to the Inverkeithing Corporation and the Inverkeithing Corporation shall take such daily quantity up to three hundred thousand gallons per diem as the Inverkeithing Corporation may from time to time by notice in writing to the County Council require:
- (2) The payment to be made by the Inverkeithing Corporation to the County Council in respect of a supply of water as aforesaid from the works authorised by the Dunfermline Order of 1913 shall be calculated as follows:—

For the first fifty thousand gallons per day at the rate of fourpence for every one thousand gallons;

Above fifty thousand and up to one hundred thousand gallons per day at the rate of threepence halfpenny for every one thousand gallons;

Above one hundred thousand and up to two hundred thousand gallons per day at the rate of threepence for every one thousand gallons ; and

Above two hundred thousand and up to three hundred thousand gallons per day at the rate of twopence halfpenny for every one thousand gallons;

Such payment shall run from the date on which the supply is afforded and be payable half-yearly:

- (3) The water to be supplied to the Inverkeithing Corporation under this section shall be

PART III.
—cont.

delivered from the conduits or pipes of the County Council at such point at or near the boundary of the burgh as may be mutually agreed upon or failing agreement determined by arbitration as hereinafter in this section provided:

- (4) The quantity of water to be delivered to the Inverkeithing Corporation under this section shall be accurately recorded by a meter or meters placed in a meter-house to be provided and maintained in good working order by and at the expense of the Inverkeithing Corporation. The County Council shall have the right of access to the meter-house at such times as they may desire for the purpose of checking the register showing the quantity of water delivered and shall also have the right of inspecting any accounts and documents kept by the Inverkeithing Corporation showing or tending to show the quantity of water delivered:
- (5) The Inverkeithing Corporation shall not from the water supplied to them under this section supply water to any local authority company or person outside the burgh without the consent of the County Council:
- (6) Any difference under this section between the County Council and the Inverkeithing Corporation shall be referred to and determined by an arbiter to be mutually chosen or failing agreement appointed on the application of either party by the sheriff and the decision of the arbiter so appointed shall be final.

Supply of
water to
Lochgelly
Corpora-
tion.

85. For the protection of the provost magistrates and councillors of the burgh of Lochgelly (hereinafter in this section respectively referred to as "the Lochgelly Corporation" and "the burgh"), the following provisions shall unless otherwise agreed upon in writing between the County Council and the Lochgelly Corporation have effect (that is to say):—

- (1) The County Council shall by means of the works authorised by the Dunfermline Order

of 1913 and the Dunfermline Order of 1918 supply ten million gallons of water per annum in perpetuity in bulk by meter to the Lochgelly Corporation and such quantity shall be paid for by the Lochgelly Corporation at the rate of sevenpence and one halfpenny for every one thousand gallons whether the supply or any portion thereof is or is not taken by the Lochgelly Corporation. The County Council may also afford the Lochgelly Corporation any additional supply of water which may be required by the Lochgelly Corporation and which the County Council may in their absolute discretion be able to afford and such additional supply (if any) shall be paid for by the Lochgelly Corporation at the rate of sixpence for every one thousand gallons or portion of one thousand gallons supplied by the County Council. The Lochgelly Corporation shall pay for water supplied to them by the County Council under this section half-yearly at the terms of Whitsunday and Martinmas in each year. Provided that the Lochgelly Corporation shall not be entitled to take more than eighty thousand gallons of water in any one day:

- (2) The water to be supplied to the Lochgelly Corporation under this section shall be delivered by the County Council at such point in the vicinity of Kelty as may be agreed between the Lochgelly Corporation and the County Council:
- (3) The meter for measuring such supply and the house and land in which the meter is fixed shall together with the necessary connections be maintained in good and efficient order by the County Council at the expense of the Lochgelly Corporation and shall be under the control of the County Council and be open at all reasonable times to inspection by a person to be appointed by the Lochgelly Corporation:
- (4) The Lochgelly Corporation shall not supply for use beyond the burgh any of the water

PART III.
—cont.

supplied by the County Council to the Lochgelly Corporation under this section:

- (5) Any difference under this section between the County Council and the Lochgelly Corporation shall be referred to and determined by an arbiter to be mutually chosen or failing agreement appointed on the application of either party by the sheriff and the decision of the arbiter so appointed shall be final.

Supply of
water to
Clack-
mannan
County
Council.

86. For the protection of the county council of the county of Clackmannan (hereinafter in this section referred to as "the Clackmannan County Council") the following provisions shall unless otherwise agreed upon between the County Council and the Clackmannan County Council have effect (that is to say):—

- (1) The County Council shall if and when required by the Clackmannan County Council supply the Clackmannan County Council with such quantity of water as they shall from time to time require for the supply of any places or special water supply districts formed or to be formed within the county of Clackmannan but not exceeding in the aggregate one hundred and fifty thousand gallons per day and the Clackmannan County Council shall pay to the County Council for the supply taken under this subsection by half-yearly payments at the terms of Whitsunday and Martinmas at the rate of twopence and one halfpenny for every one thousand gallons or portion of one thousand gallons for the first seventy-five thousand gallons and at the rate of fivepence for every one thousand gallons or portion of one thousand gallons for the balance of the one hundred and fifty thousand gallons:
- (2) Notwithstanding the provisions of subsection (1) of this section the Clackmannan County Council in the event of their requiring the County Council at any time or times within twenty-five years from the appointed day to afford a supply or supplies less in quantity than one hundred and fifty thousand gallons

per day shall on the expiry of that period be entitled to require the County Council to afford to them at the rate or rates stipulated in subsection (1) of this section a daily supply of such quantity as shall provide that the daily average used in a year shall not exceed either (a) the daily average of the total quantities of water supplied during the period within the said twenty-five years when supplies were actually taken or (b) the daily average of the total quantities of water supplied per year during the two years immediately succeeding the expiry of the said twenty-five years whichever is the greater:

PART III.
—cont.

- (3) If the Clackmannan County Council fail to require the County Council to afford any supply within twenty-five years from the appointed day the rights of the Clackmannan County Council under this section shall thereupon cease and determine:
- (4) The quantities of water to be supplied as aforesaid shall be ascertained by meter and ~~shall be delivered in a regular and continuous~~ flow and shall be subject to any arrangement which may be made by the Clackmannan County Council with any other local authority company or person under subsection (7) of this section be taken at such point on the conduit or line of pipes of the County Council convenient to the area or areas to be supplied as may be agreed by the respective engineers of the County Council and the Clackmannan County Council or failing agreement fixed by an arbiter to be appointed as hereinafter provided and the arbiter in fixing such point shall have regard to the capacity of the conduit or line of pipes to afford the supply required by the Clackmannan County Council at such point:
- (5) The County Council shall allow the Clackmannan County Council to lay and maintain pipes and other works in along through and across roads maintained by the County

PART III
—cont.

Council in so far as may be necessary for providing the said supplies to the Clackmannan County Council free of any charge or wayleave provided that the surface of the highway shall be restored and thereafter maintained in so far as the same may be affected by the said pipes and other works by the Clackmannan County Council to the reasonable satisfaction of the road surveyor of the County Council:

- (6) (a) The connections and meter for measuring any such supplies and the house and land for the same shall be provided by the County Council at the expense of and to the reasonable satisfaction of the Clackmannan County Council and shall be under the control of the County Council and be open at all reasonable times to inspection by a person to be appointed by the Clackmannan County Council;

(b) The said connections meter and meter-house shall be maintained in good and efficient order by the County Council at the expense of the Clackmannan County Council:

- (7) The Clackmannan County Council shall be entitled if they so arrange with any other local authority company or person to take delivery of any such supply by or through the meter and pipes of such local authority company or person Provided that any supply taken by the Clackmannan County Council by or through the pipe of any other local authority company or person shall be taken from the said pipe by meter which meter shall be erected and maintained to the satisfaction of the County Council and to which meter the County Council shall have access at all reasonable times for inspection measurement and other like purposes and monthly readings of the said meter shall be transmitted by the Clackmannan County Council to the County Council:

- (8) Any question or difference arising under this section between the County Council and the

Clackmannan County Council shall be referred to and determined by an arbiter to be mutually chosen or failing agreement to be appointed on the application of either party after seven days' notice in writing to the other party by the sheriff of Stirling Dumbarton and Clackmannan and the decision of the arbiter so appointed shall be final.

PART III.
—cont.

87. For the protection of the county council of the county of Kinross (hereinafter in this section referred to as "the Kinross County Council") the following provisions shall unless otherwise agreed upon in writing between the County Council and the Kinross County Council have effect (that is to say):—

Supply of
water to
Kinross
County
Council.

- (1) (a) The County Council shall subject as provided by this section supply so long as requested by the Kinross County Council water for all purposes to any house or shop in East and West Balgedie Kinnesswood and Scotlandwell such water to be supplied at a yearly charge payable in advance by the owner and occupier of such house or shop so supplied under this section in equal proportions and at the same rate per pound as the domestic water rate levied for the time being in the water limits according to the annual rent or value of the said house or shop as entered in the valuation roll of the county of Kinross such rate not to exceed three shillings and sixpence in the pound and for this purpose at the expense of such owner or occupier at the sight and to the satisfaction of the County Council there shall be provided fixed and maintained all such communication pipes and other pipes connections and apparatus as may be necessary for taking the water so to be supplied from the conduit or main pipe of the County Council adjacent to such house or shop;

(b) In the event of a special water district being formed for any of the foregoing villages and being provided with a water supply from the County Council the Kinross County

PART III.
—cont.

Council shall levy assess and collect pay and hand over the amount payable to the County Council subject to a reasonable charge for collection;

(c) The County Council shall also maintain a hydrant for supplying water for the purpose of road watering at Southfield Cuthil Muir on the Great North Road:

- (2) The obligations to supply water under the preceding subsection shall not in so far as such obligations relate to water for domestic purposes prejudicially affect or restrict the supply of water from time to time required for domestic purposes within the water limits and in so far as they relate to water for other than domestic purposes shall not prejudicially affect or restrict the supply of water from time to time required for other than domestic purposes within the water limits and the quantity of water which the County Council may be called upon to supply under this section shall not exceed ten thousand gallons in any one day but subject to the foresaid qualifications the County Council shall be bound to give to any house or shop in East and West Balgedie Kinnesswood and Scotlandwell an adequate supply for all purposes but shall not be required to supply water in any case at a pressure greater than can be afforded for the time being by gravitation from the service reservoir from which the supply is taken:
- (3) Nothing contained in this Order shall in any way prejudice or affect the terms of a minute of agreement entered into between the County Council the joint county council for the combined counties of Perth and Kinross and the Kinross County Council dated the seventeenth eighteenth and twenty-fifth all days of July in the year one thousand nine hundred and thirty-nine:
- (4) In the event of any difference arising under this section such difference shall be referred to an arbiter to be mutually chosen or failing

agreement to an arbiter to be named by the Secretary of State and the decision of such arbiter shall be final and binding on the parties.

PART III.
—cont.

88. For the protection of the county council of the county of Perth (hereinafter in this section called "the Perth County Council") the following provisions shall (except so far as otherwise agreed upon in writing between the County Council and the Perth County Council) have effect (that is to say):—

Supply of
water to
Perth
County
Council.

(1) The County Council shall maintain the road hydrants provided in connection with the works authorised by the Wemyss Order of 1910 and the Dunfermline Order of 1913 in certain highways in the county of Perth and the Perth County Council shall be entitled to the use of the same and to take water thereby through their servants and workmen free of charge—

(i) for the purposes of their road engines and the renewal maintenance and repair of highways and roads and bridges and for watering the same up to but not exceeding—

(a) in the case of the works authorised by the Wemyss Order of 1910 twenty thousand ~~gallons~~ ~~gallons~~ ~~yearly~~,
and

(b) in the case of the works authorised by the Dunfermline Order of 1913 twenty thousand gallons yearly;

(ii) for the purpose of extinguishing fires up to but not exceeding—

(a) in the case of the works authorised by the Wemyss Order of 1910 fifty thousand gallons yearly; and

(b) in the case of the works authorised by the Dunfermline Order of 1913 fifty thousand gallons yearly,

but the water shall not be so taken or used for any other purpose:

(2) The Perth County Council shall pay to the County Council for any supply of water taken

PART III.
—cont.

by means of the said hydrants for the purposes aforesaid exceeding the quantities mentioned in subsection (1) of this section at the rate of fourpence per one thousand gallons:

(3) The County Council shall—

(i) if and when required by notice in writing by the Perth County Council supply the Perth County Council in perpetuity with such quantity of water as the Perth County Council shall from time to time require for use within the Glenfarg special water supply district as existing at the appointed day and any future extension of such district but not exceeding in the aggregate fifteen thousand gallons per day such supply to be afforded from Work No. 1 or Work No. 12 authorised by the Wemyss Order of 1910 The Perth County Council shall pay for water supplied hereunder at the rate of sixpence per one thousand gallons;

(ii) if and when required by notice in writing by the Perth County Council supply the Perth County Council in perpetuity with such quantity of water as the Perth County Council shall from time to time require for use within the water area of the village of Muckhart as existing at the appointed day and any future extension of such area but not exceeding ten thousand gallons per day such supply to be afforded from the works authorised by the Dunfermline Order of 1913 and the Dunfermline Order of 1918 and to be paid for at the rate of sixpence per one thousand gallons:

(4) The payments to be made by the Perth County Council to the County Council for any supplies of water taken under this section shall be paid half-yearly at the terms of Whitsunday and Martinmas:

(5) The quantities of water to be supplied as aforesaid shall be ascertained by meter and shall be delivered in a regular and continuous flow and shall be taken at a point on the conduit or line of pipes of the County Council most con-

venient to the area or areas to be supplied to be mutually agreed upon by the respective engineers of the County Council and the Perth County Council or failing agreement determined by arbitration as hereinafter provided subject to this proviso that the arbiter in deciding the point on the said conduit or line of pipes shall keep in view the capacity of the said conduit or line of pipes to supply the water being taken by the Perth County Council at the said point:

(6) The connections and meters for measuring such supplies and the houses and land for the same shall be provided by the County Council at the expense of and to the reasonable satisfaction of the Perth County Council and shall be under the control of the County Council and be open at all reasonable times to inspection by a person to be appointed by the Perth County Council. The said meters meter-houses and connections shall be maintained in good and efficient order by the County Council at the expense of the Perth County Council:

(7) Any question or difference arising under this section between the County Council and the Perth County Council shall be referred to and determined by an arbiter to be mutually chosen or failing agreement to be appointed on the application of either party after seven days' notice in writing to the other party by the sheriff of Perth and Angus and the decision of the arbiter so appointed shall be final.

89.—(1) The County Council shall afford a supply of water in bulk by meter to any owner of lands abutting on the river Devon below the Glendevon reservoir and above Yetts of Muckhart desiring a supply. The total daily supply of water afforded to such owners shall not exceed fifty thousand gallons per diem and the rate payable therefor shall be sixpence for every one thousand gallons or portion of one thousand gallons.

Supply of
water to
riparian
owners.

(2) The meter for measuring such supply and the house and land in which the same is fixed shall together

PART III.
—cont.

with the necessary connections be provided by the County Council at the expense and to the reasonable satisfaction of the owner and shall be under the control of the County Council and be open at all reasonable times to inspection by a person to be appointed by the owner. The meter, meter-house and connections shall be maintained in good and efficient order by the County Council at the expense of the owner.

Supply of
water to
Cowden
and Arn-
dean estate.

90. For the protection of Isabella Robertson Christie or other the owner or owners for the time being of the estate of Cowden and Arndean in the counties of Perth and Kinross (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed upon between the County Council and the owner have effect (that is to say):—

- (1) The County Council shall after demand by notice in writing by the owner afford to the owner at two points on the existing water pipe of the County Council between Yetts of Muckhart and Powmill to be fixed by the owner such daily supply of water in bulk by meter not exceeding twenty thousand gallons as may be specified in such notice at the rate of sixpence for every one thousand gallons or portion of one thousand gallons:
- (2) The owner may subject to the consent in writing of the road authority lay and maintain for the purpose of the supply of water to be afforded by the County Council to the owner a water pipe in the road from Yetts of Muckhart to Dollar and the road from Powmill to Blairingone:
- (3) (a) The meter for measuring such supply and the house and land in which the meter is fixed shall together with the necessary connections be provided by the County Council at the expense and to the reasonable satisfaction of the owner and shall be under the control of the County Council and be open at all reasonable times to inspection by a person to be appointed by the owner;

(b) The meter-house and connections shall be maintained in good and efficient order by the County Council at the expense of the owner:

PART III.
—cont.

(4) In the event of the owner requiring the County Council at any time or times within fifteen years from the appointed day to afford a supply or supplies less in quantity than twenty thousand gallons per day the owner shall on the expiry of that period be entitled to require the County Council to afford to her a daily supply of such quantity so that the total daily quantity in a year shall not exceed the average total quantities of water supplied per year during the two years immediately succeeding the expiry of the fifteen year period before mentioned:

(5) If the owner fails to require the County Council to afford a supply within fifteen years from the appointed day the rights of the owner under this section shall thereupon cease and determine.

91.—(1) The pipes and apparatus belonging to the provost magistrates and councillors of the burgh of Leven (hereinafter in this section referred to as "the Leven Corporation") within the water limits and used solely for the purpose of the supply and distribution of water to and within the village of Lundin Links and adjoining landward area shall by virtue of this Part of this Order as from the appointed day be transferred to and vested in the County Council and shall form part of the water undertaking and shall be held and used by the County Council for the purposes of the water undertaking and the financial arrangements with respect thereto shall be adjusted between the County Council and the Leven Corporation and failing agreement shall be settled by an arbiter to be agreed upon or (failing agreement) to be appointed by the sheriff on the application of the County Council or the Leven Corporation.

Transfer of
pipes of
Leven Cor-
poration.

(2) The County Council may apply to the Leven Corporation for a supply of water to enable the County Council to supply water to the premises supplied by the

PART III.
—cont.

Leven Corporation before the appointed day and the Leven Corporation shall furnish to the County Council a supply of water for such purpose for such period and on such terms and conditions as may be agreed or failing agreement as may be settled by an arbiter as aforesaid. Provided that such supply shall not prejudicially affect or restrict the supply of water within the limits of supply of the Leven Corporation.

As to
purchase
of water
under-
takings.

92.—(1) The County Council may by agreement acquire any works mains pipes filters or other apparatus within the water limits used or intended to be used by any local authority water company water committee or person for the purpose of affording a supply of water to any village or community or to any lands or other property:

Provided that in the event of any work provided or acquired by the County Council in terms of this Order rendering useless or unnecessary any water main or pipe within the water limits belonging to the local authority of any small burgh or any combination of such local authorities and used at the commencement of this Order or subsequently with the consent of the County Council for supplying water to lands and heritages within the water limits the County Council shall upon a demand in writing to that effect by such local authority or combination of local authorities acquire such water main or pipe. Provided further that if at the time of such acquisition any such water main or pipe is of greater capacity than is actually required for such supply the County Council shall only be bound to pay the price of a water main or pipe of such size as is actually required at the date of the acquisition thereof for such supply and the owner or owners of such water main or pipe shall have no claim against the County Council in respect of the surplus capacity of such main or pipe.

(2) The price to be paid for such water main or pipe shall failing agreement be settled by an arbiter to be agreed upon or (failing agreement) to be appointed by the sheriff on the application of the County Council or of such local authority or combination of local authorities.

93.—(1) The County Council shall within the water limits have and may exercise for the purposes of laying water mains and pipes 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.

PART III.
—cont.
County Council to have powers of a local authority for laying mains.

(2) The County Council 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 County Council 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.

(3) In the application for the purposes of this section of section 103 of the Public Health (Scotland) Act 1897 there shall be substituted for the expression "a surveyor" occurring therein the expression "the county engineer."

94.—(1) Before any person connects or disconnects any meter by means of which any of the water of the County Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the County Council 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 County Council.

Notice of connecting or disconnecting meters.

(2) Any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

PART III.
—cont.
Injuring
meters &c.

95.—(1) Any person who—

- (a) wilfully or fraudulently injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the County Council; or
- (b) fraudulently alters the index to any meter or other instrument for measuring water; or
- (c) prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied; or
- (d) fraudulently abstracts consumes or uses water of the County Council;

shall (without prejudice to any other liability or cause of action which may arise out of or by reason of such act) be guilty of an offence and shall for every such offence be liable to a fine not exceeding five pounds and the County Council may in addition thereto recover the amount of any damage sustained by them.

(2) In any case in which any person has—

- (a) wilfully or fraudulently injured or suffered to be injured any pipe meter instrument or fittings belonging to the County Council; or
- (b) fraudulently altered the index to any meter or other instrument for measuring water; or
- (c) prevented such index from duly registering the quantity of water supplied; or
- (d) fraudulently abstracted consumed or used water of the County Council;

the County Council may 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 insuring the proper registering by such meter of the quantity of water supplied by means thereof.

(3) The expense of such repair and of all such works matters and things shall be repaid to the County Council by the person so offending and may be recovered by the County Council as a civil debt.

(4) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the County Council when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima

facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been wilfully or fraudulently caused by the consumer using such pipe meter instrument or fittings.

PART III.
—cont.

96.—(1) The County Council may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the County Council in providing such materials and executing such work shall be paid by the person requiring the same.

Power to
supply
fittings.

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding 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 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 County Council as the actual owners thereof.

(3) (a) The County Council shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connection therewith (including interest upon any moneys borrowed for those purposes and all sums applied to the sinking fund for repayment of moneys so borrowed);

(b) Every sum charged by the County Council in respect of the provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every demand note delivered by the County Council to the consumer;

(c) The total sums expended and received by the County Council in connection with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the County Council for such year.

PART III.
—cont.
Power to
lay pipes in
private
streets.

97.—(1) The County Council may upon the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street or road not maintainable by the local authority supply such premises with water and may lay in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply within the water limits and 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 and for the purposes of this section:

Provided that—

- (a) the powers of this section shall not be exercised in regard to any street or road belonging to and forming the approach to any station or depot of the London and North Eastern Railway Company except with the consent of that company which consent shall not be unreasonably withheld;
- (b) the County Council in carrying out the works authorised by this section shall not unreasonably obstruct or interfere with the convenient access to any such street.

(2) Any dispute as to whether a consent under the provisions of this section has or has not been unreasonably withheld or whether there has been any unreasonable obstruction or interference shall be referred to the sheriff whose decision shall be final and binding upon the parties.

(3) The expression "sheriff" in this section shall mean the sheriff exclusive of his substitutes.

County
Council not
bound to
supply
several
houses by
one pipe.

98. The County Council shall not be bound to supply more than one house in separate ownership by means of the same service pipe and they may if they think fit require that a separate pipe from the main be laid into each such house supplied by them with water.

Where
several
houses
supplied by
one pipe
each to
pay.

99. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the assessments or rates for the supply of water to which they would have been liable if each of such

several houses or parts of houses had been separately supplied with water from the works of the County Council by a distinct pipe.

PART III.
—cont.

100.—(1) Any notice to be served on a person supplied with water may be either in print or in writing or partly in print and partly in writing and shall be sufficiently authenticated by the name of the county clerk being affixed thereto in print or in writing or by a stamp.

Notices to
persons
supplied
with water
&c.

(2) A notice to repair any pipe or fittings causing a waste of water or a notice to pay any charge in respect of the supply of water shall be sufficiently authenticated if the name of the county engineer or the collector of rates of the County Council as the case may be is affixed thereto in manner aforesaid.

(3) Any such notice may be served on such person—

(a) personally; or

(b) by sending such notice through the post by a prepaid letter addressed to him by name at his last known place of abode or business; or

(c) by delivering such notice to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied; or

(d) If such premises are unoccupied and the place of abode of such person cannot after diligent inquiry be ascertained by affixing such notice or a copy thereof upon some conspicuous part of such premises.

101. A notice to the County Council 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 for the time being of the county engineer.

Notice of
discon-
tinuance.

102.—(1) The County Council may make byelaws for the purpose of regulating the supply of water by them and the apparatus used or to be used in connection with the use or consumption of water in or the conveyance of water to the houses or other premises of consumers and for preventing the waste undue consumption misuse or contamination of water.

Byelaws
for
preventing
waste of
water.

PART III.
—cont.

(2) Such byelaws may prescribe the size and 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").

(3) In the case of the failure of any person to observe such byelaws any officer of the County Council duly authorised and showing his authority if required may after twenty-four hours' notice in writing enter the premises occupied by such person and repair replace or alter any water fittings belonging to or used by such person which are not in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the County Council as a civil debt.

(4) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings used on any premises (not being or being used as an hotel or dwelling-house) belonging to and forming part of the undertaking of a railway company provided that the water supplied to such premises by the County Council is measured by meter and paid for by such railway company.

Conditions
of supply.

103. The County Council notwithstanding anything contained in the Waterworks Clauses Acts 1847 and 1863 or in this Order shall not be bound to introduce a supply of water into any premises unless the pipes valves cocks cisterns waterclosets or other apparatus to be used be in the opinion of the county engineer sufficient to prevent the waste misuse or undue consumption or contamination of the water supplied.

Penalty
for inter-
fering with
valves and
apparatus.

104. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the County Council who without the authority of the County Council turns on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the County Council and provided or available for the purpose of affording a supply of water to such house or building or

part of a house or building or premises shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

PART III.
—cont.

105.—(1) Any person who (without the consent of the County Council) wilfully or negligently closes or shuts off or interferes with any valve cock or other work or apparatus belonging to the County Council whereby the supply of water is interfered with shall (without prejudice to any other right or remedy of the County Council) be guilty of an offence and shall be liable to a penalty not exceeding five pounds and the County Council may in addition thereto recover the amount of any damage by them sustained.

Penalty for closing valves and apparatus.

(2) This section shall not apply to a consumer closing any valve on his communication pipe unless the closing of such valve interferes with the supply of water to another consumer.

106.—(1) The owner or occupier of any house or premises if any of the apparatus placed or attached thereto is out of order shall be bound to repair and make good the same.

County Council may repair apparatus on failure by owner or occupier.

(2) If such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do the County Council or any person authorised by them in writing may enter upon such premises and repair renew and make water-tight all such apparatus and shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner by the Acts herewith incorporated provided for the recovery of penalties or by action in any court of competent jurisdiction.

(3) For the purposes of this section the word "apparatus" means and includes pipe cistern bath watercloset ball-cock stop-cock valve and other articles used in the supply or storing of water in houses manufactories or premises or in connection therewith.

(4) If the expense of such repair or renewal is paid by the occupier of any such house or premises he shall be entitled to recover such expense from the owner

PART III.
—cont.

thereof or to deduct the same from his rent unless otherwise provided for by the terms of the tenancy.

As to
breaking
up of
ground for
maintain-
ing com-
munication
pipes.

107. For the purpose of complying with any obligation under this Order to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open 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.

County
Council to
connect
communi-
cation
pipes with
mains.

108.—(1) The County Council shall have the exclusive right of executing any works on any of the water mains of the County Council for connecting any communication or service pipe therewith and the County Council shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the County Council 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 is necessary to connect the communication or service pipe of such owner or occupier therewith.

(2) Any expenses incurred by the County Council in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

Power to
County
Council to
repair com-
munication
pipes.

109.—(1) The county engineer may in any emergency where any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or default in any communication pipe which the County Council are not under obligation to maintain execute such repairs to the communication pipe as he may think necessary or expedient in the circumstances without being requested so to do.

(2) If any injury to or defect in the communication pipe shall have been found the expense reasonably incurred by the County Council for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the County Council from the owner of the house building or land supplied with water by such communication pipe.

(3) Except in case of emergency the county engineer shall not under the powers of this section enter into any house or private premises unless he has given to the occupier of such house or premises and if the water rates in respect of the house or premises are payable by the owner thereof to such owner not less than twenty-four hours' previous notice of his intention so to enter.

(4) The powers of this section shall not be exercised on any property (not being a dwelling-house) belonging to a railway company and used by them for the purposes of their undertaking.

110. The County Council may on any lands or in any stream or watercourse to which before the commencement of this Order they had right or which they may acquire under the powers of this Order or otherwise construct all such drains channels and other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting any of the reservoirs conduits or watercourses of the County Council or any waters flowing into the same.

For protection of reservoirs from pollution.

111.—(1) The County Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to impound take and acquire and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

Byelaws for preventing pollution of water.

(2) The byelaws made under this section shall be in force within the area from or through which the same waters flow or within so much of such area as may be defined in the byelaws.

(3) All byelaws made under this section shall be subject to the approval of the local authority of any part of the area within which it is proposed that they shall be in force. Provided that such approval shall not be necessary where in the opinion of the Secretary of State it has been unreasonably withheld.

(4) The County Council shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws are made under the provisions of this section whose legal rights are injuriously

PART III.
—cont.

affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

(5) (a) Nothing in this section or in any byelaw made thereunder shall enable the County Council to prescribe the construction maintenance and use of drains sewers and works under or affecting the railways works or properties of the London and North Eastern Railway Company except so far as may be reasonably necessary and practicable nor otherwise than in accordance with such plans sections and particulars as may be agreed between the County Council and that company.

(b) Any question or dispute between the County Council and that company under this subsection shall be determined by an arbiter to be appointed (failing agreement) by the sheriff.

(c) The expression "sheriff" in this subsection shall mean the sheriff exclusive of his substitutes.

D.—Water rates and charges.

County
Council to
estimate
annual
sums
required.

112.—(1) The County Council shall once in every year estimate the expenses incurred or to be incurred for the purposes of water supply under this Order for and during the year on and from the sixteenth day of May then last past including the sums necessary for payment of interest on and repayment of principal of any money borrowed for the purposes of the water undertaking.

(2) The County Council shall as nearly as possible so regulate the water rates and charges that such rates and charges may one year with another respectively produce the amount of money required.

Power to
levy
domestic
water rate.

113.—(1) Subject to the provisions of this Order the County Council shall annually impose and levy an assessment (to be called "the domestic water rate") upon all lands and heritages within the water limits at such rate in the pound of the gross annual value thereof respectively as entered in the valuation roll as shall be sufficient when supplemented by the public water rate (if any) and the other water revenues received under

this Order to defray the expenses incurred or to be incurred for the purposes of water supply under this Order for and during the year from the sixteenth day of May then last past including the sums necessary for payment of interest on and repayment of principal of any money borrowed for the purposes of the water undertaking.

(2) The domestic water rate shall not in any year exceed three shillings and sixpence in the pound and if the produce of such rate is in any year not sufficient when supplemented by the public water rate and water revenues as aforesaid to meet the expenditure bona fide incurred or contemplated for the purposes of the water undertaking it shall be lawful for the County Council to charge any excess of such expenditure upon such rate payable by owners and occupiers in equal proportions as the County Council may determine leviable upon the whole landward part of the county.

(3) The domestic water rate shall not be assessed or levied in respect of—

(a) dwelling-houses railway stations or other buildings unless such dwelling-houses railway stations or other buildings are actually supplied with water by the County Council or unless some pipe of the County Council is laid down within one hundred yards of the same measuring from the outer wall thereof or of any domestic office in contact therewith and occupied as appurtenant thereto;

(b) agricultural lands unless some pipe of the County Council is laid within one hundred yards from some dwelling-house or dwelling-houses upon the same and then only in respect of the gross annual value of such dwelling-house or dwelling-houses and in any case in which the annual value of such dwelling-house or dwelling-houses is not entered in the valuation roll separately from the remainder of the subjects of which it or they form part the County Council shall subject to a right of appeal to the county valuation appeal court whose decision shall be final by any person

aggrieved determine the annual value of the said dwelling-house or dwelling-houses for the purposes of the domestic water rate.

In this paragraph the expression "agricultural lands" means any lands and heritages used for agricultural or pastoral purposes only or as woodlands market gardens orchards allotments or allotment gardens and any lands exceeding one-quarter of an acre used for the purpose of poultry farming but does not include any lands occupied together with a house as a park garden or pleasure ground or any land kept or preserved mainly or exclusively for sporting purposes;

- (c) golf courses putting courses tennis courts bowling greens football fields playing fields public parks and bathing pools and the clubhouses pavilions sheds and shelters exclusively used in connection therewith and obtaining at the appointed day or subsequently with the consent in writing of the County Council a supply of water from any source other than the County Council Provided that—

(i) in the event of any such golf course putting course tennis court bowling green football field playing field public park or bathing pool obtaining after the appointed day a supply of water from the County Council the exemption thereof from the domestic water rate shall cease and determine but the domestic water rate shall be assessed and levied on the gross annual value of the clubhouse pavilion or other building so supplied and the water otherwise taken shall be supplied by measure;

(ii) in any case in which the annual value of such clubhouse pavilion or other building is not entered in the valuation roll separately from the remainder of the subjects of which it forms part the annual value shall be determined in manner provided by the immediately preceding paragraph:

Provided also that for the purposes of the domestic water rate—

PART III.
—cont.

(a) The annual value of the following lands or premises shall be held to be one-fourth of the gross annual value thereof entered in the valuation roll (viz.):—

(i) all lands and premises used exclusively as a canal or basin of a canal or towing path for the same or as a railway or tramway excepting the stations depots and other buildings which shall be assessable in like manner and to the same extent as other lands or buildings within the water limits;

(ii) all waterworks sewage works gasworks electric power stations or substations or electric supply works and underground or other pipes mains or cables of any local authority corporation or commissioners or of any water company gas company electric power or electric supply company;

(iii) all mines minerals and quarries (including mineral wayleaves so entered in the valuation roll and land adjacent to a colliery and used in connection with the working and winning of coal);

(iv) all golf courses putting courses tennis courts bowling greens football fields playing fields public parks and bathing pools and the clubhouses pavilions sheds and shelters exclusively used in connection therewith not wholly exempt from assessment in terms of paragraph (c) to subsection (3) of this section;

(b) The annual value of shootings shall be held to be the gross annual value thereof entered in the valuation roll.

(4) (a) Notwithstanding anything contained in this Order the domestic water rate shall not be imposed and levied upon the waterworks within the county and belonging to the burghs of Cupar St. Andrews Killyrenny Anstruther Easter and Anstruther Wester

PART III.
—cont.

Auchtermuchty Crail Elie and Earlsferry Newburgh Pittenweem Falkland Ladybank Leven and St. Monance or any combination of such burghs or upon the waterworks within the parish of Falkland and belonging to the burgh of Kirkcaldy for the period of twelve years from the appointed day.

(b) For the period of twelve years thereafter the annual value of such waterworks for the purpose of imposing and levying the domestic water rate shall be held to be one-eighth of the gross annual value thereof entered in the valuation roll.

(c) Thereafter the domestic water rate shall be levied in accordance with subsection (1) of this section.

(5) In relation to the undertaking of the Forth Bridge Railway Company—

(a) the domestic water rate to be imposed and levied on the undertaking shall not in each of the first five years from the appointed day exceed two shillings and sixpence in the pound;

(b) in each of the next following five years the domestic water rate to be imposed on the undertaking shall not exceed three shillings in the pound.

(6) (a) When under this Order water is supplied by measure to any buildings or premises for other than domestic purposes it shall not be lawful to charge both the domestic water rate applicable to the buildings or premises so supplied and also for the supply of water so furnished for other than domestic purposes to such buildings or premises but the County Council shall charge the said domestic water rate leviable on such buildings or premises and if at the end of any financial year the charge for the supply of water furnished to the same by measure exceeds the yield of the domestic water rate levied on such buildings or premises the County Council shall be entitled to recover the amount of such excess.

(b) In the application of this subsection to lands buildings or premises belonging to any railway company or colliery undertaking including the Wemyss Collieries Trust Limited and the Wemyss Coal

Company Limited any such company undertaking or trust shall be entitled to require the County Council to set off against the aggregate of the domestic water rate levied upon their whole lands buildings or premises other than dwelling-houses within the water limits the aggregate amount of the charges calculated upon the scale rate applied to the whole consumption of water supplied to such company undertaking or trust for other than domestic purposes at all places wheresoever within the water limits the County Council being entitled to charge either of such aggregates as they shall think fit.

PART III.
—cont.

114.—(1) Subject to the provisions of this Order the County Council are hereby authorised if they think fit annually to impose and levy an assessment (to be called "the public water rate") upon all lands and heritages within the water limits of such amount as the County Council may from time to time determine but not exceeding threepence in the pound when the domestic water rate within the water limits (exclusive of the former water supply districts enumerated in the Second Schedule to this Order) does not exceed two shillings and sixpence in the pound and not exceeding fourpence in the pound when the domestic water rate exceeds two shillings and sixpence and does not exceed three shillings in the pound and fivepence in the pound when the domestic water rate exceeds three shillings in the pound:

Public
water rate.

Provided that in relation to so much of the water limits as before the appointed day comprised the limits of compulsory supply of the Wemyss Trustees under the Wemyss Water Orders—

- (a) a public water rate shall not be imposed and levied upon any lands and heritages within such part of the water limits for the period of five years from the appointed day;
- (b) in each of the three succeeding years the public water rate to be imposed and levied upon the lands and heritages within such part of the water limits shall not exceed one penny in the pound;
- (c) in each of the next following two years the public water rate to be imposed and levied

PART III.
—cont.

upon such lands and heritages shall not exceed twopence in the pound;

(d) at the expiry of the period of ten years from the appointed day the public water rate to be imposed and levied upon such lands and heritages shall be the same as that imposed and levied within the remainder of the water limits without restriction or limitation.

(2) (a) Notwithstanding anything contained in this Order the public water rate shall not be imposed and levied upon the waterworks within the county and belonging to the burghs of Cupar St. Andrews Kilrenny Anstruther Easter and Anstruther Wester Auchtermuchty Crail Elie and Earlsferry Newburgh Pittenweem Falkland Ladybank Leven and St. Monance or any combination of such burghs or upon the waterworks within the parish of Falkland and belonging to the burgh of Kirkcaldy for the period of five years from the appointed day.

(b) For the period of five years thereafter the annual value of such waterworks for the purpose of imposing and levying the public water rate shall be held to be one-fourth of the gross annual value thereof entered in the valuation roll.

(c) Thereafter the public water rate payable in terms of this Order shall be paid by the said burghs or any combination of the said burghs in the same way as other owners of lands and heritages in the county without restriction or limitation.

(3) For the purposes of this section and the immediately preceding section the expression "waterworks" includes all lands and heritages forming part of the undertaking of any local authority body or company supplying water for public purposes or to members of the public and exclusively used in connection with such supply all as referred to in Class 6 of the First Schedule to the Rating (Scotland) Act 1926.

Minimum
water rate.

115. The County Council shall not be obliged to furnish a supply of water for other than domestic purposes to any person for any less sum than ten shillings in any one year.

116.—(1) The assessments or rates authorised by this Part of this Order shall be imposed and levied and be payable by owners and occupiers in equal proportions and may be recovered in the same manner as nearly as may be as assessments under the provisions of the Public Health Acts.

PART III.
—cont.
As to mode of levying and recovering assessments.

(2) The County Council shall have and may exercise the same rights and remedies for the recovery of charges for water supplied for other than domestic purposes as they have and can exercise for the recovery of the assessments or rates authorised by this Part of this Order.

117. The County Council shall after making provision for—

Application of rates and charges.

- (a) the expenses of collection;
- (b) the payment of interest on the money borrowed by them under the repealed Acts and this Order for the purposes of the water undertaking;
- (c) the repayment by instalments or otherwise of money from time to time borrowed for the purposes of the water undertaking or the setting apart of the sinking fund formed for the purposes of the water undertaking;

apply the balance of the several assessments or rates levied and received by them under the authority of this Part of this Order for the purposes of water supply.

118.—(1) Notwithstanding anything contained in this Order the domestic water rate shall not be imposed and levied upon any lands and heritages situated within the water limits and obtaining at the commencement of this Order or subsequently with the consent in writing of the County Council a supply of water from any works mains pipes or apparatus of—

Exemption from domestic water rate of premises supplied by small burghs &c.

- (a) Freuchie Water Company;
- (b) the combined water committee of Elie Earlsferry and St. Monance;
- (c) the joint water committee of the burgh of Kilrenny Anstruther Easter and Anstruther Wester and the burgh of Pittenweem; or
- (d) any small burgh acting under the powers conferred by any Statute or Order;

PART III.
—cont.

so long as such lands and heritages are afforded an adequate supply of wholesome water for domestic purposes.

(2) (a) If any question arises under this section between the owners of such lands and heritages or any of them and the County Council or between the suppliers of such water or any of them and the County Council as to whether an adequate supply of wholesome water is being afforded such question shall be determined summarily by the sheriff whose decision shall be final.

(b) In all such questions the suppliers of the water which is the subject of inquiry by the sheriff shall be called as parties to and be entitled to lead proof in the proceedings before the sheriff and to be heard therein.

(3) For the purposes of this section the expression "small burgh" has the meaning assigned to it in section 77 of the Local Government (Scotland) Act 1929.

Domestic
water rate
in districts
enumerated
in Second
Schedule.

119. Notwithstanding anything contained in this Order the domestic water rate within the former water supply districts enumerated in the Second Schedule to this Order shall not in any year before the fifteenth day of May one thousand nine hundred and fifty exceed the rate set out opposite the names of the said districts in the said Second Schedule but if the domestic water rate levied or to be levied in any year during the said period within the water limits (exclusive of the said districts) is less than the rate for such year set out opposite the name of any of the said districts in the said Second Schedule the domestic water rate to be levied in that district for that year shall be the domestic water rate levied within the water limits (exclusive of the said districts) in respect of that year.

Domestic
water rate
in former
water
supply
district of
Kettle.

120. As at the appointed day there shall be deemed to be held by the County Council at the credit of the former water supply district of Kettle and for the exclusive benefit of the ratepayers therein the sum of four thousand one hundred and eleven pounds which sum shall be taken into account by the County Council in assessing the amount of the domestic water rate to be

levied within the said former water supply district in the following manner:—

PART III.
—cont.

- (i) In each of the ten years specified in the Second Schedule to this Order (1941 to 1950) the sum of five hundred pounds (representing the interest on the said sum of four thousand one hundred and eleven pounds and the sinking fund provision for the repayment thereof) shall be deducted from the total sum which would otherwise require to be levied on the owners and occupiers of lands and heritages in the said former water supply district by way of domestic water rate and the amount of the domestic water rate to be levied on the said owners and occupiers shall be reduced by the amount to which the said sum of five hundred pounds corresponds in rates;
- (ii) If in any of the said ten years the sum required to be levied on the said owners and occupiers by way of domestic water rate is less than five hundred pounds the sum to be deducted in that year shall be such less sum as may be required and the balance of the said sum of five hundred pounds shall be carried forward to the credit of the said owners and occupiers;
- (iii) If at the fifteenth day of May one thousand nine hundred and fifty there has not been deducted as aforesaid a total sum of five thousand pounds (being ten annual sums of five hundred pounds each) then in the next following year or years deductions shall continue to be made by the County Council of such sum or sums as may be available until the total sum of five thousand pounds has been deducted and thereafter the domestic water rate shall be levied on the said owners and occupiers in the same way as on other owners and occupiers of lands and heritages in the county.

E.—Protective provisions.

121. In the execution of the works and the exercise of the powers authorised and conferred on the County Council and their predecessors by this Order and by the

For protection of county councils of

PART III.
—cont.
counties of
Perth and
Kinross
and joint
county
council for
the
combined
counties of
Perth and
Kinross.

repealed Acts so far as they affect highways in the counties of Perth and Kinross the following provisions for the protection of the joint county council for the combined counties of Perth and Kinross (hereinafter referred to as "the joint county council") as highway authority with respect to classified roads within the counties of Perth and Kinross the county council of Perth as highway authority with respect to unclassified roads within the county of Perth and the county council of Kinross as highway authority in respect of unclassified roads within the county of Kinross (each of which is hereinafter in this section referred to as "the highway authority") shall (except so far as otherwise agreed upon in writing by the County Council and the highway authority) have effect (that is to say):—

- (1) All aqueducts conduits or lines of pipes or other works to be laid in or along any county highway or in upon or across any county bridge shall so far as practicable be laid in such position in or at the side thereof as the highway authority in writing under the hand of their surveyor for the district may reasonably direct and all works and operations to be executed by the County Council shall be so executed at their risk and they shall maintain the tracks thereof for at least twelve months after the completion of the works:
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all county highways and county bridges opened and broken up or interfered with by the County Council in the execution of the works and the exercise of the powers hereinbefore referred to Provided that the notice required by section 30 of that Act shall not be less than seven days instead of three days:
- (3) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and a short

specification thereof and shall be delivered by the County Council to the highway authority or their clerk fourteen days before they commence to break or open up any county highway or interfere with any county bridge for the purpose of executing the works:

PART III.
—cont.

- (4) (a) A greater length than one hundred and fifty yards of any county highway shall not be broken up at any one place at one time without the consent of the highway authority;

(b) A clear and sufficient carriageway shall be kept for the passage of carriages and traffic along every county highway and county bridge during any interference therewith by the County Council unless where by arrangement with the highway authority a county highway or county bridge may be shut up and in case of default in compliance with this provision the highway authority may by their own servants and workmen clear any such carriageway and may recover the expenses of and incident thereto from the County Council:

- (5) Nothing in this Order shall authorise the County Council to interfere with the structural part of any county bridge or culvert without the consent in writing of the highway authority which consent shall not be unreasonably withheld and may be given upon such conditions as the highway authority may reasonably determine. Provided that the highway authority shall be deemed to have given such consent required under this subsection and under subsection (1) of this section if within one month after plans have been submitted to them the highway authority have not given written notice to the County Council objecting thereto:

- (6) Nothing contained in this Order shall interfere with the right of the highway authority to alter the level of or divert or improve in any manner they think fit any county highway in or along which any aqueduct conduit or line of pipes of the County Council have been laid and the County Council shall forthwith on

PART III.
—cont.

receiving notice in writing from the highway authority alter the position of any such aqueduct 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 in the manner hereinafter prescribed:

- (7) (a) Nothing contained in this Order shall interfere with the right of the highway authority at any time or times to remove alter or rebuild any county bridge or the approaches thereto or culvert over near or attached to which any aqueduct conduit or line of pipes of the County Council is carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto or culvert if the Act confirming this Order had not been passed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge or culvert;

(b) In the event of any such bridge or the approaches thereto or culvert over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the County Council shall at the joint cost of the County Council and of the highway authority alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto or culvert as aforesaid;

(c) During the removal alteration or rebuilding of such bridge or the approaches thereto or culvert as aforesaid the highway authority shall afford all reasonable facilities for temporarily carrying such aqueduct 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 aqueduct conduit or line of pipes:

- (8) All works shall be so executed by the County Council as not to stop the traffic and so far as reasonably practicable not in any way to impede or interfere with the traffic on any highway or over any county bridge or the approaches thereto:
- (9) The highway authority shall not be liable for or in respect of any damage or injury done to any work of the County Council 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 in such highway or in repairing any county bridge or the approaches thereto or culvert:
- (10) If any difference arises between the highway authority and the County Council touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be referred to the decision of an arbiter to be named (failing agreement of the parties to name an arbiter) by the sheriff of the county in which the works are situated with regard to which the difference has arisen on the application of either party and the decision of such arbiter shall be final.

122. For the further protection of the provost magistrates and councillors of the city and royal burgh of Dunfermline (hereinafter in this section called "the Dunfermline Corporation") the following provisions shall unless otherwise agreed upon in writing between the County Council and the Dunfermline Corporation have effect (that is to say):—

For
protection
of Dun-
fermline
Corporation.

- (1) The County Council shall not under the powers of this Order purchase or acquire by compulsion any lands or property of the Dunfermline Corporation but the County Council may acquire and the Dunfermline Corporation shall grant such servitudes or rights in and under the lands and property of the Dunfermline Corporation as may be required for

PART III.
—cont.

making and maintaining any works authorised by this Part of this Order:

- (2) Wherever the County Council have power to lay relay or enlarge a water pipe or conduit or line of pipes in a highway or other road containing a water pipe or conduit or line of pipes which is the property of the Dunfermline Corporation or in a highway or other road in which the Dunfermline Corporation have power to lay a water pipe or conduit or line of pipes the County Council shall lay their water pipe or conduit or line of pipes on the opposite side of such highway or other road from that in which the pipe or pipes of the Dunfermline Corporation have been or may be laid:
- (3) Before commencing any works of construction or repair of the works authorised by the repealed Acts or by this Part of this Order the execution of which may in any way interfere with or affect any water or gas pipes sewers or other works belonging to the Dunfermline Corporation the County Council shall give to the Dunfermline Corporation not less than ten days' notice in writing accompanied by a plan showing the line on which such works are proposed to be laid which plan shall be subject to the reasonable approval of the Dunfermline Corporation before such works are commenced and the water or gas pipes sewers or other works or property of the Dunfermline Corporation shall not be in any way altered or interfered with except in accordance with such plan. Provided that if the Dunfermline Corporation do not within seven days after service of such notice on them intimate to the County Council their approval or disapproval of the said plan the County Council may proceed to execute the works in accordance therewith. And provided further that in cases of emergency such notice only as is reasonably practicable shall be given:
- (4) Particularly and without prejudice to the foregoing provisions of this section in crossing

any existing or authorised pipe of the Dunfermline Corporation the County Council shall not alter the levels of the pipe of the Dunfermline Corporation without the previous consent in writing of the Dunfermline Corporation:

- (5) Nothing contained in this Part of this Order or which may be done in pursuance thereof shall prevent the Dunfermline Corporation from laying maintaining repairing renewing deviating widening enlarging altering or reconstructing the pipes property works and other subjects belonging to or maintainable by them without incurring any liability to the County Council for any loss injury damages or expenses which may arise therefrom unless the same arises from some neglect or default of the Dunfermline Corporation or their agents workmen or servants in the execution of such maintenance repair renewal deviation widening enlarging alteration or reconstruction Provided that in the event of the Dunfermline Corporation exercising any of such powers they shall do so in such manner as to cause as little damage and interference as practicable to and with the works of the County Council and shall give (except in case of emergency in which case notice shall be given as soon as possible after the work has been commenced) ten days' previous notice in writing to the County Council before commencing any such operations as may affect any of the said works of the County Council Provided further that any extra expense which the Dunfermline Corporation may incur in such reconstruction maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of the said works of the County Council shall be paid by the County Council:
- (6) All reasonable costs charges and expenses which may be incurred by the Dunfermline Corporation in connection with the approval and superintendence aforesaid and all extra

PART III.
—cont.

expense which can be shown to be due to the construction of any works authorised by the repealed Acts or by this Part of this Order which may be incurred by the Dunfermline Corporation in carrying out any powers vested in them by any Act of Parliament passed before the appointed day shall be repaid to the Dunfermline Corporation by the County Council:

- (7) Any difference arising under this section between the County Council and the Dunfermline Corporation shall be referred to and determined by an arbiter to be mutually chosen or failing agreement appointed on the application of either party by the sheriff:
- (8) This section shall apply and have effect mutatis mutandis for the protection of the County Council.

For pro-
tection of
Cupar
Corporation.

123. For the protection of the provost magistrates and councillors of the royal burgh of Cupar (hereinafter called "the Cupar Corporation") the following provisions shall unless otherwise agreed in writing between the Cupar Corporation and the County Council have effect (that is to say):—

Notwithstanding anything contained in this Order—

- (1) the County Council shall not levy water rates assessments dues or charges within the limits of the Cupar Water Act 1874 as defined by section 4 of that Act or upon any lands and heritages or persons without the said limits at present supplied with water by the Cupar Corporation and the County Council shall not except with the consent of the Cupar Corporation supply water in any part of the said limits or to the said lands and heritages and persons without the said limits and the provisions of any Act or Order so far as such provisions authorise the levying of water rates assessments dues or charges by the County Council or the supply of water within the said limits or to

37 & 38 Vict.
c. clxiv.

the said lands and heritages or persons without the said limits shall cease and determine:

PART III.
—cont.

- (2) in the event of any dispute arising between the Cupar Corporation and the County Council or any consumer without the said limits as to the supply to such consumer of a wholesome or adequate water supply for domestic purposes such dispute shall be summarily determined by the sheriff on the application of the Cupar Corporation or the County Council or such consumer and the decision of the sheriff shall be final:
- (3) the County Council shall not under the powers of this Order take or acquire otherwise than by agreement any of the lands waterworks water mains or water pipes of the Cupar Corporation.

124. For the protection of Chinnery Haldane and his heirs and successors as owners for the time being (all of whom are in this section included in the expression "the owner") of the estate of Gleneagles the following provisions shall unless otherwise agreed upon between the owner and the County Council have effect (that is to say):—

For protection of Gleneagles estate.

- (1) There shall be reserved to the owner all proprietary and other rights and privileges which he possessed and might exercise in or upon the lands situated within the drainage or catchment area of the Glendevon reservoir before the fifteenth day of August one thousand nine hundred and thirteen in so far as such rights or privileges have not been acquired by the County Council or in respect of which compensation has not been paid to the owner:
- (2) If any works are required in order to prevent the pollution of the water supply arising from the exercise of any such rights or privileges by the owner the County Council may on lands belonging to them or which they may acquire construct all such drains channels or other works as they think necessary or desirable for preventing sewage or

PART III.
—cont.

polluting liquids from entering or polluting any of the reservoirs conduits or watercourses of the County Council or water flowing into the same:

- (3) The owner and his tenants and vassals shall be entitled to take and use so much of the water arising within or flowing through the drainage or catchment area of the said reservoir as is necessary for all buildings present and future on the estate of the owner and for estate and other private purposes within the said area in virtue of the reservation in his favour contained in subsection (1) of this section and that without any payment or compensation made therefor to the County Council:
- (4) The County Council shall at all times indemnify the owner and his tenants and vassals against all damage loss and expenses which he or they may suffer or incur by the flooding of their lands arising from the failure or breaking of any of the works of the County Council or the escape of water therefrom:
- (5) The owner and his tenants and vassals shall subject to the exercise of any servitudes wayleaves or rights acquired by the County Council for the purposes of their conduits or lines of pipes at all times have the right to use and cultivate the lands affected by such servitudes wayleaves or rights for all purposes:
- (6) Nothing contained in this Order shall affect or restrict the rights of the owner to form lay out and make along or over or under the said conduits or lines of pipes any roads walls fences sewers drains or pipes but any such roads walls fences sewers drains or pipes shall be so laid out as not to interfere with injure or render less accessible the said conduits or lines of pipes:
- (7) The road of access (Work No. 3) authorised by the Dunfermline Order of 1913 shall be

repaired and maintained in good order in all time coming by the County Council to the reasonable satisfaction of the owner:

PART III.
—cont.

- (8) If and when required by the owner (but not otherwise) the County Council shall be bound to erect and maintain suitable fences along the said road as may be required by the owner with suitable gates in such fences for access to his neighbouring lands:
- (9) The County Council shall be bound to maintain a gate at the entrance to the said road from the public road from Crieff to Yetts of Muckhart and nothing contained in this Order shall be deemed to constitute the said accommodation road a public road or create any public right of way thereover:
- (10) The owner and his tenants and vassals and his or their servants shall have the perpetual right to use for estate and other private purposes the said road of access (Work No. 3) without any liability for the repair or maintenance thereof with the right to carry drains and pipes thereunder for the convenience of his estate:
- (11) The owner shall have the sole and exclusive right of shooting sporting and fishing on all lands formerly forming part of the estate of the owner which the County Council acquired under the powers of the Dunfermline Order of 1913 for the purposes of the Glendevon reservoir and the owner and the lessees of his shooting sporting and fishing rights or any person having his or their written permission or authority shall be exclusively entitled to exercise the right to shoot over and upon and to fish with rod and line in and over all waters impounded in the said reservoir over the said lands and reasonably to stock and restock the said waters with fish:
- (12) The owner and the lessees of his said shooting sporting and fishing rights shall also be entitled to maintain a boathouse on such part of the lands acquired as aforesaid as may be

PART III.
—cont.

convenient and also the right to place and use two (but not more) boats not exceeding twenty feet in length and not propelled by mechanical power for fishing on such reservoir or from such place on the banks thereof as the owner or lessees or any person having his or their written permission or authority as aforesaid shall see fit and to pass and repass to and from such boathouse or boat:

- (13) In the exercise of the powers mentioned in the foregoing subsection the owner and the lessees of his shooting sporting and fishing rights or any person having his or their authority as aforesaid shall not injure any part of the embankment of the said reservoir or the works connected therewith or interfere with the maintenance of such works or do any act whereby the water therein will be fouled:
- (14) The County Council shall notwithstanding anything contained in this section have full power by themselves their manager and servants to keep and use a boat upon the reservoir for the purpose of examining inspecting repairing and maintaining the same and the embankment and banks thereof at all times they may think proper but no other parties shall be entitled to keep or use boats on the reservoir within the limits of the property acquired as aforesaid:
- (15) All lands formerly forming part of the estate of the owner acquired by the County Council for the purposes of the said reservoir and of the embankment thereof shall be at all times fenced off by the County Council at their expense:
- (16) The County Council their contractors or sub-contractors shall not during the maintenance and repair of any works on the lands of the owner without the consent of the owner in writing allow any person employed on the works to keep any dog and shall if so required by the owner dismiss any such person found

poaching or trespassing on the lands of the owner or to whom the owner may for any reasonable cause object:

PART III.
—cont.

- (17) The County Council shall from time to time pay to the owner on demand the reasonable cost of the employment by him of an additional keeper or watcher for the protection of the game and for the prevention of persons trespassing on his lands or any part thereof near any of the works of the County Council during the repair of the same:
- (18) All the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purposes of laying pipes shall apply to the breaking up of any accommodation road upon the lands of the owner for the purposes of maintaining any main pipes or of maintaining any works of the County Council and the owner shall for the purposes of the said provisions be deemed to be the person having the control and management of such roads. Provided that not less than four-~~teen~~ days' notice in writing of the intention to open or break up any such road shall be given to the owner by the County Council except in cases of emergency:
- (19) If by reason of any operations of the County Council the supply of water as existing on the fifteenth day of August one thousand nine hundred and thirteen of any tenant or vassal of or resident on the estate of the owner is affected the County Council shall make good any deficiency in such supply as existing at the said date by affording to such tenant or vassal or resident a supply of water from the Glendevon reservoir free of charge:
- (20) Any difference arising between the owner and the County Council under the provisions of this section shall be determined by a single arbiter to be appointed by the parties and consenting to act or if for one month after the difference has arisen the parties do not agree

PART III.
—cont.

upon an arbiter who will consent to act then by an arbiter to be appointed by the sheriff of Perth and Angus on the application of either party:

- (21) In this section the expression "sheriff" does not include sheriff substitute.

For protection of
James
Stewart
Robertson.

125. For the protection of James Stewart Robertson of Edradynate and his heirs and successors in the ownership of the lands of Glenquey and Auchlinsky in the parishes of Glendevon and Muckhart and county of Perth (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed upon between the County Council and the owner apply and have effect (that is to say):—

- (1) There shall be reserved to the owner all proprietary and other rights and privileges which he possessed and might exercise in or upon the lands situated within the drainage or catchment area of the Glenquey reservoir before the first day of August one thousand nine hundred and forty in so far as such rights or privileges have not been acquired by the County Council or in respect of which compensation has not been paid to the owner:
- (2) If any works are required in order to prevent the pollution of the water supply arising from the exercise of any such rights or privileges by the owner the County Council may on lands belonging to them or which they may acquire construct all such drains channels or other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting any of the reservoirs conduits or watercourses of the County Council or water flowing into the same:
- (3) The owner and his tenants and vassals shall be entitled to take and use so much of the water arising within or flowing through the drainage or catchment area of the Glenquey reservoir as is necessary for estate purposes within the said area in virtue of the reservation in his

favour contained in subsection (1) of this section and that without any payment or compensation made therefor to the County Council:

- (4) (a) There shall be reserved to the owner and persons having his authority the exclusive right of fishing shooting and sporting in or over the said reservoir and on the other lands acquired from the owner by the County Council and also of keeping and using two boats on the said reservoir with power to erect and maintain a boathouse thereon and to stock and restock the said reservoir with fish with all rights of access that are necessary for the full use and enjoyment of the fishing shooting and sporting rights hereby reserved;

(b) In the exercise of such rights the owner or persons having his authority as aforesaid shall not injure in any way the embankments sluices pipes or other works of the County Council and shall not foul or pollute the water of the said reservoir;

(c) It shall be lawful for the County Council or their engineer or any of their servants or any person acting under their authority to enter upon the lands and to keep and use a boat for examining and repairing the works of the County Council;

(d) Nothing in this section shall prevent the County Council from reducing the water in or emptying the said reservoir when necessary for the purpose of cleansing repairing or altering the same without incurring any claim for damages to the fishing shooting and sporting rights hereby reserved:

- (5) The owner shall be entitled from time to time to obtain from the said reservoir and works connected therewith a supply of water for his own use or for the use of his vassals provided that the County Council have surplus water available for the purpose after supplying the requirements of the water limits including the property of the Admiralty and the burghs of Inverkeithing and Culross and that at the

PART III.
—cont.

lowest rate charged by the County Council for water sold in the water limits:

- (6) The owner and his tenants and vassals and others having his authority shall have a perpetual right to use for estate purposes the road of access leading to the said reservoir.

For protection of trustees of late James Lawrence Boyd.

126. The following provisions for the protection of the trustees of the late James Lawrence Boyd of Glendouglie and Candy (hereinafter in this section called "the proprietors") shall unless otherwise agreed upon between the County Council and the proprietors apply and have effect:—

The maintenance and upkeep of that part of the road of access No. 2 authorised by the Wemyss Order of 1910 between the public road from Glenfarg to Milnathort (commonly called the Newhill Road) and the point where the branch road to Candy leaves the said road of access No. 2 shall (subject and without prejudice to the existing obligation of the county council of the county of Perth to maintain the portion of the said road of access No. 2 situated between the said public road from Glenfarg to Milnathort and the centre of the bridge over the Glendy Burn) be borne jointly by the County Council and the proprietors and the County Council shall relieve the proprietors of the maintenance and upkeep of the remaining portion of the said road of access No. 2 between the said branch road to Candy and the ford across the river Farg.

For protection of successors of trustees of Alexander Beveridge.

127. For the protection of John Beveridge Arthur Beveridge and others proprietors of Craighfarg and West Blair and as such proprietors the successors of the trustees of the late Alexander Beveridge of Craighfarg (the said John Beveridge Arthur Beveridge and others and their successors proprietors of Craighfarg and West Blair being hereinafter in this section called "the successors of the Beveridge Trustees") the following provisions shall unless otherwise agreed upon between the successors of the Beveridge Trustees and the County Council have effect (that is to say):—

- (1) The successors of the Beveridge Trustees shall have the right to improve or add to the water

supply of the houses and steading at Craigfarg for all necessary purposes with a further right to utilise the water on the property for power purposes in connection with the houses and steading at Craigfarg if found to be necessary or desirable:

- (2) In the event of any restriction being proposed by the County Council with the view of limiting the use of the adjoining grounds on Craigfarg or West Blair for arable or other purposes the claim of the successors of the Beveridge Trustees in respect of the same failing agreement shall be submitted to arbitration with a view to assessing the compensation to be paid in respect of such restriction:
- (3) The reservoir No. 1 authorised by the Wemyss Order of 1910 and now known as the Glenfarg reservoir and all the works connected therewith having been properly fenced by the Wemyss Trustees the County Council shall be bound to maintain and when necessary to renew the said fences in so far as erected between the ground belonging to the County Council and ~~the ground belonging to the successors of the Beveridge Trustees:~~
- (4) There shall without prejudice to the County Council be reserved to the successors of the Beveridge Trustees by themselves or members of the family of the late Alexander Beveridge and their successors in the estate their full sporting rights on their side of the Glenfarg reservoir and they shall have a joint right along with the County Council and the other riparian proprietors to fish in the said reservoir and they shall have the privilege of putting and using a boat thereon:
- (5) In the event of any question arising under this section the same shall be referred to and determined by an arbiter to be mutually chosen or failing agreement appointed on the application of either party by the sheriff and the decision of the arbiter so appointed shall be final.

PART III.
—cont.
For pro-
tection of
Sir Robert
Spencer
Nairn.

128. The following provisions for the protection of Sir Robert Spencer Nairn baronet and his successors in the estate comprising the mansion house and offices of Leslie Leslie Mains and the home farm of Leslie called South Parks (hereinafter in this section called "the proprietors") shall unless otherwise agreed upon between the proprietors and the County Council apply and have effect (that is to say):—

30 & 31 Vict.
c. cxxxix.
44 & 45 Vict.
c. lx.

- (1) The County Council shall implement the obligation of the provost magistrates and councillors of the royal burgh of Kirkcaldy (hereinafter in this section called "the Kirkcaldy Corporation") under section 47 of the Kirkcaldy and Dysart Waterworks Act 1867 and section 21 of the Kirkcaldy and Dysart Waterworks (Additional Powers) Act 1881 to give a gratuitous supply of one thousand gallons of water each day to the mansion house and offices of Leslie Leslie Mains and the home farm of Leslie called South Parks and so long as the supply of water thereto by the County Council does not exceed one thousand gallons a day a domestic water rate shall not be imposed and levied by the County Council upon the said premises:
- (2) In the event of a supply of water in excess of one thousand gallons a day being required and taken by the proprietors from the County Council for the said premises the proprietors shall be entitled to set off against the amount of the domestic water rate which shall then become leviable in respect of the said premises an annual sum of six pounds in consideration and in substitution for the right to demand the said quantity of one thousand gallons a day:
- (3) The County Council shall supply water to the proprietors and their tenants and feuars of any houses or places within eight furlongs of the existing trunk main of the Kirkcaldy Corporation through the said estate as the proprietors may from time to time require:
- (4) The said supply shall be given on the terms and conditions and for the rates of payment which the County Council may under the provisions

of this Order impose and levy within the water limits Provided that the cost of any pipes which the County Council may be required to lay down under section 35 of the Waterworks Clauses Act 1847 shall be calculated as if such pipes had been laid from the nearest suitable point of the said trunk main of the Kirkcaldy Corporation.

PART III.
—cont.

129. The following provisions for the protection of the trustees of the late the Right Honourable Sir John Gilmour baronet and his successors in the estate of Lundin and Montrave (all of whom are in this section included in the expression "the proprietors") and the Leven Corporation (hereinafter defined) shall unless otherwise agreed upon in writing between the proprietors the Leven Corporation and the County Council apply and have effect (that is to say):—

For protection of trustees of late Sir John Gilmour and Leven Corporation.

(1) In this section—

"Leven Corporation" means the provost magistrates and councillors of the burgh of Leven;

"said pipes and apparatus" means so much of the pipes and apparatus laid down and constructed ~~in terms of an agreement~~ between the late John Gilmour of Lundin and Montrave and the police commissioners of the burgh of Leven dated the eleventh and twelfth days of April one thousand eight hundred and ninety-two and registered in the books of council and session on the thirty-first day of October one thousand eight hundred and ninety-four a feu disposition granted by the said John Gilmour in favour of the said police commissioners dated the twelfth day of April one thousand eight hundred and ninety-two and recorded in the division of the general register of sasines applicable to the county on the thirty-first day of October one thousand eight hundred and ninety-four and two feu charters granted by the proprietors' predecessors in title in favour of the Leven Corporation dated respectively the sixteenth

PART III.
—cont.

day of February one thousand nine hundred and twenty-three and the fourteenth day of June one thousand nine hundred and twenty-eight and recorded respectively in the said division of the general register of sasines on the twentieth day of February one thousand nine hundred and twenty-three and the twenty-third day of June one thousand nine hundred and twenty-eight as are necessary to maintain the supply of water to and within the village of Lundin Links and to certain other subjects belonging to the proprietors as provided by the said agreement feu disposition and feu charters or any of them which said pipes and apparatus are transferred to and vested in the County Council by virtue of the section of this Order of which the marginal note is "Transfer of pipes of Leven Corporation":

- (2) The said pipes and apparatus shall vest in the County Council subject to the whole conditions provisions and real burdens of the said agreement feu disposition and feu charters so far as applicable to the supply of water to and within the said village and to such other subjects as aforesaid and the section of this Order of which the marginal note is "Transfer of pipes of Leven Corporation" shall be read and construed accordingly and as from the appointed day the County Council shall save as hereinafter in this section provided implement the whole obligations incumbent on the Leven Corporation under the said agreement so far as applicable to the supply of water as aforesaid in the same manner as if the said agreement had been made between the proprietors and the County Council and the said feu disposition and feu charters and other deeds therein referred to so far as applicable shall have effect as if the County Council were the vassals of the proprietors thereunder Provided that notwithstanding anything contained in the said agreement the County

Council shall not be under any obligation to supply water to the proprietors' feuars at the same rate or rates as are payable by rate-payers in the burgh of Leven:

PART III.
—cont.

- (3) As from the appointed day the County Council shall free and relieve the proprietors of all obligations in any feu charters granted by them or their predecessors in title to their feuars before the appointed day to afford a supply of water to them and of all obligations undertaken by the proprietors before the appointed day as to the rate at which any such supply shall be furnished and the County Council shall indemnify the proprietors against all claims which may be made against them at the instance of any of their said feuars arising out of the said obligations in their favour and of all expenses arising out of or incidental thereto. Provided that no claim, judicial or otherwise, against the proprietors at the instance of their said feuars or any of them shall fall to be indemnified by the County Council unless the proprietors immediately upon the receipt by them of such claim have intimated the same to the County Council who shall have the right at their own expense to defend or contest any such claim in the name of the proprietors:

- (4) (a) Notwithstanding anything contained in the said agreement or in this Order the domestic water rate to be imposed and levied upon the said feuars shall not in any year—

(i) during the period of five years from the appointed day exceed eightpence in the pound;

(ii) during the period of three years immediately following thereafter exceed one shilling in the pound; and

(iii) for the next succeeding two years exceed one shilling and sixpence in the pound:

Provided that if in any year during the periods aforesaid the domestic water rate

PART III.
—cont.

levied upon the owners of other lands and heritages within the water limits without any restriction or limitation is lower than the rate hereinbefore provided for that year the domestic water rate levied upon the said feuars in that year shall not exceed the amount of the rate levied upon the owners of such other lands and heritages;

(b) As from the expiry of the periods aforesaid the domestic water rate shall be imposed and levied upon the said feuars in the same way as upon the other owners of lands and heritages within the water limits without restriction or limitation:

(5) Nothing in this section or in the said agreement feu disposition and feu charters shall relieve the said feuars of the obligation to pay the public water rate:

(6) As from the appointed day the Leven Corporation shall by virtue of this section be freed and relieved from—

(a) all obligations granted by them in the said agreement feu disposition and feu charters as to the rate at which water be supplied to the proprietors' feuars and others on the estate of Lundin and Montrave; and

(b) all claims arising out of the obligations granted by them in the said agreement feu disposition and feu charters relating to the supply of water to and within the village of Lundin Links and to certain other subjects belonging to the proprietors as aforesaid.

For protection of Alexander Bonthron and others.

130. The following provisions for the protection of Alexander Bonthron Newton of Falkland and Alexander Bonthron and Sons Limited maltsters Newton of Falkland and their respective successors in the ownership of the subjects in the county specified and contained in a disposition by the said Alexander Bonthron in favour of the said Alexander Bonthron and Sons Limited dated the eighth and recorded in the

division of the general register of sasines applicable to the county the twenty-second both days of February one thousand nine hundred and forty (all of whom are hereinafter in this section for their respective interests referred to as "the owners") shall notwithstanding anything contained in this Order and unless otherwise agreed upon in writing between the County Council and the owners apply and have effect (that is to say):—

PART III.
—cont.

First—(1) The County Council shall supply water to the property of the owners known as the Old Malt Barns at Pitlessie situated on the north side of the highway leading from Cupar to New Inn at the same rates per pound of valuation as those at which water is from time to time supplied to other consumers within the former water supply district of Pitlessie;

(2) The County Council shall also in terms of a disposition granted by James Martin of Pitlessie in favour of the County Council dated the second and recorded in the said division of the general register of sasines on the tenth both days of July one thousand eight hundred and ninety-seven supply water to the property of the owners known as the New Malt Barns situated on the south side of the said highway for an annual payment of a sum equal to five-sevenths of the annual sum paid by the owners in respect of the supply of water to the property known as the Old Malt Barns hereinbefore referred to:

Second—(1) The whole obligations contained in (first) the minute of agreement between the County Council and David Bonthron maltster Newton of Falkland Fifeshire dated the tenth day of March and subsequent dates and recorded in the division of the general register of sasines applicable to the county the eighteenth day of April one thousand nine hundred and eight and (second) the minute of agreement between the County Council and the said David Bonthron dated the ninth and the sixteenth days of October one thousand

PART III.

—cont.

nine hundred and twenty-three and the whole obligations incumbent thereon on the County Council shall remain in full force and effect;

(2) The premises for and to which in terms of the minute of agreement (first) before mentioned a supply of water shall be provided by the County Council shall be exempt from all water rates or charges so long as the County Council continue the present supply of water to the village of Kingskettle from Balreavie Loan in the parish of Falkland.

For
protection
of John
Lawson.

131. The following provisions for the protection of John Lawson and his heirs and successors in the ownership of the farm and lands of Carriston in the parishes of Markinch and Kennoway and county of Fife (all of whom are in this section referred to as "the owner") shall unless otherwise agreed upon in writing between the County Council and the owner apply and have effect (that is to say):—

Notwithstanding anything contained in this Order the County Council shall continue to maintain the existing water trough in the south-westmost field on the said lands of Carriston known as Blackford and the water pipe leading to such water trough and shall provide a supply of water to such water trough free of charge in all time coming.

For
protection
of William
Lawson.

132. The following provisions for the protection of William Lawson of Annfield and his successors as proprietors of the lands of Kettle shall unless otherwise agreed upon in writing between the County Council and the said William Lawson or his successors as aforesaid apply and have effect (that is to say):—

The County Council shall provide water troughs suitable for the watering of stock in the fields or enclosures bounded by the Kettle Burn numbered 90 160 151 159 162 and 163 on the 1/2500 Ordnance map of Fifeshire (edition 1914) sheets XIII.14 XX.1 and XX.2 and shall provide and maintain a constant supply of water to such water troughs free of charge in all time coming.

133. The following provisions for the protection of William Ainslie Martin Smith of Priestfield Pitlessie and his heirs and successors in the ownership of the subjects specified in a disposition by the trustees of Mrs. Mary Martin Smith Martin or Wilson with consent in favour of James Martin Smith and the said William Ainslie Martin Smith dated the seventeenth day of February and subsequent dates and recorded in the division of the general register of sasines applicable to the county on the eighteenth day of March all in the year one thousand nine hundred and thirty and in a disposition by the trustees of the said James Martin Smith in favour of the said William Ainslie Martin Smith dated the first day of April and the thirty-first day of May and recorded in the said division of the general register of sasines on the fourth day of June all in the year one thousand nine hundred and thirty-five (all of whom are in this section referred to as "the owner") shall notwithstanding anything contained in this Order and unless otherwise agreed upon in writing between the County Council and the owner apply and have effect (that is to say):—

PART III.
—cont.

For
protection
of William
Ainslie
Martin
Smith.

In accordance with the obligations undertaken by the County Council as contained in a disposition by James Martin of Pitlessie in favour of the County Council dated the second day of July and recorded in the division of the general register of sasines applicable to the county on the tenth day of July both in the year one thousand eight hundred and ninety-seven:—

- (1) The County Council shall continue to maintain a water trough in each of the two fields on the farm of Pitlessie Mill for which a trough has already been provided being the first field on the east side of the highway leading from Crossgates to Sweethome and the first field on the north-east of the village of Pitlessie together with the pipes leading to such troughs and relative connections and to provide a supply of water to the said troughs free of charge in all time coming:
- (2) The County Council shall in all time coming continue to maintain the water

PART III.
—cont.

trough situated close to Pitlessie reservoir on the west side of the march dyke between the farm of Ramornie Mill and the lands of Priestfield and to supply water to such trough free of charge at all times when the water of the stream at the said march is diverted into the said reservoir.

For
protection
of George
Cheape
Leburn and
others.

134. The following provisions for the protection of George Cheape Leburn and his heirs and successors in the ownership of the property known as Edenshead House Gateside and of the Gateside Mills Company Limited having their registered office at Gateside (hereinafter in this section for their respective interests referred to as "the owner" and "the company" respectively) shall notwithstanding anything contained in this Order and unless otherwise agreed upon in writing between the County Council and the owner and the company for their respective interests apply and have effect (that is to say):—

In accordance with the provisions of the agreement between the said George Cheape Leburn and the County Council dated the eighteenth and the twenty-third days of June one thousand nine hundred and twenty-five and of the ~~supplementary agreement to the foregoing~~ agreement dated the twenty-fifth and the twenty-eighth days of April one thousand nine hundred and thirty-nine:—

- (1) The County Council shall so long as water is available from the existing source of supply referred to in the said first-mentioned agreement provide and maintain free of charge a supply of water for Edenshead House offices and garden (including garage and tennis court) for the use of the owner in the manner and on the conditions referred to in the said agreement and supplementary agreement Provided that the foregoing provisions of this paragraph of this section shall cease to have effect in the event of water from the said existing source of supply ceasing

to be available on account of the failure of the spring or springs supplying the Glen Burn or other operation of nature or circumstance for which the County Council are not responsible:

PART III.
—cont.

- (2) (a) So long as the County Council obtain water from the said existing source of supply no public water rate or domestic water rate or other water rates or charges shall be levied on or payable by the owner in all time coming in respect of Edenshead House offices and garden (including garage and tennis court) being the subjects specified and described in a disposition by Mrs. Katherine Russel or Bruce in favour of the owner dated the twenty-ninth day of April and recorded in the division of the general register of sasines applicable to the county the twentieth day of May both in the year one thousand nine hundred and nineteen;

(b) No public water rate or domestic water rate or other water rates or charges shall for the period to the twenty-third day of June one thousand nine hundred and fifty be levied on or payable by the company in respect of their mills in the county being the subjects numbered 34 to 37 inclusive in the parish of Strathmiglo in the valuation roll of the county for the year ended fifteenth May one thousand nine hundred and forty.

135. The following provisions for the protection of James Adam Pattullo and his heirs and successors in the ownership of the estate of Lathrisk and other subjects in the county which subjects are described in and are delineated and coloured pink on the plan or sketch annexed to a disposition by the trustees for behoof of the Lathrisk Syndicate with consents therein mentioned in favour of the said James Adam Pattullo dated the eleventh and thirteenth days of August one thousand nine hundred and fifteen and recorded in the division of the general register of sasines applicable to

For
protection
of James
Adam
Pattullo.

PART III.
—cont.

the county on the eighteenth day of the said month and year (all of whom are in this section referred to as "the owner") shall notwithstanding anything contained in this Order and unless otherwise agreed upon in writing between the County Council and the owner apply and have effect (that is to say):—

The County Council shall in accordance with the provisions of a disposition by Charles Julian Maitland Makgill Crichton of Lathrisk in favour of the County Council dated the ninth and recorded in the division of the general register of sasines applicable to the county the twelfth both days of March one thousand nine hundred and eight continue to supply free of charge from Balreavie Loan into the pipe to Lathrisk such daily quantity of water not exceeding six thousand gallons per day as may be required by the owner of Lathrisk House Lathrisk Home Farm Knocknarry and such other places as may be selected by the owner and shall continue to maintain the said pipe to Lathrisk at a lower level in the gauging tank at Balreavie Loan than any other outlet pipe all in accordance with the provisions of the said disposition.

136. Notwithstanding anything contained in this Order the provisions of—

(a) the disposition by Lieutenant-Colonel Philip George Moncrieff Skene of Pitlour and Hallyards in favour of the County Council dated the twelfth day of February one thousand nine hundred and thirty-four and recorded in the division of the general register of sasines applicable to the county on the twenty-eighth day of that month; and

(b) the agreement between the County Council and the said Lieutenant-Colonel Skene dated the twelfth and twenty-seventh days of February one thousand nine hundred and thirty-four;

shall continue in full force and effect subject to such modifications (if any) as may be agreed in writing between the County Council and the said Lieutenant-Colonel Skene or his successors.

For protection of
Lieutenant-
Colonel
Philip
George
Moncrieff
Skene.

137. The following provisions for the protection of John Eric Thomson and his heirs and successors in the ownership of the estate of Wester Upper Urquhart Gateside (all of whom are in this section referred to as "the owner") shall notwithstanding anything contained in this Order and unless otherwise agreed upon in writing between the County Council and the owner apply and have effect (that is to say):—

PART III.
—cont.
For protection of
John Eric
Thomson.

The County Council shall in accordance with the provisions of the disposition by Alexander Nicol Thomson now deceased in favour of the County Council dated the eleventh day of February one thousand nine hundred and twenty-seven and recorded in the division of the general register of sasines applicable to the county on the fifth day of March in the year last mentioned continue in all time coming to provide free of charge a supply of water for the watering of stock to the trough provided by the owner or his predecessors at the point marked "A" on the plan annexed to the said disposition.

138.—(1) The provisions of (a) the agreement between Charles Julian Maitland Makgill Crichton of Lathrisk and the Cupar District Committee of the County Council dated the third day of March and the first day of May one thousand nine hundred and six (b) the disposition by him in favour of the County Council dated the ninth and recorded in the division of the general register of sasines applicable to the county on the twelfth both days of March one thousand nine hundred and eight (c) the minute of agreement between the County Council and David Bonthrone dated the tenth day of March one thousand nine hundred and eight and subsequent dates and recorded in the division of the general register of sasines applicable to the county and also in the books of council and session on the eighteenth day of April one thousand nine hundred and eight and (d) the agreement between the parties to an action against the County Council at the instance of Margaret Livingstone and others appellants embodied in the interlocutor by the sheriff of Fife at Cupar dated the ninth day of August one thousand nine hundred and thirty-eight shall continue in full force and effect.

For protection of
Newton of
Falkland
feuars.

PART III.
—cont.

(2) The County Council shall in all time coming as provided by the said agreements—

(i) maintain and renew sufficient water mains for the whole needs present and future of all buildings which existed in the year one thousand nine hundred and eight (as such buildings have been or may be reconstructed improved added to or altered) and the pertinents thereof and also all gardens field troughs and all wells and the like which existed in that year within the village of Newton of Falkland as contained within the former special water supply district of Falkland within the boundaries coloured red on the plan number 15 of the process in the action hereinbefore mentioned (hereinafter referred to as "the said village") for the distances to which the water mains extended in that year in the said village namely from the Fountain Head along the lines coloured red to the points marked respectively A. B. C. D. E. F. G. H. and I. on the said plan;

(ii) maintain and renew sufficient water storage facilities pipes mains machinery and all other fittings necessary to ensure the delivery of an adequate supply of water to the extent specified in paragraph (i) of this subsection.

(3) No part of the cost of fulfilling the obligations imposed by subsection (2) of this section shall be borne by the said village or by the feuars thereof and except as hereinafter provided by this section the County Council shall not impose and the said feuars shall not be required to pay any assessment rate or other charges in respect of the water supplied or to be supplied by the County Council in terms of subsection (2) of this section.

(4) (a) Notwithstanding anything contained in this Order the domestic water rate shall not be imposed and levied upon the said feuars for the period of three years from the appointed day.

(b) For the period of five years following thereafter the domestic water rate to be levied upon the said feuars shall not exceed sixpence per pound.

(c) For the twelve years following thereon the domestic water rate to be levied upon the said feuars shall not exceed ninepence per pound.

(d) Thereafter the domestic water rate payable in terms of this Order shall be levied on and paid by the said feuars in the same way as other owners of lands and heritages in the county.

(5) Nothing in this section or in the said agreements shall relieve the said feuars of the obligation to pay the public water rate.

139. Nothing in this Order shall prejudice or affect the provisions of the agreement dated the thirty-first day of May one thousand nine hundred and thirty-two and subsequent dates between the Honourable Colum Edmund Crichton-Stuart commonly called Lord Colum Edmund Crichton-Stuart of Pluscarden in the county of Elgin the said Lord Colum Edmund Crichton-Stuart Lieutenant-Colonel the Honourable Richard Martin Peter Preston D.S.O. Woburn Hill Addlestone Surrey and Robert Octavius Pitman forty-eight Castle Street Edinburgh the curators of Michael Duncan David Crichton-Stuart of Falkland in the county David Adamson farmer Plains James Pringle farmer Nethermyres Archibald Ness farmer Cash Mill John M. Tosh farmer Greenmyre William Robb Jamaica Cottage Strathmiglo and the County Council regarding a supply of water for the village of Dunshelt.

140. The following provisions for the protection of Colonel Edward William Sturgis Balfour of Balbirnie (hereinafter in this section called "the proprietor") shall unless otherwise agreed upon between the proprietor and the County Council apply and have effect (that is to say):—

- (1) Nothing in this Order contained shall prejudice the rights and privileges conferred on the proprietor under the minute of agreement entered into between the Kirkcaldy District Committee of the County Council and the commissioners of the burgh of Buckhaven Methil and Innerleven on the first part and John Balfour and Charles Barrington Balfour of Balgonie on the second part dated the

PART III.
—cont.

For protection of Lord Colum Edmund Crichton-Stuart and others in relation to Dunshelt water supply.

For protection of Colonel Edward William Sturgis Balfour of Balbirnie.

PART III.
—cont.

thirty-first day of March and the ninth seventeenth and thirtieth days of April one thousand eight hundred and ninety-four:

- (2) The County Council shall not impose and levy the domestic water rate upon any lands or heritages of the proprietor (other than mines minerals and quarries) at present supplied with water from the waterworks of the proprietor consisting of the reservoir at Coul tank mains and distributing pipes and other plant and apparatus used in connection therewith (which waterworks and others are hereinafter in this section referred to as "the undertaking") unless and until the County Council shall have acquired the undertaking which undertaking the proprietor shall be bound to sell to the County Council upon the receipt of a notice in writing by post in a registered letter from the County Council of their intention to acquire the same:
- (3) The price to be paid by the County Council to the proprietor in respect of the acquisition of the undertaking shall failing agreement between the parties be fixed by a single arbiter to be nominated by the parties jointly or failing agreement to be nominated by the Dean of the Faculty of Advocates for the time being:
- (4) The arbiter so to be appointed shall fix the price after inspection of the undertaking and consideration of such documentary or other evidence as he may in his discretion require and shall have regard to depreciation of the undertaking and allow for structural value of the undertaking only in addition to the value of the reservoir and tank sites and shall make no allowance in respect of wayleaves or goodwill or compulsory acquisition or in respect of the water rights of the proprietor and further shall fix the price of the sites of the reservoir and tank on the footing that a right of support therefor is not conferred by the proprietor on the County Council:

- (5) Upon the undertaking being acquired by the County Council they shall be entitled to maintain and use the existing water supplies to the said reservoir and tank and shall also be entitled to a perpetual right of wayleave but to no right of support for all pipes and mains forming part thereof and of access to such pipes and mains and to the said reservoir and tank for the purpose of maintaining repairing altering renewing or discontinuing all or any of such pipes mains reservoir or tank without causing any unnecessary damage but compensating the proprietor and tenants for any surface damage thereby caused:

PART III.
—cont.

- (6) The undertaking when acquired by the County Council shall for all purposes whatsoever form part of and be comprised in the water undertaking of the County Council as defined in the section of this Order of which the marginal note is "Definitions for Part III of Order."

141. The following provisions for the protection of the Right Honourable Charles Cospatrick Archibald Earl of Home Baron Douglas of Douglas K.T. The ~~Hirsel Coldstream~~ Sir John Stirling Maxwell baronet of Pollok K.T. Pollokshaws Renfrewshire and the Right Honourable Sidney Herbert Elphinstone Baron Elphinstone K.T. Carberry Tower Musselburgh trustees of the late Charles Barrington Balfour of Balgonie and Newton Don and their successors in office (hereinafter in this section called "the proprietors") shall unless otherwise agreed upon between the proprietors and the County Council apply and have effect (that is to say):—

For protection of trustees of late Charles Barrington Balfour of Balgonie and Newton Don.

- (1) Nothing contained in this Order shall prejudice the rights and privileges conferred on the late Charles Barrington Balfour of Balgonie under the minute of agreement entered into between the Kirkcaldy District Committee and the commissioners of the burgh of Buckhaven Methil and Innerleven on the first part and the said late Charles Barrington Balfour and the late John Balfour of Balbirnie on the second part dated the thirty-first

PART III.
—cont.

day of March and the ninth seventeenth and thirtieth days of April one thousand eight hundred and ninety-four:

- (2) The County Council shall not impose and levy the domestic water rate upon any lands or heritages of the said late Charles Barrington Balfour and now vested in the proprietors (other than mines minerals and quarries) at present supplied with water from the waterworks of the proprietors consisting of the pump tank and distributing pipes and other plant and apparatus used in connection therewith conveying water from the source adjacent to Balgonie Castle (which waterworks are hereinafter in this section referred to as "the undertaking") unless and until the County Council shall have acquired the undertaking of the proprietors which undertaking the proprietors shall be bound to sell to the County Council upon the receipt of a notice in writing by post in a registered letter from the County Council of their intention to acquire the same:
- (3) The price to be paid by the County Council to the proprietors in respect of the acquisition of the undertaking shall failing agreement between the parties be fixed by a single arbiter to be nominated by the parties jointly or failing agreement to be nominated by the Dean of the Faculty of Advocates for the time being:
- (4) The arbiter so to be appointed shall fix the price after inspection of the undertaking and consideration of such documentary or other evidence as he may in his discretion require and shall allow for structural value of the undertaking only in addition to the value of the tank site and shall have regard to depreciation of the undertaking and shall make no allowance in respect of wayleaves or goodwill or compulsory acquisition or in respect of the water rights of the proprietors and further shall fix the price of the site of the tank on the footing that a right of support therefor is not conferred by the proprietors on the County Council:

- (5) Upon the undertaking being acquired by the County Council they shall be entitled to maintain and use the existing water supplies to the said tank and shall also be entitled to a perpetual right of wayleave (but not to a right of support) for all pipes forming part thereof and of access to such pipes and to the said pump and tank for the purpose of maintaining repairing altering renewing or discontinuing all or any of such pipes pump or tank without causing any unnecessary damage but compensating the proprietors and tenants for any surface damage thereby caused:

PART III.
—cont.

- (6) The undertaking when acquired by the County Council shall for all purposes whatsoever form part of and be comprised in the undertaking of the County Council as defined in the section of this Order of which the marginal note is "Definitions for Part III of Order."

142. The following provisions for the protection of John Fergus and Company Limited (who and their successors in estate are hereinafter in this section called "the proprietors") shall unless otherwise agreed upon in writing between the proprietors and the County Council apply and have effect (that is to say):—

For protection of
John
Fergus and
Company
Limited.

- (1) Notwithstanding anything contained in this Order the domestic water rate shall not be imposed and levied on the lands and heritages of Prinlaws which at the thirty-first day of July one thousand nine hundred and twelve belonged or were reputed to belong to the proprietors so long as the said lands and heritages shall be afforded by the proprietors with an adequate supply of wholesome water for domestic purposes:
- (2) If any question arises between the County Council and the proprietors under this section such question shall be determined summarily by the sheriff who shall have regard to all the circumstances of the case and whose decision shall be final.

PART III.
—cont.
For
protection
of Smith
Anderson
and
Company
Limited.

143. The following provisions for the protection of Smith Anderson and Company Limited (who and their successors in the ownership of the lands and heritages or any part thereof of the said company at Fettykill Mills Leslie are hereinafter in this section called "the proprietors") shall unless otherwise agreed upon in writing between the proprietors and the County Council apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Order the domestic water rate shall not be imposed and levied on the said lands and heritages at the commencement of this Order belonging to the proprietors so long as the said lands and heritages have an adequate supply from the proprietors of wholesome water for domestic purposes:
- (2) If any question arises between the County Council and the proprietors under this section such question shall be determined summarily by the sheriff who shall have regard to all the circumstances of the case and whose decision shall be final.

For
protection
of Tullis
Russell and
Company
Limited.

144. The following provisions for the protection of Tullis Russell and Company Limited (who and their successors in estate are hereinafter in this section called "the owners") shall unless otherwise agreed upon in writing between the owners and the County Council apply and have effect (that is to say):—

- (1) Notwithstanding anything contained in this Order the domestic water rate shall not be imposed and levied on the lands of Auchmuty and Rothes Paper Mills and Rothes Bleachfield at the commencement of this Order belonging to the owners so long as the said lands have an adequate supply from the owners of wholesome water for domestic purposes:
- (2) If any question arises between the County Council and the owners under this section such question shall be determined summarily by the sheriff who shall have regard to all the circumstances of the case and whose decision shall be final.

145. For the protection of the Distillers Company Limited and their successors in the ownership or their tenants of the lands and heritages or any part thereof of the said company at Cameronbridge in the parish of Markinch in the county of Fife (all for whom are in this section included in the expression "the owner") the following provisions shall notwithstanding anything contained in this Order and unless otherwise agreed upon between the County Council and the owner apply and have effect (that is to say):—

PART III.
—cont.
For
protection
of Distillers
Company
Limited.

- (1) For a period of twenty-five years from the appointed day the owner shall not be liable to be assessed for or to pay to the County Council any domestic water rate in respect of any part or parts of the said lands and heritages not at the appointed day rated for domestic water purposes until and except in so far as such part or parts of the said lands and heritages may thereafter at the request of the owner be supplied with water for domestic purposes by the County Council and this exemption from the domestic water rate shall continue to apply notwithstanding that a water supply pipe belonging to the County Council may be or may be brought within one hundred yards of such part or parts of the said lands and heritages:
- (2) For the said period of twenty-five years the owner shall in respect of the portion of the said lands and heritages forming item 1164 in the valuation roll for the parish of Markinch in the county for the year to Whitsunday one thousand nine hundred and thirty-nine in lieu of and in full satisfaction of the domestic water rate pay a fixed annual charge of one hundred and sixteen pounds so long as an additional supply is not taken by the owner to the said portion of the said lands and heritages beyond the supply given or made available for office requirements and for fire hydrants as at the appointed day:
- (3) Nothing in this section shall relieve the owner from the obligation to pay to the County

PART III.
—cont.

Council in respect of their said lands and heritages the public water rate provided for in this Order:

- (4) So long as the supply of water to the said lands and heritages from the private supply of the owner is accepted as satisfactory by the factory inspector under the provisions of the Factories Act 1937 the County Council shall accept such supply as satisfactory for public health and all other standards with which the County Council are concerned.

For protection of London and North Eastern Railway Company.

146. The following provisions for the protection of the London and North Eastern Railway Company (in this section referred to as "the company") shall unless otherwise agreed in writing between the County Council and the company apply and have effect (that is to say):—

- (1) The County Council shall not without the consent of the company previously obtained purchase or acquire any lands or property of the company but the County Council may acquire and the company shall grant such servitudes or rights in under over or upon the lands property and works of the company as may be required for making and maintaining any works authorised by the repealed Acts and by this Part of this Order (which works are hereinafter referred to as "the said works") subject to and in accordance with the provisions of this section:
- (2) The County Council shall pay to the company for any such servitudes or rights as aforesaid such consideration as may be agreed upon or in the event of difference as may be settled in manner provided by the Lands Clauses Acts with respect to the purchase of lands otherwise than by agreement:
- (3) The construction maintenance repair and renewal of the said works through or under any railway or other property of the company shall be carried out in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the company and under his direction and

superintendence. (if given) and where the said works pass under the railway the same shall be placed in a culvert of sufficient dimensions to permit the same being relaid or repaired without interference with the railway and so that the top of such culvert shall in no case be nearer the bottom of the rails of the railway than two feet six inches. Provided that if the said engineer does not approve of or disapprove of any plans sections or specifications so submitted to him within twenty-one days after such submission he shall be deemed to have approved thereof:

- (4) The County Council shall with all dispatch restore and make good to the reasonable satisfaction of the said engineer the railways and other property of the company so far as disturbed or interfered with by or in connection with the said works:
- (5) If the company so elect they may themselves execute and maintain so much of the said works as will be situated on the property of the company and may recover from the County Council the reasonable expenses incurred by the company in connection therewith:
- (6) The said works shall be constructed and maintained so as not to cause any injury or damage to the railways or other property of the company or any interruption to the passage or conduct of traffic over such railways or at any station thereon and if any injury damage or interruption arises from the acts or operations of the County Council or from the bursting leakage or failure of the said works all such injury or damage shall forthwith be made good by the company at the reasonable expense of the County Council and the County Council shall indemnify the company from all claims for or arising out of any such injury damage or interruption:
- (7) If the County Council fail to maintain the said works in substantial repair and good order to the reasonable satisfaction in all respects of

PART III.
—cont.

the said engineer or in case of emergency the company may make good the same and make and do in and upon the lands of the County Council or their own lands all such repairs and things as may be reasonably requisite and recover from the County Council the reasonable expenses incurred by them in connection therewith:

- (8) If by reason of the construction or maintenance of the said works it becomes necessary to reconstruct alter strengthen underpin or in anywise interfere with the structure of any bridge embankment or other work of the company such reconstruction alteration strengthening or underpinning shall be carried out by the company at such times and in such manner as they may think expedient or necessary and the reasonable cost thereof shall be borne and paid by the County Council:
- (9) If by reason of the said works it becomes necessary to alter any of the telegraph telephone or signal posts or wires or other works or apparatus belonging to or on the railways of the company the company may effect such alterations and the County Council shall repay to them the reasonable expenses incurred by them in connection with such alterations:
- (10) The County Council shall bear and on demand pay to the company the reasonable expense incurred by the company of and in connection with the superintendence by the said engineer of the said works and of and in connection with the employment by the company during the carrying out of any works of construction and maintenance repair or renewal of the said works under or across the railways of the company of a sufficient number of inspectors watchmen and signalmen to be appointed by the company for watching and protecting the railways of the company and the conduct of the traffic thereon with reference to and during the carrying out of any such works and for preventing as far as may be all interference

obstruction danger and accident from any of the operations or from the acts or defaults of the County Council or their contractors or any person or persons in the employment of the County Council or their contractors :

- (11) If at any time it is found necessary in order to enable the company in the exercise of their existing powers to carry out any alterations widenings or extensions of their railways or works or to adapt their railways for working by electrical power to alter the position of the said works the County Council shall on receiving notice in writing from the company so to do at the expense of the County Council and with all dispatch alter the position of the same so far as may be necessary to enable the company to carry out such alterations widenings extensions or adaptation and the provisions of this section shall apply to the said works in their altered position :
- (12) Any additional expense which the company may reasonably and properly incur in connection with their railways or other works by reason of the existence of the said works shall be paid by the County Council :
- (13) The provisions of subsection (6) of the section of this Order of which the marginal note is " Power to levy domestic water rate " shall apply to the company in substitution for the provisions of subsection (3) of section 29 (County council of Fife and burgh of Buckhaven Methil and Innerleven to supply water for use of docks at Methil) of the North British Railway Act 1907 and the said section 29 shall be read and have effect as if the County Council were substituted for the water authorities referred to therein but save as aforesaid nothing in this Order shall prejudice or affect the provisions of the said section 29 : 7 Edw. 7.
c. 103.
- (14) If any difference arises between the County Council and the company under the preceding subsections (except subsection (2) hereof) the same shall be determined by an arbiter to be

PART III.
—cont.

appointed failing agreement by the sheriff and the expenses of any such reference shall be borne by the County Council:

- (15) In this section the expression "sheriff" shall mean the sheriff exclusive of his substitutes.

For further protection of railway company.

147. Nothing contained in the section of this Order of which the marginal note is "County Council to have powers of a local authority for laying mains" shall prevent a railway company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing strengthening widening deviating or enlarging their railway and works and any extra expense which the railway company incurs in carrying out such operations by reason of the existence of the water mains and pipes of the County Council shall be paid by the County Council as such extra expense may in the event of any difference of opinion be determined by an arbiter to be agreed upon between the County Council and the railway company or failing agreement to be nominated by the sheriff exclusive of his substitutes on the application of either party.

For protection of Fife Electric Power Company.

148. Nothing in this Order shall extend to or authorise any interference with any electric lines conduits or works of the Fife Electric Power Company except in accordance with and subject to the provisions of sections 15 and 17 of the Electric Lighting Act 1882 and sections 17 18 and 77 of the schedule of the Electric Lighting (Clauses) Act 1899.

PART IV.

DRAINAGE.

A.—Works &c.

Definitions for Part IV. of Order.

149. In this Part of this Order unless the subject or context otherwise requires—

"special drainage district" means a special drainage district formed or to be hereafter formed in the county under the Public Health Acts;

"trade effluent" means any liquid either with or without particles of matter in suspension therein which is wholly or in part produced in

the course of any trade or industry carried on at trade premises and in relation to any trade premises means any such liquid as aforesaid which is so produced in the course of any trade or industry carried on at those premises but does not include domestic sewage or water discharged from any mine in the same condition as that in which it was raised from such mine;

“trade premises” means any mill manufactory or other works or premises but does not include underground workings of any colliery undertaking;

“trader” means an owner or occupier of trade premises.

150. The County Council may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the sewers and other works hereinafter described or some one or more of them or some part or parts thereof together with all necessary sewers drains outfalls junctions syphons culverts manholes walls embankments tunnels dams banks arches dykes ventilating shafts sluices weirs roads approaches fences tanks pumping stations screening plant electrical motors works and conveniences (other than storm overflows) connected therewith. The works hereinbefore referred to and authorised by this Part of this Order will be situated in the county and are as follows:—

- (1) A main sewer conduit or line of pipes (Work No. 1) to be wholly situated in the parish of Wemyss and burgh of Buckhaven and Methil commencing in the shore of the Firth of Forth at or near a point one hundred and eighty-five lineal yards or thereby beyond low-water mark of ordinary spring tides and three hundred and seventy lineal yards or thereby measured in a south south-easterly direction from the seaward termination at the breakwater of Methil docks of the present Buckhaven and Methil main sewer from Innerleven and terminating at a point one hundred and twenty lineal yards or thereby measured in a westerly direction from the north end of the aforesaid breakwater:

PART IV.
—cont.

Power to
construct
sewers.

PART IV.
—cont.

- (2) A main sewer conduit or line of pipes (Work No. 2) commencing in the parish of Wemyss and burgh of Buckhaven and Methil by a junction with Work No. 1 at its termination hereinbefore described and terminating in the parish of Markinch at a point on the south-west bank of the river Leven near The Meetings of the river Leven and river Ore and two hundred and thirty-seven lineal yards or thereby measured in a south-easterly direction from the aforesaid Meetings:
- (3) A main sewer conduit or line of pipes (Work No. 3) commencing in the parish of Markinch by a junction with Work No. 2 at its termination hereinbefore described and terminating in the parish of Kinglassie at a point on the north bank of the Lochty Burn five hundred and thirty-three lineal yards or thereby measured in a westerly direction from Lochty Bridge at or near Inchdairnie Park:
- (4) A main sewer conduit or line of pipes (Work No. 4) commencing in the parish of Markinch by a junction with Work No. 3 at a point on the east bank of the river Ore thirty lineal yards or thereby measured in a north-easterly direction from the confluence of the river Ore and Lochty Burn and terminating in the parish of Markinch at a point on the north bank of the river Ore two hundred and forty lineal yards or thereby measured in a north-easterly direction from Ore Bridge which carries the public highway from Kirkcaldy to Cupar over the river Ore:
- (5) A main sewer conduit or line of pipes (Work No. 5) commencing in the parish of Markinch by a junction with Work No. 3 at a point on the south bank of the river Ore near The Meetings of the river Leven and river Ore and one hundred and fifty-three lineal yards or thereby measured in a south-westerly direction from the aforesaid Meetings and terminating in the parish of Leslie at a point on the north bank of the river Leven at or near

Walkerton Works ninety lineal yards or thereby measured in a west north-westerly direction from the confluence of the Den Burn and the river Leven.

PART IV.
—cont.

151. In the execution of the sewers described in this Part of this Order the County Council may deviate laterally to any extent within the limits of deviation shown on the deposited plans and where on any road such limits are not 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 no deviation either lateral or vertical below high-water mark of ordinary spring tides shall be made without the consent in writing of the Minister of Shipping.

Power to deviate in construction of sewers.

152. If the sewers described in this Part of this Order and shown on the deposited plans are not completed by the thirty-first day of July one thousand nine hundred and forty-seven the powers granted by this Order for the execution of the same shall cease except as to so much thereof as is then completed Provided that the Special Enactments (Extension of Time) Act 1940 shall apply as if the Act confirming this Order had been passed before the passing of that Act.

Period for completion of sewers.

153. The County Council may make and maintain all such sewers drains or pipes and appurtenances as may be necessary for connecting any existing sewers outfalls of sewage or drains with the sewers authorised by this Part of this Order or any of them and for such purpose may remove replace diminish enlarge or alter or stop up any existing sewers outfalls of sewage or drains and may vary the direction and levels of the same.

Existing sewers and drains to be connected with works.

154. For the purposes of and in constructing maintaining repairing renewing enlarging duplicating altering and improving the sewers authorised by this Part of this Order the County Council may subject to the provisions of this Order use break up alter divert or cross over or under or close temporarily any streets highways roads lanes paths bridges railways tramways

Alteration of roads &c. temporarily.

PART IV.
—cont.

sewers drains watercourses gas pipes water pipes telegraphic telephonic electrical and other mains pipes wire posts and other works which they may find it expedient for any of those purposes to interfere with providing when 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 post or other work and making full compensation to all persons injuriously affected by the exercise of the powers of this section:

Provided that nothing in this section shall extend to authorise any interference with—

- (a) any telegraphic line or other property of His Majesty's Postmaster-General;
- (b) any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section:

45 & 46 Vict.
c. 56.

Discharge
of sewage.

155.—(1) The County Council may by means of the sewers authorised by this Part of this Order convey all sewage and trade effluent to and discharge or permit the same to flow into the Firth of Forth at the point of commencement of Work No. 1.

(2) The County Council may discharge from any branch drain or connecting sewer and permit to flow or discharge into the river Leven the river Ore the Lochty Burn or other watercourse by means of storm overflows any sewage in excess of the quantity for which provision has been made in terms of subsection (4) of this section.

(3) (a) Before any branch drain or connecting sewer for the conveyance of sewage trade effluent subsoil or storm water is connected with the sewers authorised by this Part of this Order the local authority or person owning such branch drain or connecting sewer shall cause to be constructed at their or his expense a measuring chamber on such branch drain or connecting sewer.

(b) The said measuring chamber shall be of such design as may be approved by and shall be constructed and maintained to the satisfaction of the county engineer and be open to the inspection of any party interested therein after application in writing to the county engineer and in consultation with him.

(4) (a) The rate at which domestic sewage shall be discharged from any such branch drain or connecting sewer into the sewers authorised by this Part of this Order together with the rate of discharge of sewage (if any) discharged from branch drains or connecting sewers further up stream shall not at the point of connection exceed ten gallons per hour per head of the population for which provision has been made in the design of the sewers authorised by this Part of this Order.

(b) In the event of any such local authority or person discharging domestic sewage into the sewers authorised by this Part of this Order at a rate exceeding that aforesaid such local authority or person shall be guilty of an offence and shall be liable to a penalty not exceeding thirty pounds and to a daily penalty not exceeding five pounds.

(5) Except as otherwise provided in this Order no claim for compensation or remedy whether by way of interdict or other legal process shall be competent against any person in respect of the abstraction or diversion of water from the river Leven or the river Ore into the sewers and works authorised by this Part of this Order in terms of any agreement with the County Council.

156. The County Council may appoint and remunerate a river inspector who shall hold office during the pleasure of and shall perform such duties as may from time to time be prescribed by the County Council including such duties of inspection as may be required in connection with the works authorised by this Part of this Order.

Appoint-
ment of
river
inspector.

157.—(1) After the expiry of six months from the completion of the sewers authorised by this Part of this Order or such part of them as it may be necessary to construct for carrying out the purposes of this Order it shall not be lawful for any owner or occupier of

Prohibitions
against
pollution
from mills
and works.

PART IV.
—cont.

mines mills manufactories and other works to do any of the following things (namely):—

- (i) to construct or to open into the river Leven or the river Ore or any tributary thereof any sewer drain pipe or channel with intent or in order thereby to provide for the flow or passage into any such river or tributary of any poisonous noxious or polluting liquid or any sewage or other offensive or injurious matter;
- (ii) to construct or to open into any mill lead cut ditch sewer drain pipe channel stream or watercourse communicating with any such river or tributary any sewer drain pipe or channel with intent or in order thereby to provide for the flow or passage of any such poisonous noxious or polluting liquid or sewage or other offensive or injurious matter as aforesaid in such manner that the same will be carried or be likely to be carried by through or out of such mill lead cut ditch sewer drain pipe channel stream or watercourse into any such river or tributary;
- (iii) to cause or suffer any poisonous noxious or polluting liquid or any sewage or other offensive or injurious matter to flow or pass into any such river or tributary or into the mill leads or any sewer drain pipe channel stream cut ditch or watercourse whatever in such manner that the same will be carried or be likely to be carried by through or out of such mill lead sewer drain pipe channel stream cut ditch or watercourse directly or indirectly into any such river or tributary;
- (iv) to wash steep or submerge skins hides leather bark or any other substance or material in any such river or tributary or otherwise so as to pollute or render impure the water of any such river or tributary.

(2) Any person who does any act or thing in contravention of this enactment shall be guilty of an offence and shall for every such offence be liable to a

penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

PART IV.
—cont.

(3) Notwithstanding anything contained in this Order a person shall not be guilty of an offence against this Order or be liable to any proceedings under this Order by reason or in consequence of his having caused or permitted any water to enter any stream in the same condition as that in which such water has been raised from any mine or if he shows to the satisfaction of the court having cognisance of the case that he is using the best practicable and reasonably available means to render harmless the poisonous noxious or polluting liquid.

(4) In this section "poisonous noxious or polluting liquid" shall not include innocuous discolouring liquid.

158. The County Council may at the request and expense of any trader remove and dispose of any sludge deposit or other substance which may have been produced in the course of the treatment of trade refuse upon or in connection with trade premises.

Disposal of
sludge &c.

159.—(1) The County Council and any trader may enter into and carry into effect agreements for and with respect to—

Agree-
ments for
reception
and disposal
of trade
effluent.

(i) the reception and disposal of trade effluent produced on the trade premises of such trader whether within or outwith a special drainage district; or

(ii) the removal and disposal of sludge deposit or other substances produced in the course of the treatment of trade effluent upon or in connection with such trade premises;

by means of the sewers and other works authorised by this Part of this Order on such terms and conditions as the County Council may think fit.

(2) Any such agreement may include provision for the payment by such trader to the County Council of a contribution to be fixed by the County Council on a user basis towards the cost of—

(a) the construction of the said sewers and works; and

(b) the maintenance thereof including rates and taxes.

PART IV.
—cont.
Arrange-
ments with
other
authorities.

160. The County Council may enter into arrangements with any other local authority or authorities or persons for the purpose of the exercise and performance of the powers and duties of the County Council under this Part of this Order.

County
Council to
make
general
regulations.

161.—(1) Subject to the provisions of this Part of this Order the County Council shall make general regulations which may apply to any part or parts of the county and which shall be conformed to by traders requiring the County Council to receive trade effluent from trade premises into the sewers of the County Council and such general regulations may provide for (inter alia)—

- (a) the preliminary treatment of trade effluent by traders;
- (b) the admission of certain trade effluent from trade premises direct into the sewers of the County Council without preliminary treatment and the exclusion therefrom of certain trade effluent until subjected to preliminary treatment;
- (c) the provision to be made by traders for enabling the County Council to inspect and take samples of trade effluent;
- (d) the dimensions and capacity of pipes whereby trade effluent may be discharged into the sewers of the County Council and the quantity temperature time and rate of discharge and condition of trade effluent which may be so discharged;

and may provide for payment to the County Council by such traders of contributions to capital costs and reasonable charges (in addition to the assessments levied for drainage purposes) for the removal and disposal of trade effluent.

(2) The said regulations shall be made with due regard to the capacity and fitness of the sewers and works of the County Council and the methods of treatment employed and also with regard to reasonableness of cost and to the effect on and circumstances connected with the respective branches of industry or trade so as to ensure that no material injury will be inflicted by

the regulations on the interests of such industries or trades and shall make all reasonable distinction between such respective branches of industry or trade.

PART IV.
—cont.

(3) Regulations made by the County Council under this section and any alteration thereof shall be published by being advertised once in each of two successive weeks in a newspaper published or circulating in the county and a copy shall be furnished without charge by the County Council to any trader within the part of the county affected on application.

(4) Regulations made under this section and any alterations thereof (except such alterations as are made in terms of the next succeeding subsection) shall come into force on the expiration of two months after the date of the last advertisement under the immediately preceding subsection unless before the expiration of that period a trader within the part of the county affected lodges a representation in writing with the County Council against the regulations or any of them or the proposed alteration thereof.

(5) The County Council shall consider any such representation and may if they think fit withdraw or alter the regulations or any of them or the proposed alteration.

(6) If the County Council decline to withdraw or alter the regulations or if the trader declines to withdraw the representation made by him on being required in writing by the County Council to do so a dispute or difference shall be deemed to have arisen between the County Council and the trader within the meaning of the section of this Order of which the marginal note is "Reference of questions in dispute" and the arbiter referred to in that section may disallow the regulations or the proposed alteration or may allow the same with or without alteration as he may think just and reasonable.

(7) Regulations or any alteration of regulations against which a representation has been lodged under the immediately preceding subsection if not withdrawn by the County Council or disallowed by the said arbiter shall come into force with such alterations (if any) as may have been made by the County Council or directed

PART IV.
—cont.

by the said arbiter upon the withdrawal of the said representation or upon the decision of the arbiter as the case may be.

(8) A copy of the regulations made under this section for the time being in force certified to be correct by the county clerk shall be received as evidence in all legal proceedings.

(9) For the purposes of this section "trade effluent" does not include any liquid produced solely in the course of laundering articles on any trade premises.

Regulating
discharge
into
sewers.

162. Nothing in this Part of this Order shall entitle a trader to require the County Council to receive into their sewers or dispose of—

- (a) any liquids which would prejudicially affect the sewers or purification works of the County Council or the method of purification employed in the said purification works or be injurious to the construction maintenance use or efficiency of the sewers or purification works or would cause or be likely to cause silting up corrosion or decay of the materials of the sewers or purification works or to interfere with the efficient treatment of the sewage;
- (b) any waste steam condensing water heated water or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees Fahrenheit) which either alone or in combination with sewage would cause a nuisance or be injurious or dangerous to health;
- (c) any water solid matter or grease which by the regulations made under this Part of this Order are required to be excluded or removed from trade effluent;

or to discharge or continue to discharge the same through any drain pipe or channel communicating with a sewer or any purification works of the County Council.

163.—(1) Subject to the provisions of this Order any person duly appointed by the County Council for the purpose and exhibiting his appointment if required to do so may at all hours of the day or night enter any trade premises for the purpose of ascertaining whether any trade effluent is being discharged into a sewer of the County Council the volume of the same the capacity of the drains pipes or sewer to carry the same and the nature of the trade effluent so being discharged.

PART IV.
—cont.
Power to enter and inspect.

(2) If such person be at any time refused admittance into such premises for the purposes aforesaid or having been admitted be prevented from making such examination the occupier of such premises shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding forty shillings.

(3) If any person who in pursuance of powers conferred by subsection (1) of this section is admitted into any trade premises discloses to any person any information obtained by him in such trade premises with regard to any manufacturing process or trade secret he shall unless such disclosure was made in the performance of his duty be guilty of an offence and be liable to a fine not exceeding one hundred pounds or to imprisonment for a term not exceeding three months.

(4) A person appointed by the County Council under subsection (1) of this section shall not inspect any trade premises being a pit or mine unless he is accompanied by a representative of the owners of such pit or mine and if any such person shall sustain any injury in the course of his inspection of such trade premises and such injury is not due to any fault on the part of the owners thereof the said owners shall be under no liability in respect of such injury.

164. Any trader who—

Penalties.

- (a) wilfully or negligently discharges or allows to be discharged any trade effluent from trade premises into a sewer or any purification works of the County Council except in accordance with the provisions of this Part of this Order and the regulations for the time being in force thereunder; or

PART IV.
—cont.

(b) otherwise infringes such provisions or regulations or any of them;

shall be guilty of an offence and shall be liable to a penalty not exceeding thirty pounds and to a daily penalty not exceeding five pounds.

Experi-
ments in
treatment
of sewage.

165. It shall be lawful for the County Council to conduct experiments in the treatment of sewage by the process known as the activated sludge process or other process or processes for the treatment of sewage and to pay the expenses of conducting such experiments if conducted within a special drainage district out of the special sewer assessment leviable within that district or out of the public health general assessment leviable within the county or partly out of the one and partly out of the other as the County Council may determine or if such experiments are conducted outwith a special drainage district then out of the said public health general assessment:

Provided that nothing in this section shall exempt the County Council from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them in pursuance of this section.

Sewer
assessment.

166.—(1) The purposes of the sewers and works connected therewith and the acquisition of lands and servitudes and the construction of the works authorised by this Part of this Order shall be held to be purposes within the meaning of the Public Health Acts with respect to which the sewer assessment under those Acts may be imposed.

(2) The sums necessary for the payment of any money borrowed by the County Council for the purposes aforesaid together with the interest thereof shall be apportioned on the basis of rateable valuation between the special drainage districts of Kinglassie Thornton Woodside Coaltown of Balgonie Milton of Balgonie Windygates and Balcurvie Kennoway and Methilhill and shall be paid out of the special sewer assessment authorised by section 133 of the Public Health (Scotland) Act 1897 as varied by the section of this Order of which the marginal note is "Limitation of sewer assessment in special drainage districts" to be

raised and levied on the said special drainage districts. Provided that if in any year the amount so apportioned on any such special drainage district or any part of such amount cannot be met out of the special sewer assessment leviable on that district the County Council may in that year charge such amount or any part thereof upon the remainder of such special drainage districts subject to the limitation prescribed by the said section of this Order.

167.—(1) The special sewer assessment authorised by section 133 of the Public Health (Scotland) Act 1897 to be raised and levied on and within any special drainage district in the county shall not exceed a rate of one shilling and sixpence in the pound. Provided that if the produce of such rate in any special drainage district is not sufficient to meet the expenditure bona fide incurred or contemplated within such special drainage district it shall be lawful for the County Council to charge any excess of such expenditure over the produce of a rate of one shilling and sixpence in the pound upon the public health general assessment leviable upon the whole landward part of the county notwithstanding any statutory provision whereby a special district shall not be liable to assessment for the expenses of supplying to any other part of the county the service for the purposes of which the district was constituted.

(2) Upon the formation of a special drainage district within the county the County Council may determine that any debt which may have been incurred for the provision of sewerage and drainage within the area embraced within the said special drainage district or any part thereof shall from the date of its formation affect such special drainage district to the relief of the remainder of the area of the district upon which such debt has originally been charged and the provisions of section 122 of the Public Health (Scotland) Act 1897 relating to resolutions of the local authority determining questions regarding the payment of any debt which may affect any district or special drainage district shall mutatis mutandis apply to the determining of the debt or portion thereof which is to affect the special drainage district on its formation.

PART IV.
—cont.

Limitation
of sewer
assessment
in special
drainage
districts.

PART IV.
—cont.
Power of
Secretary
of State
in case of
nuisance.

168. If in the exercise of the powers of this Part of this Order any nuisance is caused by or arises from the treatment utilisation or disposal of trade effluent the Secretary of State shall have the like powers for enforcing the removal or remedy of the nuisance as are conferred upon the Secretary of State by section 146 of the Public Health (Scotland) Act 1897 in relation to the remedy or removal of nuisances.

Saving for
Rivers
Pollution
Acts.

169. Save as expressly provided by this Order nothing in this Part of this Order shall prejudice or affect the provisions of the Rivers Pollution Prevention Acts 1876 and 1893.

B.—Protective provisions.

Notice to
be given by
County
Council
before con-
structing
works.

170.—(1) Not less than six months before proceeding with the preparation of detailed plans sections and specifications for the construction of the sewers and other works authorised by this Part of this Order or such part of such sewers and works as it may be necessary to construct for the purposes of this Order the County Council shall—

- (a) give notice of their intention to do so by advertisement in a newspaper published or circulating in the county and in the Edinburgh Gazette; and
- (b) forward a copy of the said notice to all owners and occupiers of trade premises (hereinafter in this section referred to as "traders") who in the knowledge of the County Council are at the date of the said notice discharging trade effluent from trade premises into the river Leven or who are at the date of the said notice using water from the river Leven for power purposes.

(2) Such traders or any of them desiring to use the said sewers and other works shall within a period of two months from the date of the said notice furnish in writing to the County Council such information as the County Council may deem necessary and the County Council within a period of four months from the date of the said notice shall (so far as it is reasonably possible for the County Council to do so) furnish such

traders with estimates of the cost of the said sewers and other works and of the amounts which such traders may be called upon to pay in terms of the section of this Order of which the marginal note is "Agreements for reception and disposal of trade effluent."

PART IV.
—cont.

(3) Such traders or any of them may within a period of nine months from the date of the said notice intimate in writing to the County Council that they desire the County Council to make provision for the reception and disposal of trade effluent from the trade premises of such traders or any of them into the said sewers and other works and to enter into agreements with the County Council for that purpose as provided by the section of this Order of which the marginal note is "Agreements for reception and disposal of trade effluent" and in the event of any such trader desiring to enter into and concluding such an agreement with the County Council the County Council shall be bound to make provision for the reception and disposal of the trade effluent from the trade premises of such trader,

(4) The County Council may at any time after the expiry of the period of nine months from the date of the said notice proceed to construct the said sewers and other works or such part of them as it is necessary to construct in order to meet the requirements of the County Council and of such traders or any of them with whom such agreements have been entered into.

171. The following provisions for the protection of each of the following companies (namely):—

- (a) Balgonie Colliery Company Limited;
- (b) John Balfour and Company Limited;
- (c) The Distillers Company Limited;
- (d) The trustees of the late Charles Barrington Balfour of Balgonie and Newton Don;
- (e) The Fife Paper Mills Limited;
- (f) Smith Anderson and Company Limited;
- (g) Tullis Russell and Company Limited; and
- (h) John Fergus and Company Limited;

For protection of Balgonie Colliery Company Limited and others.

(each of which companies and their successors in the ownership or occupation of the subjects abutting on the river Leven at the commencement of this Order owned

PART IV.
—cont.

or occupied by them respectively is hereinafter in this section for their respective interests referred to as "the company") shall notwithstanding anything contained in this Order and unless otherwise agreed in writing between the County Council and the company apply and have effect (that is to say):—

(1) (a) The company shall be entitled to recover from the County Council compensation for any direct loss or damage which may be sustained by or expenditure which may be occasioned to the company in respect of damage to their riparian rights or the diminution of the flow of the river Leven resulting from the abstraction or diversion by any other trader of water from the river and the discharge of trade effluent into the sewers and other works authorised by this Part of this Order which before being so discharged was discharged into the river;

(b) Any claim to compensation under this section (which shall specify the nature of the damage alleged and the amount claimed) shall be made within a period of three months from the date of the notice referred to in subsection (1) of the section of this Order of which the marginal note is "Notice to be given by County Council before constructing works";

(c) If a claim is not made within the said period of three months then on the expiration of that period the company shall forfeit any right to claim compensation from the County Council under this section:

(2) Failing agreement between the County Council and the company within the period of six months from the date of the said notice such compensation shall be determined within a period of two months thereafter in manner provided by the section of this Order of which the marginal note is "Reference of questions in dispute" and the arbiter in determining such compensation (if any) shall take into account any benefit to be enjoyed by the company in respect of any improvement in the river due to the construction of the said

sewers and works in so far as such benefit may not be paid for by contributions by the company (other than contributions by way of rates) as part of the cost of the said sewers and works:

PART IV.
—cont.

- (3) The amount of such compensation (if any) shall be deemed to be part of the cost of the construction of the said sewers and works and shall be paid by the County Council to the company within one month from the date when such abstraction or diversion commences:
- (4) Nothing in this section shall prejudice any right available to the company against any other trader abstracting or diverting water from the river otherwise than in terms of any agreement entered into between such trader and the County Council in terms of the immediately preceding section and if and when a request by the company is made a certified copy of such completed agreement and all subsequent relevant records of the amount of trade effluent so abstracted or diverted from the river shall be supplied by the County Council.

172. The following provisions for the protection of the trustees of the late Randolph Gordon Erskine Wemyss of Wemyss and Torrie (hereinafter in this section referred to as "the trustees") and those deriving right through them shall notwithstanding anything contained in this Order and unless otherwise agreed upon in writing between the County Council and the trustees and those deriving right through them apply and have effect (that is to say):—

For protection of trustees of late Randolph Gordon Erskine Wemyss and others.

- (1) The trustees and those deriving right through them shall be entitled to recover from the County Council compensation for any loss which may be sustained by or expenditure which may be occasioned to the trustees and those deriving right through them in respect of damage to their riparian rights or the diminution of the flow of the river Leven and river Ore resulting from the works authorised by this Part of this Order:

PART IV.
—cont.

- (2) Any claim to compensation under this section (which shall be detailed as to nature and amount) shall be made within a period of three months from the date of the occurrence of such interference and (failing agreement between the County Council and the trustees) such compensation shall be determined by two arbiters one to be named by each party or in the case of such arbiters differing in opinion by an oversman to be appointed by them before entering on the reference and the decision of such arbiters or oversman shall be final and binding on the parties.

For protection of
colliery
under-
takings.

173.—(1) The owners or occupiers of any colliery undertaking shall not be liable for or in respect of any damage or injury to the sewers or any part thereof authorised by this Part of this Order due or that may be due to past operations of the colliery undertaking or to such operations as are being carried on at or after the commencement of this Order or are in progress when the construction of the sewers or such part thereof is commenced or operations of the same or like character (as may have been carried on before or which are in progress when the construction of the sewers or such part thereof is commenced as aforesaid) carried on at any future time. Provided that the owners or occupiers of colliery undertakings shall take all reasonable precautions to obviate any damage or injury being occasioned to the said sewers by such operations as aforesaid.

(2) (a) Nothing in this Order shall extend to or authorise the County Council in the exercise of the powers contained in this Order to interfere with or affect any of the roads railways railway sidings power transmission and telephonic lines and pithead buildings belonging to the owners or occupiers of any colliery undertaking unless the County Council give to such owners not less than seven days' notice in writing accompanied by plans and (so far as practicable) sections and specifications showing the manner in which such works are proposed to be executed. Provided that in cases of emergency such notice only as is reasonably practicable shall be given.

(b) In the event of any difference arising between the said owners or occupiers and the County Council under this section such difference shall be determined in manner provided by the section of this Order of which the marginal note is "Reference of questions in dispute."

PART IV
—cont.

174. The following provisions for the protection of the National Steel Foundry (1914) Limited (which company and their successors in the ownership or occupation of the subjects abutting on the river known as the Kirkland Works are hereinafter in this section referred to as "the company") shall notwithstanding anything in this Order contained and unless otherwise agreed in writing between the County Council and the company apply and have effect (that is to say):—

For protection of National Steel Foundry (1914) Limited.

- (1) For a period of twenty years from the date on which any trader on the rivers Leven or Ore above the said subjects commences to abstract or divert water from the said rivers and to discharge trade effluent to the works authorised by this Part of this Order the company shall be entitled to discharge and the County Council shall receive into the said sewers the trade effluent and domestic sewage from the said subjects not exceeding in quantity two hundred thousand gallons in any one day of twenty-four hours:
- (2) As from the expiry of the said period of twenty years the company shall be entitled to discharge and the County Council shall in perpetuity receive into the said sewers the trade effluent and domestic sewage from the said subjects not exceeding in any one day the equivalent of the average daily quantity received in any year during the said period of twenty years which may be selected by the company:
- (3) The rate at which such trade effluent and sewage shall be discharged into the said sewers shall not at any time exceed twenty thousand gallons per hour:
- (4) The expenses of constructing and maintaining all works necessary for connecting the sewer

PART IV.

—cont.

or drain of the company with the said sewers of the County Council shall be borne by the company:

- (5) The company shall at their own expense prior to their sewer or drain being connected with the said sewers of the County Council construct on the sewer or drain of the company at or near the point of connection a measuring chamber for measuring all trade effluent and sewage which may be discharged from the said sewer or drain into the said sewers of the County Council which measuring chamber shall be of such design as may be approved by and shall be constructed and maintained to the satisfaction of the county engineer:
- (6) The company shall not be under any liability to make any contribution other than as rate-payers towards the cost of the construction or maintenance of the sewers authorised by this Part of this Order and the County Council shall free and relieve the company from any liability to pay compensation or damages to any other riparian owners due to the construction of the said sewers and the use by the company thereof:
- (7) (a) The County Council shall not later than six months after the commencement of this Order clean out the sludge from the lade and dam belonging to the company and shall thereafter if so required by the company at the expiry of each five years during the period of twenty years from the first cleaning out of the said lade and dam again clean out the said lade and dam if such cleaning out is necessitated by the presence of polluting solids derived from sewage trade effluent or coal washings. The cost incurred to the County Council in respect of the foregoing shall be met out of the special drainage assessments chargeable with the cost of the sewers;
- (b) The cost of the first cleaning out of the said lade and dam shall be borne by the County Council. The cost of any such subsequent

cleaning out in so far as the operations are necessitated by the presence of any such polluting solids shall be borne by the County Council and except so far as aforesaid shall be borne by the company;

(c) Any question arising between the County Council and the company under this subsection shall be determined in manner provided by the section of this Order of which the marginal note is "Reference of questions in dispute":

(8) The County Council shall be relieved from any liability to pay any compensation to the company in respect of—

(i) the construction of the sewers authorised by this Part of this Order and the exercise of the powers conferred by this Order; and

(ii) any loss that may be sustained by or expenditure which may be occasioned to the company in respect of damage to their riparian rights or the diminution of the flow of the river Leven resulting from the abstraction or diversion by any trader of water from the river and the discharge of trade effluent to the works authorised by this Part of this Order.

175. For the protection of Smith Anderson and Company Limited and their successors in the ownership and occupation of the lands and heritages or any part thereof of the said company at Fettykill Mills Leslie (all of whom are in this section included in the expression "the owners") the following provisions shall notwithstanding anything contained in this Order and unless otherwise agreed upon between the County Council and the owners apply and have effect (that is to say):—

For further protection of Smith Anderson and Company Limited.

(1) In the event of the owners not exercising the option available to them under the section of this Order of which the marginal note is "Notice to be given by County Council before constructing works" to require the County Council to make provision for the reception

PART IV.
—cont.

and disposal of the trade effluent and domestic sewage from the said lands and heritages into the sewers authorised by this Part of this Order the owners shall not later than six months after the completion of the said sewers or such part of them as it may be necessary to construct in order to meet the requirements of the County Council and of the traders with whom the County Council shall have entered into agreements—

(i) provide cesspools or other means of dealing with domestic sewage to the satisfaction of the County Council to ensure that no unpurified sewage is discharged into the river Leven;

(ii) take such measures as to ensure—

First That the trade effluent from the said lands and heritages into the said river shall not at the point of discharge—

(a) contain more than six parts per one hundred thousand parts of suspended solids produced by the manufacturing processes of the owners;

(b) take up at sixty-five degrees Fahrenheit (18·3 degrees C.) more than two parts per one hundred thousand parts of dissolved oxygen in five days; and

Second That the colouring materials employed in the said manufacturing processes and discharged from the said mills into the river shall not (except at such times as the water in the river falls below the normal summer flow) produce noxious discolouration of the water in the river below a distance of one half of a mile measured from the point of outflow of the main tunnel conveying the river water through the said mills;

and so long as such standards of purity are maintained the nature of the said trade

effluent shall not be deemed to bring the owners within the application of the provisions of this Order prohibiting pollutions from mills and works:

PART IV.
—cont.

(2) In the event of the existing process of manufacture in the said mills being altered the standards of purity prescribed by subsection (1) of this section shall be subject to revision and failing agreement as to the standards of purity applicable to any such altered process of manufacture the matter shall at the instance of either party after notice to the other be determined in manner provided by the section of this Order of which the marginal note is "Reference of questions in dispute":

(3) (a) Before entering upon or interfering with the said lands and heritages for the purposes of executing any works authorised by this Part of this Order the County Council shall give to the owners not less than twenty-one days' notice in writing of the proposed works accompanied by plans and (so far as practicable) sections and specifications showing the line and manner in which such works are proposed to be executed;

(b) If the owners do not within fourteen days after the receipt of the said notice intimate to the County Council their approval or disapproval of the said plans sections and specifications the County Council may proceed to execute the said works in accordance therewith;

(c) In the event of the owners intimating their disapproval of the said plans sections or specifications as aforesaid the matter shall be referred for decision to an engineer to be appointed by the President of the Institution of Civil Engineers and the decision of such engineer shall be given within one month of his appointment and shall be final.

176. The agreement made the eighteenth and twenty-sixth days of March one thousand nine hundred and forty between the County Council of the one part

Confirma-
tion of
agreement
with

PART IV.
—cont.
Distillers
Company
Limited.

and the Distillers Company Limited of the other part as amended and set forth in the Third Schedule to this Order is hereby confirmed and made binding on the parties thereto and shall be carried into effect by the County Council and the said company subject to such modifications (if any) as may be agreed.

Confirma-
tion of
agreement
with John
Fergus and
Company
Limited.

177. The agreement made the ninth day of April one thousand nine hundred and forty between the County Council of the one part and John Fergus and Company Limited of the other part as amended and set forth in the Fourth Schedule to this Order is hereby confirmed and made binding on the parties thereto and may be carried into effect by the County Council and the said company subject to such modifications (if any) as may be agreed.

For pro-
tection of
Buckhaven
and Methil
Corpora-
tion.

178.—(1) In any agreement between the County Council and the provost magistrates and councillors of the burgh of Buckhaven and Methil (hereinafter in this section referred to as "the Buckhaven Corporation") regarding the disposal of sewage from the said burgh into the sewers (Works Nos. 1 and 2) authorised by this Part of this Order credit shall be given out of the costs of the said sewers (to which the Buckhaven Corporation shall contribute) to the Buckhaven Corporation against the contribution to be made by them to the extent of one-half of the cost which the Buckhaven Corporation may incur should the Buckhaven Corporation require to lay a new drain supplementary to or in substitution for their existing drain to join up with the said sewers of the County Council and should the Buckhaven Corporation require to lay a new drain as aforesaid they shall not be required to pay to the County Council any share of the cost of the construction or maintenance of that part of the said sewers of the County Council lying between the point of connection of the new drain that may have to be constructed by the Buckhaven Corporation as aforesaid and the point of connection that would have been made had no such new drain been necessary.

(2) The questions of—

(a) the necessity for the laying of a new drain by the Buckhaven Corporation and the cost thereof to be allowed as aforesaid;

- (b) the number of connections (including two connections which the Buckhaven Corporation shall be entitled to make for drains to serve land at present undeveloped in the northern part of the said burgh) of the Buckhaven Corporation's drains to the said sewers;
- (c) the situation of the said connections; and
- (d) the allocation of any capital or maintenance charges as between the County Council and the Buckhaven Corporation;

PART IV.
—cont.

shall be adjusted between the county engineer and the engineer of the Buckhaven Corporation or failing agreement shall be settled by an engineer to be appointed by the President of the Institution of Civil Engineers whose decision shall be final.

179. For the protection of the provost magistrates and councillors of the burgh of Leven (hereinafter in this section respectively referred to as "the Leven Corporation" and "the burgh") the following provisions shall unless otherwise agreed upon in writing between the Leven Corporation and the County Council apply and have effect (that is to say):—

For protection of
Leven
Corporation.

- (1) Notwithstanding anything contained in this Order the Leven Corporation shall have the right subject as in this section mentioned to discharge into Work No. 1 the sewage trade effluent subsoil and storm water of the burgh at a rate up to but not exceeding two hundred and seventy-five thousand gallons per hour:
- (2) Before the County Council commence to construct or advertise for tenders for the construction of Work No. 1 they shall give to the Leven Corporation not less than three months' notice in writing of their intention to do so and shall at the same time give to the Leven Corporation plans and sections showing the proposed construction dimensions high tide level and other particulars including the estimated cost of Work No. 1 and relative works inclusive of the disintegrating or screening chamber forming part of Work No. 1:

PART IV.
—cont.

(3) (a) The Leven Corporation may within the said period of three months intimate to the County Council in writing that they desire to discharge sewage trade effluent subsoil and storm water from the burgh into Work No. 1 upon the terms prescribed by this section;

(b) In the event of a difference of opinion between the Leven Corporation and the County Council or their respective engineers as to the adequacy or sufficiency of the proposed works for inter alia the efficient drainage of the burgh such difference shall be referred to the decision of an engineer to be appointed by the President of the Institution of Civil Engineers whose decision shall be communicated to the County Council and the Leven Corporation not later than one month from the date of the reference;

(c) The engineers for the Leven Corporation and the County Council shall be entitled to be heard and to submit their respective views to the engineer appointed as aforesaid and thereafter the decision of the said last-mentioned engineer shall be final:

(4) The County Council shall in constructing Work No. 1 including the disintegrating or screening chamber give effect to the decision of the said last-mentioned engineer and make effective provision for the reception of the sewage trade effluent subsoil and storm water as aforesaid of the burgh into the said work and for the disposal thereof and as soon as such provision is made the sewers of the Leven Corporation shall be connected by the County Council with the said work at such point or points as may be agreed between the Leven Corporation and the County Council:

(5) The expenses of constructing and maintaining all works necessary for connecting the sewers of the Leven Corporation with Work No. 1 shall be borne by the Leven Corporation:

(6) After the sewers of the Leven Corporation are connected with Work No. 1 the Leven Corporation shall so far as reasonably practicable

receive into their sewers the sewage-trade effluent subsoil and storm water from the burgh and shall deliver the said sewage trade effluent subsoil and storm water from their sewers into Work No. 1 and the County Council shall receive and dispose of the same by discharge at the agreed on point of the out-fall:

- (7) (a) The Leven Corporation shall at their own expense before their sewers are connected with Work No. 1 construct on their said sewers at or near each point of connection if there is more than one connection a measuring chamber necessary for measuring all sewage trade effluent subsoil and storm water which may be discharged from the said sewers into Work No. 1;

(b) The said measuring chamber shall be of such design as may be approved by and shall be constructed and maintained to the satisfaction of the county engineer:

- (8) If after the construction of Work No. 1 the agreed point of discharge of the said work is in the opinion of the Leven Corporation unsuitable at any time to prevent contamination of the foreshore or beach belonging to the burgh the Leven Corporation shall have the right to make application to the sheriff to appoint an arbiter to determine the necessity or otherwise of extending Work No. 1 further seaward and the decision of the arbiter shall be carried into effect by the County Council:

- (9) The Leven Corporation shall contribute and pay to the County Council such sums towards the cost of—

(a) the construction of Work No. 1 including the said disintegrating or screening chamber; and

(b) the maintenance thereof including rates and taxes;

both as may be fixed by the County Council and agreed to by the Leven Corporation on a user basis:

PART IV.
—contd.—

(10) If any difference other than a difference as to the adequacy or sufficiency of the proposed works for inter alia the efficient drainage of the burgh arises between the Leven Corporation and the County Council under this section 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 the arbiter shall be final.

For protection of
Kirkcaldy
Corporation.

180. For the protection of the provost magistrates and councillors of the royal burgh of Kirkcaldy (hereinafter in this section called "the Kirkcaldy Corporation") the following provisions shall unless otherwise agreed upon in writing between the Kirkcaldy Corporation and the County Council apply and have effect (that is to say):—

(1) In this section—

"the said works" means Works Nos. 3 and 5 authorised by this Part of this Order so far as the same are situated over under or affecting the water mains of the Kirkcaldy Corporation situated at a point south of Nether Stenton Farm Thornton near the Lochty Burn and at a point near Cow Bridge Leslie over the river Leven;

"the said water mains" means the portions of the said water mains of the Kirkcaldy Corporation situated at the points hereinbefore referred to:

(2) The County Council shall not under the powers of this Order take or acquire by compulsion any portion of the said water mains or any lands of the Kirkcaldy Corporation:

(3) Before commencing the said works the County Council shall submit plans sections and specifications thereof showing the line and level and the manner in which the said works are to be carried out and the mode of execution thereof for the approval of the Kirkcaldy Corporation which approval shall not be unreasonably

withheld and shall be deemed to have been given unless the Kirkcaldy Corporation signify their disapproval within twenty-one days after the submission of the said plans sections and specifications for approval:

- (4) The said works shall be constructed and maintained repaired or renewed by the County Council in strict conformity with the said plans sections and specifications at the sole risk and cost of the County Council and at the sight and to the reasonable satisfaction of the engineer of the Kirkcaldy Corporation:
- (5) The County Council shall not without the previous consent in writing of the Kirkcaldy Corporation (which consent shall not be unreasonably withheld) alter or interfere with the said water mains further or otherwise than may be necessary for the execution of the said works and shall give to the Kirkcaldy Corporation fourteen days' previous notice in writing (except in case of emergency in which case such notice as is reasonably practicable shall be given) before commencing any such operations as may affect the said water mains:
- (6) The County Council shall pay to and reimburse the Kirkcaldy Corporation in all reasonable costs charges and expenses which they may incur in connection with the execution of the said works or the subsequent maintenance renewal use alteration replacing or repair thereof including (without prejudice to the said generality) any expense which the Kirkcaldy Corporation may reasonably incur in connection with the superintendence of and for any extra precautions for the safety and protection of the said water mains required in connection with the execution renewal alteration replacing or repair of the said works:
- (7) The said works shall be carried out by the County Council so as not to injure or alter or interfere with (except so far as may be necessary for carrying out the said works) or

PART IV.
—cont.

endanger the structure or stability of the said water mains and the County Council shall at their own expense execute all underpinning or other works which may be necessary to secure the support or safety of the said water mains and should any damage or injury to or interruption or impediment of or interference with the water passing through the said water mains be caused by or be in any way owing to the said works or the failure of or defect in the said works the County Council shall at their own cost and free of all expense to the Kirkcaldy Corporation execute and do all such works as may be necessary to restore the damage or injury, or to remove such interruption impediment or interference as the case may be or the Kirkcaldy Corporation in their option for any of such purposes may enter upon the works or property of the County Council and execute all such works and do all such things as may be necessary to restore such damage or injury or to remove such interruption impediment or interference and the County Council shall on demand repay to the Kirkcaldy Corporation all reasonable costs and expenses incurred by them in connection therewith:

- (8) The County Council shall also make reasonable compensation to the Kirkcaldy Corporation for all loss or damage sustained by them by reason of any such interruption impediment or interference to or with the said water mains and the County Council shall also free and relieve and indemnify the Kirkcaldy Corporation from all damages or compensation which may be recovered from them at the instance of any person supplied with water by them by reason of such interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident has been occasioned by or through the acts or default of the County Council or those for whom they are responsible:

- (9) Nothing contained in this Part of this Order or which may be done in pursuance thereof shall prevent the Kirkcaldy Corporation from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating or enlarging the said water mains without interference on the part of the County Council and without incurring any liability to them or to any person using the said works for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation or enlarging:

PART IV.
—cont.

Provided that any extra expense which the Kirkcaldy Corporation may reasonably incur in such maintenance repair or renewal but not in connection with the reconstruction alteration deviation or enlarging thereof by reason of the existence of any of the said works shall be paid by the County Council:

- (10) In the event of the Kirkcaldy Corporation exercising any of the powers 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 said works and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) fourteen days' notice in writing to the County Council before commencing any such operations as may affect the said works and shall submit plans sections and specifications thereof showing the line and level and the manner in which the said operations are to be carried out and the mode of execution thereof for the approval of the County Council which approval shall not be unreasonably withheld and shall be deemed to have been given unless the County Council signify their disapproval within twenty-one days after the submission of the said plans sections and specifications for approval:
- (11) Any question or difference between the County Council and the Kirkcaldy Corpora-

PART IV.
—cont.

tion arising under this section shall be referred to and determined by an arbiter to be agreed upon between the parties or failing agreement to be appointed on the application of either party by the sheriff and the decision of the arbiter so appointed shall be final.

For further protection of London and North Eastern Railway Company.

181.—(1) The provisions of the section of this Order of which the marginal note is "For protection of London and North Eastern Railway Company" shall extend and apply mutatis mutandis for the protection of the said company in regard to the powers conferred upon the County Council by this Part of this Order.

(2) The powers conferred upon the County Council by this Part of this Order in regard to the discharge of sewage and trade effluent into the Firth of Forth or into the river Leven the river Ore the Lochty Burn or other watercourse shall not be exercised in such a manner as to affect prejudicially the Methil docks of the said company.

Reference of questions in dispute.

182. Where under this Part of this Order or any regulations made thereunder any dispute or difference is to be referred to or determined by an arbiter or arbitration such dispute or difference shall except where otherwise provided be referred to and determined by an arbiter to be agreed upon by the parties differing or (failing such agreement) by an arbiter to be nominated by the sheriff on the application of either party and the decision of such arbiter shall be final.

PART V.

BUILDINGS.

Byelaws as to buildings.

183.—(1) The powers of the County Council to make byelaws for the whole or any part of the county under section 181 (Byelaws as to regulation of buildings) of the Public Health (Scotland) Act 1897 shall extend to and include the following matters:—

- (a) the regulation of all buildings proposed to be erected or structurally altered in special districts formed under the Public Health Acts or

the Local Government (Scotland) Act 1894 irrespective of the use to which it is intended that they should be put;

- (b) the strength and stability of the walls joisting and principal timber and iron work of buildings;
- (c) the structure and form of walls foundations floors windows hearths staircases stairs stair railings passages roofs and chimneys of buildings;
- (d) projections over roads ornaments upon buildings overhanging the walls of such buildings recesses in walls and openings in party and cross walls;
- (e) provision against the risk of fire in buildings and for means of escape from fire;
- (f) the ventilation of and admission of light to buildings;
- (g) the due inspection of buildings in course of erection or structural alteration the examination of the drains thereof and the pulling down alteration or amendment of any work which has been carried out in contravention of lawful requirements and which the County Council are entitled to pull down alter or amend;
- (h) the requiring any person proposing to erect on his own land a building the nearest point of which is not less than fifty yards from his march to intimate to the adjoining proprietor or proprietors on that march that he has lodged plans for such building with the County Council and the conferring upon such adjoining proprietor or proprietors of the right to appear before the County Council and to be heard by them in support of any competent objection such proprietor or proprietors may have to state against the erection of such building and for regulating the procedure in giving such intimation and disposing of such objection.

(2) Nothing contained in this section shall apply to any property other than dwelling-houses occupied used

PART V.
—cont.

or held by a railway company or colliery undertaking for the purposes of their undertaking without the consent of the railway company or colliery undertaking.

Power to relax certain statutory provisions.

184. The County Council may upon a report in writing by the medical officer and a county sanitary inspector that adequate provision is made for light and ventilation relax or modify to such extent and under such conditions as the County Council may think proper all or any of the provisions of the Public Health Acts and this Order with regard to the erection or alteration of buildings and the open space adjoining buildings provided the County Council are of opinion that there are exceptional circumstances justifying such relaxation or modification.

Medical officer may give warrant for minor alterations.

185. In the cases (1) of any internal alteration of the structure of a building which the medical officer shall consider to be of a minor and unimportant character and (2) of the erection of waterclosets and other offices though proposed to be erected externally the medical officer shall if and during such period as the County Council grants him authority have power on written application being made to him to grant permission in writing to the owner to proceed with the same without further authority and in such a case it shall not be necessary for the owner to obtain warrant therefor from the County Council but in every such case the operation shall be carried out to the satisfaction of the medical officer who shall keep a record of such applications and of the permission granted and the conditions thereof and in each case report the same to the next meeting of the County Council or its appropriate committee.

Penalties for erecting buildings without authority.

186.—(1) Any person who contrary to the provisions of this Part of this Order—

(a) (i) erects or begins to erect any house or buildings; or

(ii) makes any excavation for the purpose of such erection (with the exception of excavations for the laying or repair of sewers drains water or gas pipes or electric lines or apparatus or for the formation or repair of

any road made by authority of the County Council and of excavations made by statutory authority) without having obtained authority therefor from the County Council; or

(b) (i) alters adds to or takes down in whole or part or re-erects or restores after destruction by fire or otherwise the structure of any building; or

(ii) alters the structure of and uses for human habitation any house or building not previously so used; or

(iii) alters the mode of occupancy of any house in such a manner as to increase the number of houses or occupants without having obtained authority therefor from the County Council; or

(c) in carrying out any of the operations aforesaid deviates from the plans sanctioned by the County Council or contravenes or fails to comply with any conditions contained in the authority sanctioning the same;

~~shall be guilty of an offence and shall be liable to a penalty not exceeding fifty pounds.~~

(2) Any person who in carrying out any of the operations aforesaid otherwise than as above mentioned contravenes or fails to comply with any lawful order of the County Council or the medical officer shall be guilty of an offence and shall be liable to a penalty not exceeding twenty pounds.

(3) In the case of any contravention as in this section mentioned the County Council may order the closing or demolition of any building or part thereof or the restoration of the same to its previous condition or the execution of such work upon the same as they may judge requisite to make the same conform or as nearly as may be conform to the sanctioned plans and the conditions of the authority aforesaid.

(4) Any order under this section may specify dates for the commencement and completion of the work ordered.

PART V.
—cont.

(5) Any person failing to commence or complete the work ordered within the period specified shall in addition to any penalty which he may incur under the provisions of subsection (1) or subsection (2) of this section be guilty of an offence and shall be liable to a penalty not exceeding five pounds for each day after the respective dates so specified during which such failure continues.

(6) Where any such order has been made and the work has not been commenced or completed at the respective specified dates or where the court in pronouncing any order authorises the County Council to carry it out the County Council shall be entitled to carry out the said order and any expense thereby incurred by them shall be recoverable as a civil debt.

Control of
vacant
building
areas and
derelict
buildings.

187.—(1) For the protection of the amenity of the county and for preventing the disfigurement of the roads by the unsightly condition of adjacent lands and buildings the County Council may make byelaws for regulating the manner in which vacant building sites fronting or abutting on roads and unoccupied or ruinous buildings in roads shall be kept. Provided that no byelaws made under the authority of this section shall prevent or interfere with the erection of hoardings for advertisements on any vacant building site or building or the exhibition on such site or building of any advertisement as defined by the Advertisements Regulation Acts 1907 and 1925.

(2) The owner or the occupier of a building site or building who fails to comply with the byelaws made under the authority of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds for each site or building in respect of which he fails to comply and to a daily penalty not exceeding forty shillings.

Restric-
tions on
advertise-
ment
hoardings.

188.—(1) For the purpose of preserving the amenities of the county it is hereby enacted that it shall not be lawful after the commencement of this Order to erect in or within fifteen feet of any road in the county any hoarding or similar structure to be used either partly or wholly for advertising purposes to a greater height than twelve feet above the level of such road.

without the consent of the County Council and such consent may be given subject to such conditions as to the submission of a plan and elevation and as to the dimensions and maintenance of such hoarding or similar structure as the County Council may determine.

PART V.
—cont.

(2) Any person acting in contravention of this section or of the terms and conditions (if any) of such consent shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(3) The consent of the County Council under this section shall not be unreasonably withheld and it shall be in the power of any person aggrieved by the refusal of such consent to appeal to the sheriff or court of session in manner provided by the section of this Order of which the marginal note is "Appeal."

(4) The consent of the County Council under this section shall not be required for the erection of any hoarding or similar structure to be used either partly or wholly for the exhibition of advertisements—

- (a) relating to the business of a railway company provided however that if such hoarding or similar structure projects in whole or in part over a road it does not project more than three feet over the road and does not exceed six superficial feet in area;
- (b) within any railway station; or
- (c) upon any other property of a railway company except in so far as such hoarding or similar structure exceeds twelve feet in height and fronts or abuts upon a road maintainable by the County Council.

189.—(1) The County Council may by notice in writing require—

Repair of
hoardings
&c.

- (a) the owner of any hoarding wall or similar structure in the county used for advertising purposes to maintain the same in good order and condition;
- (b) the person using any hoarding wall or similar structure for advertising purposes to maintain any advertising matter thereon in good order and condition.

PART V.
—cont.

(2) If such owner or other person neglects or refuses to comply with any such notice the County Council may carry out such alteration or repairs as may be reasonably necessary and recover summarily from such owner or other person any expense incurred by them in so doing.

PART VI.

CLEANSING AND LIGHTING.

Applica-
tion of
Part VI of
Order.

190. This Part of this Order shall apply only to special districts formed under the Public Health Acts and the Local Government (Scotland) Act 1894.

Definitions
for Part VI
of Order.

191. In this Part of this Order unless the subject or context otherwise requires—

“ domestic refuse ” means any dust ashes and other refuse arising from or incidental to the normal occupation of any dwelling-house shop office warehouse cinematograph theatre or other similar premises but does not include manure or trade refuse;

“ trade refuse ” means (1) the refuse arising out of or incidental to the carrying on of any trade business or manufacture including (a) ashes clinker and flue dust from any kiln engine furnace oven or stove used in connection with any industrial or commercial purpose or process (b) packing material and similar refuse from shops warehouses and workshops (c) fruit and vegetable rubbish (d) rubbish containing or comprising waste animal or fish matter and (e) garage debris and (2) garden rubbish.

Buildings
and works
for
collection
&c. of
refuse.

192. The County Council may continue erect construct provide maintain alter improve enlarge or renew depots stables garages incinerators destructors separators and works for the collection disposal or treatment of refuse with all necessary plant machinery and apparatus and do all such acts as may be appropriate for or in connection with the collection treatment or disposal of refuse.

193. The County Council may make arrangements with shopkeepers occupiers of factories or business premises or others for the collection removal and disposal of trade refuse manure or soot at such times and on such terms as the County Council may determine.

PART VI.
—cont.
Trade
refuse.

194.—(1) The County Council may require the occupiers of houses shops or other premises to provide portable dustbins for domestic refuse and such dustbins shall be of such size and construction as may be approved by the County Council.

Dustbins.

(2) The County Council may purchase suitable or standard dustbins and supply the same to occupiers of shops houses or other premises on such terms and conditions as may be agreed upon.

(3) The County Council may provide orderly bins or other receptacles for the collection and temporary deposit of road sweepings or other refuse.

195.—(1) Section 44 (Formation of lighting and scavenging districts and provision of public baths) subsection (1) (b) of the Local Government (Scotland) Act 1894 shall in relation to the county be read and take effect as if after the words "Burgh Police (Scotland) Act 1892" occurring therein there were inserted the words "and section 23 and section 24 of the Burgh Police (Scotland) Act 1903."

Amend-
ment of
section 44
of Local
Govern-
ment
(Scotland)
Act 1894 in
relation to
county.

(2) Notwithstanding anything contained in subsection (1) (b) of section 44 of the Local Government (Scotland) Act 1894 or in section 109 of the Burgh Police (Scotland) Act 1892 the County Council in relation to any special scavenging district formed or to be hereafter formed in the county in which sections 107 to 127 of the Burgh Police (Scotland) Act 1892 have been adopted shall have power to make byelaws with reference to the collection and removal of domestic refuse by carts or other vehicles at less frequent intervals than once every morning.

55 & 56 Vict.
c. 55.
3. Edw. 7.
c. 33.

PART VII.

PUBLIC HEALTH AND SANITARY.

196.—(1) The provisions of section 110 (Public conveniences) of the Burgh Police (Scotland) Act 1892 (hereinafter in this section referred to as "the Act of 1892") as amended by section 104 (2) (b) of the

Application
to county
of certain
provisions
of Burgh
Police Acts.

PART VII.
—cont.

Burgh Police (Scotland) Act 1903 (hereinafter in this section referred to as "the Act of 1903") shall notwithstanding anything to the contrary contained in section 44 (Formation of lighting and scavenging districts and provision of public baths) of the Local Government (Scotland) Act 1894 extend and apply to the county.

(2) The provisions of section 184 (Ventilation of buildings) of the Act of 1892 and of section 14 (Shrubbery in centre of street) of the Act of 1903 shall extend and apply to the county.

(3) The provisions of section 21 (Private courts to be paved) and of section 52 (Penalty on allowing loose paper to be on street) of the Act of 1903 shall extend and apply to the county.

(4) In the sections of the Act of 1892 and of the Act of 1903 (except section 14 of that Act) as applied to the county by this section there shall be substituted for the expression "commissioners" the expression "County Council" and for the expression "the burgh" the expression "the county" and in section 14 of the Act of 1903 as so applied there shall be substituted for the expression "town council" the expression "County Council."

(5) Any person liable to pay or contribute toward the expense of any works ordered or required by the County Council under the provisions of the Act of 1892 or the Act of 1903 referred to in this section and any person whose property may be affected or who thinks himself aggrieved by any order resolution deliverance or act of the County Council made or done under any of the said provisions may appeal to the sheriff or the court of session in manner prescribed by the section of this Order of which the marginal note is "Appeal" and the provisions of that section shall apply to any such appeal.

(6) Any expenses incurred by the County Council under the sections of the Act of 1892 or the Act of 1903 applied to the county by this section shall with the exception of expenses incurred under section 14 of the Act of 1903 be defrayed out of the public health general assessment and any expenses incurred under section 14

of the Act of 1903 shall be paid as part of the expenditure of the County Council under the Roads and Bridges (Scotland) Act 1878.

PART VII.
—cont.
41 & 42 Vict.
c. 51.

197.—(1) The provisions of section 246 (Water and waterclosets) of the Burgh Police (Scotland) Act 1892 as amended by section 104 (2) (p) of the Burgh Police (Scotland) Act 1903 and the provisions of section 24 (Penalties for failure to provide waterclosets) of the last-mentioned Act shall extend and apply to the county Provided that in such sections as so applied there shall be substituted for the expressions "commissioners" and "council" the expression "County Council."

Water and
water-
closets.

(2) Any owner who considers himself aggrieved by any notice under section 246 of the Burgh Police (Scotland) Act 1892 as amended as aforesaid and applied by this section in respect that the same is not reasonably practicable or is inexpedient may appeal to the sheriff within twenty-one days after the service upon him of such notice and such appeal shall be determined summarily by the sheriff who shall have regard to all the circumstances of the case including the expense involved and his decision shall be final.

198.—(1) Any occupier of any shop or other premises used for the sale preparation disposal or storage of butcher meat poultry game fish butter meal bread ice-cream or any other article of food which by its nature will be liable to contamination by contact with unclean conditions who does not keep such shop or other premises clean and in good condition shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Penalty for
want of
cleanliness
in meat and
provision
shops &c.

(2) Any person who uses any cart vehicle barrow basket or other article or thing for the disposal or sale of any article of food which by its nature will be liable to contamination by contact with unclean conditions and does not keep the same clean and in good condition shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

PART VII.
—cont.
Byelaws
in respect
of fried fish
shops.

199.—(1) The provisions of section 32 of the Public Health (Scotland) Act 1897 so far as relating to byelaws shall within the county extend to the trade or business of a fish frier notwithstanding that such trade or business may not have been declared to be an offensive trade in pursuance of the provisions of the Public Health Acts.

(2) Nothing in subsection (1) of this section or in any byelaws made thereunder shall apply to any cafe or restaurant which is carried on in connection with a cinematograph theatre.

PART VIII.

CAMPING GROUNDS.

Commence-
ment of
Part VIII
of Order.

200. This Part of this Order shall come into force on the first day of January one thousand nine hundred and forty-one.

Definitions
for
Part VIII
of Order.

201. In this Part of this Order unless the context otherwise requires—

“ moveable dwelling ” includes—

(a) any tent;

(b) any structure capable of being moved from place to place; and

(c) any van cart carriage truck tramcar railway carriage motor car caravan trailer or other vehicle;

used or intended to be used for the purpose of human habitation (whether temporarily or otherwise) but does not include—

(i) any tent structure or vehicle temporarily used by shepherds labourers or other persons for farming agricultural or other like purposes or in connection with building operations;

(ii) any tent structure or vehicle used for the service of the County Council or of any local authority or other public authority;

(iii) any boat;

(iv) any shelter provided by the County Council for the treatment of tuberculosis;
or

PART VIII.
—cont.

(v) any vehicle used by a railway company in connection with the maintenance and repair of their undertaking;

“camping ground” means any area of land on which moveable dwellings are situated or which is provided for the placing of moveable dwellings;

“occupier” in relation to a moveable dwelling shall be deemed to include an owner.

202.—(1) Where it appears to the County Council—

Sheriff may prohibit moveable dwellings in parts of county.

(a) that the amenities of any part of the county are or may be prejudicially affected by the presence of or conditions arising from any moveable dwelling or moveable dwellings in that part; or

(b) that annoyance is or may be caused to the residents in or visitors to any part of the county by reason of the noisy indecent or other offensive conduct of the occupiers of or persons frequenting any moveable dwelling in that part;

the County Council may petition the sheriff and the sheriff may after such intimation and service as he thinks proper and after hearing all parties desiring to be heard who shall appear to him to be affected by order—

(i) require the removal by the occupier or occupiers thereof within such period as may be prescribed by the order of the moveable dwelling or of all or any particular one or more of the moveable dwellings to which the petition relates; and

(ii) prohibit any moveable dwelling being placed on or limit the number or define the class of moveable dwellings to be at any one time situated within the whole or some part of an area to be specified in the order:

PART VIII.
—cont.

Provided that—

- (a) the area specified in an order made under the foregoing paragraph (ii) shall not extend beyond the distance of two hundred yards from the moveable dwelling or from the boundary of the group or assemblage of moveable dwellings (as the case may be) to which the petition related; and
- (b) a limitation or definition in such an order shall not operate so as to prevent the retention on the area specified in the order of any moveable dwelling not being a moveable dwelling to which the petition related.

(2) (a) As soon as practicable after the making by the sheriff of an order under paragraph (ii) of subsection (1) of this section the order shall be published by the County Council in a local newspaper circulating in the district in which the area specified in the order is situated and by placards posted in conspicuous positions in or near to some part of that area and such order shall come into force on the expiration of fourteen days from the completion of the publication of the order in accordance with the requirements of this subsection.

(b) The County Council shall so long as any such order is in force keep posted in conspicuous positions in or near to some part of the area specified in the order placards giving notice of the terms of the order.

(3) (a) Any occupier of a moveable dwelling who fails to comply with any order of the sheriff served upon him made under paragraph (i) of subsection (1) of this section within the period prescribed by the order shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds and the County Council may themselves at any time after the expiration of the said period enter on the land and remove the moveable dwelling and recover the expense of so doing from the occupier.

(b) Any person who places or retains any moveable dwelling in contravention of any order of the sheriff made under paragraph (ii) of subsection (1) of this section shall be guilty of an offence and shall be liable to a penalty not exceeding ten pounds and to a

daily penalty not exceeding five pounds and the County Council may themselves enter on the land and remove the moveable dwelling in respect of which the offence has been committed and recover the expense of so doing from the person guilty of the offence.

PART VIII.
—cont.

(4) (a) Where the sheriff has made an order under paragraph (ii) of subsection (1) of this section an application for the rescission of the order may be made to the sheriff—

- (i) at any time by the County Council; or
- (ii) at any date not being less than three years from the date on which the order came into force by any person deeming himself aggrieved by the order provided he gives to the County Council not less than fourteen days' notice of his intended application;

and the sheriff may on the hearing of any such application rescind the order.

(b) If the sheriff rescinds the order notice of the rescission of the order shall as soon as practicable be published by the County Council in a local newspaper circulating in the district in which the area to which the order related is situated and shall forthwith take down and remove all placards previously posted by them in or near to that area in pursuance of subsection (2) of this section.

203.—(1) The County Council may subject to the approval of the Secretary of State by agreement purchase or take on lease land within the county and use any land so purchased or taken on lease or any other land for the time being belonging to them for the purpose of providing camping grounds for any or for any particular class or number of moveable dwellings as may be prescribed from time to time by the County Council.

Provision
of camping
grounds by
County
Council.

(2) (a) The County Council before applying for the approval of the Secretary of State of the purchase taking on lease or use by them of any land under this section shall give notice of their proposal to every owner of land contiguous to the land proposed to be purchased taken on lease or used by them and also by advertisement in a local newspaper circulating in the

PART VIII.
—cont.

district in which the proposed camping ground is situated and in such other manner (if any) as the Secretary of State may direct.

(b) The said notice shall state the matters mentioned in paragraph (d) of subsection (6) of this section and the date (not being less than twenty-one days from the date of the notice) by which and the manner in which any person aggrieved by the proposal may make representations thereon to the Secretary of State and shall require that any such person shall at the same time send a copy of his representations to the county clerk.

(3) Before signifying approval of the purchase taking on lease or use by the County Council of any land under this section the Secretary of State shall consider any representations on the proposal of the County Council which may be duly made and may subject to the provisions of this section signify approval of the said proposal with or without modification or may withhold such approval.

(4) (a) Before signifying such approval the Secretary of State may and if any representation is duly made and is not withdrawn shall (unless the representation appears to him to be frivolous) direct a local inquiry to be held and the person holding the inquiry shall have regard to the matters mentioned in paragraphs (a) to (d) of subsection (6) of this section.

(b) The Secretary of State shall have and may exercise in relation to any such inquiry as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889 Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

(5) The County Council shall give at least fourteen days' notice of the intention to hold such inquiry by advertisement in a local newspaper circulating in the district in which the proposed camping ground is situated and shall also give similar notice in writing to every person who has duly made any representation and has not withdrawn the same.

(6) Before signifying approval of the purchase taking on lease or use by the County Council of any

land under this section the Secretary of State shall consider the report made to him by the person holding any such inquiry and shall also have regard to (inter alia)—

PART VIII.
—cont.

- (a) the general interests of the public and the neighbourhood in relation to such proposal including the effect of the provision of the proposed camping ground on the amenities of surrounding properties;
- (b) the ability of the occupiers of moveable dwellings to comply with any byelaws respecting the use of camping grounds made by the County Council under this Part of this Order;
- (c) the distance between and the areas of camping grounds in the neighbourhood whether provided by the County Council under this section or not; and
- (d) the area and situation of and the conditions as to the provision of water supply sanitation and otherwise proposed to be prescribed by the County Council with respect to the proposed camping ground.

~~(7) Where the County Council have provided under this section a camping ground the occupier of any moveable dwelling may (subject to any limitation on the number or definition of the class of moveable dwellings which may have been prescribed by the County Council with respect to the use of that camping ground for moveable dwellings) encamp upon that camping ground on payment of such fee as may be prescribed by the County Council.~~

204. The County Council for the purpose of securing the amenities of any part of the county in relation to the use of camping grounds and moveable dwellings situated thereon may make byelaws with respect to any camping grounds within such part whether provided by the County Council or not—

Byelaws
as to
camping
grounds.

- (a) for securing sanitary conditions in and the proper control and management of such camping grounds;
- (b) for securing a sufficient supply of pure and wholesome water for such camping grounds;

PART VIII.
—cont.

- (c) for securing the cleanliness of such camping grounds and moveable dwellings situated thereon;
- (d) for preventing the amenities of the neighbourhood being prejudicially affected by the state or condition of any such camping ground;
- (e) for securing the good and orderly conduct of persons frequenting any such camping ground and of the occupiers of the moveable dwellings situated thereon;
- (f) for preventing annoyance to the residents in or visitors to the county by the conduct of the occupiers of or persons frequenting moveable dwellings situated on any such camping ground.

Temporary closing of camping grounds.

205.—(1) It shall be lawful for the County Council by order to close either permanently or during such period as they may determine and as may be specified in the order the whole or any portion of any camping ground provided by them.

(2) Any order made by the County Council under this section shall be published in a local newspaper circulating in the district in which the camping ground to which the order relates is situated and by placards posted in a conspicuous position on or near such camping ground and such order shall not come into force until such date as may be stated in the order not being earlier than fourteen days after the completion of the publication of the order in accordance with the requirements of this subsection.

Savings from certain provisions of Part VIII of Order.

206. The sections of this Order of which the marginal notes are respectively—

“ Sheriff may prohibit moveable dwellings in parts of county ”; and

“ Byelaws as to camping grounds ” shall not apply to—

- (a) any camping ground provided by or belonging to or used by any portion of His Majesty's naval military or air forces or any contingent of the Officers' Training Corps or which may be certified as under supervision of or by a territorial army association or an auxiliary air

- force association or a county joint association or a cadet unit of the British National Cadet Association officially recognised by the Army Council or any university air squadron officially recognised by the Air Council;
- (b) any moveable dwelling or camping ground provided by or belonging to or used by any duly constituted religious or charitable society. Any question between the County Council and any society or body whether that society or body is a religious or charitable society shall be determined summarily by the sheriff on the application of either party and the determination of the sheriff shall be final and not subject to appeal;
- (c) any moveable dwelling or camping ground provided by or belonging to or used by any association incorporated by royal charter or any organisation constituted by any such last-mentioned association in pursuance of their charter;
- (d) any camping ground provided by or belonging to or used by members of any other duly constituted society or body operating throughout Great Britain which by their rules undertake for the management of the camping grounds provided by or belonging to them and used by their members and for the good conduct of their members when in camp;
- (e) any moveable dwelling while the dwelling is occupied or used by the members of any society or body referred to in the foregoing paragraph (d);
- (f) any person dwelling in a tent or van or other similar structure who is a travelling round-about proprietor travelling showman or stallholder (not being a pedlar or hawker) and who uses such tent van or other structure in connection with his business; or
- (g) any moveable dwelling provided by and situated on ground belonging to and in the occupation of a railway company:

PART VIII.

—cont.

Provided that—

- (i) the exemptions conferred by the foregoing paragraphs (b) and (c) in respect of any moveable dwelling or camping ground referred to in those paragraphs shall only apply so long as the society body association or organisation by or to which such moveable dwelling or camping ground is provided or belongs or is used continues to make and enforce reasonable arrangements for the maintenance of good order amongst the persons using the moveable dwelling and for the proper management and sanitary condition of the camping ground;
- (ii) the exemption conferred by the foregoing paragraph (d) in respect of any camping ground provided by or belonging to any such society or body as is therein mentioned shall only apply so long as the society or body by or to which such camping ground is provided or belongs takes reasonable steps for securing that such camping ground is properly managed and kept in good sanitary condition and that moveable dwellings used by its members thereon are so used as not to give rise to any nuisance;
- (iii) the exemption conferred by the foregoing paragraph (e) in respect of any moveable dwelling referred to in that paragraph shall only apply so long as the society or body by the members of which such moveable dwelling is occupied or used takes reasonable steps for securing that such moveable dwelling is so used as not to give rise to any nuisance;
- (iv) the exemption conferred by the foregoing paragraph (f) on any person referred to in that paragraph shall only apply so long as such person is not guilty of any misconduct; and
- (v) if any society or body referred to in the foregoing paragraph (b) are using any camping ground provided by the County Council or if

any person being a member of any such society or body or a person referred to in the foregoing paragraph (f) is occupying or using a moveable dwelling situated on any camping ground so provided the members of such society or body or such person shall while camping on or occupying or using any moveable dwelling situated on that camping ground comply with any byelaws made by the County Council under this Part of this Order respecting that camping ground.

PART VIII.
—cont.

207. The purposes of this Part of this Order shall be deemed to be purposes of the Public Health Acts so far as applicable and accordingly subject to the provisions of this Part of this Order the County Council shall in relation to the county have for and with respect to the first-mentioned purposes the powers of a local authority under those Acts other than powers relating to the acquisition of land otherwise than by agreement.

Purposes of
Part VIII
of Order
to be
purposes of
Public
Health
Acts.

208.—(1) The County Council shall before the date on which this Part of this Order will come into force cause public notice to be given of the effect of this Part of this Order and of the date when it will come into force by advertisement in two or more newspapers circulating in the county and otherwise in such manner as the County Council think sufficient.

Notice of
Part VIII
of Order.

(2) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

PART IX.

WEIGHTS AND MEASURES.

209.—(1) In this Part of this Order unless the subject or context otherwise requires—

Definitions
for Part IX
of Order.

“ ballast ” means—

- (a) gravel shingle ashes or clinker; or
- (b) any material commonly known in the building and engineering trades as ballast

PART IX.

—cont.

stone chippings granite chippings or hard core of brick stone stone ware or concrete; or

(c) any similar material commonly known and used in the said trades as an aggregate for constructional work;

“ inspector of weights and measures ” means an inspector appointed under and by virtue of the Weights and Measures Acts;

41 & 42 Vict.
c. 49.

“ principal Act ” means the Weights and Measures Act 1878;

“ vehicle ” means any lorry cart wagon truck barrow or other means of conveying materials by land however drawn or propelled but does not include a railway truck or wagon;

52 & 53 Vict.
c. 21.

“ weighing instrument ” has the meaning assigned to that expression by section thirty-five of the Weights and Measures Act 1889;

“ Weights and Measures Acts ” means the principal Act and any Act amending or extending the same.

(2) Words and expressions to which by the Weights and Measures Acts meanings are assigned have the same respective meanings in this Part of this Order.

Public
weighing
instru-
ments.

210.—(1) The County Council may in the county provide erect and maintain upon or adjacent to any road or at any other convenient place not being upon any land or property of a railway company or colliery undertaking weighing instruments and offices in connection therewith for the use of the public and may appoint persons to keep and attend any such instruments.

(2) The County Council may make such reasonable charges as they may determine for and in respect of the use of any such weighing instruments.

(3) The keeper of any such weighing instrument shall during such hours as may be fixed by the County Council weigh or re-weigh any vehicle or the contents or load of any vehicle presented to him for that purpose and capable of being weighed on such weighing instrument and shall enter in a book and also give to the

person in charge of the vehicle a ticket or note stating—

PART IX.
—cont.

- (a) the contents or load of such vehicle;
- (b) the gross weight of such vehicle;
- (c) the number of such vehicle if marked thereon;
- (d) the tare weight of such vehicle if ascertainable; and
- (e) the time of weighing such vehicle;

for which ticket or note he may exact from the person in charge of the vehicle such fees as may be fixed by the County Council under the provisions of this Part of this Order.

211. Any person who in regard to the weighing of any vehicle at any weighing instrument—

Penalties
for com-
mitting
frauds in
weighing.

- (a) at or before the time of weighing any such vehicle places or knowingly leaves any matter or thing in or about the same other than the proper loading thereof;
- (b) alters any ticket denoting the weight of any such vehicle or of the loading of the same;
- (c) makes or uses or is privy to the making or using of any false or fraudulent ticket or knowingly tenders a false statement to a weighing instrument keeper respecting the weight of any such vehicle or the loading thereof;
- (d) after the weighing of such vehicle with the loading of the same removes any part of such loading and afterwards disposes or attempts to dispose of the residue of such loading as being the full loading denoted by such ticket;
- (e) is guilty of any other fraud or fraudulent contrivance touching the weight of any such vehicle or of the loading thereof; or
- (f) refuses after being requested so to do by any person keeping or who acts as a keeper of the weighing instrument to give his name and address and the names and addresses of the consignor and consignee of the load or who wilfully gives an incorrect name or address;

PART IX.
—cont.

shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

Re-weighing
may be
required.

212.—(1) Any inspector of weights and measures or constable or other officer appointed for the purpose by the County Council who suspects that part of the load of any vehicle has been removed after weighing may require the person in charge of the vehicle to deliver to him the ticket or note of weighing and may cause the said vehicle and its load to be re-weighed at the expense of the County Council.

(2) Any person in charge of a vehicle who does not deliver such ticket or note or does not allow the vehicle to be re-weighed at the nearest and most convenient weighing instrument shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

Penalty on
driver
refusing to
weigh.
26 Geo. 5. &
1 Edw. 8.
c. 54.

213. Any driver or other person having the charge of any vehicle who for the purposes of Part II of the Weights and Measures Act 1889 as applied by the Weights and Measures (Sale of Coal) (Scotland) Act 1936 or of this Part of this Order—

- (a) does not take the same to any weighing instrument; or
- (b) refuses to obey the reasonable instructions of an inspector of weights and measures in the weighing of the same;

shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

Sworn
weighers.

214.—(1) The designation "sworn weigher" shall not be used by any person in charge of or using a weighbridge unless the person so designated has taken an obligation before a magistrate under the provisions of the Act 5 & 6 William 4 cap. 62 and has produced to the magistrate a certificate signed by the chief inspector of weights and measures to the effect that the applicant has sufficient knowledge of weighing practice and is a fit and proper person for the duties of a sworn weigher.

(2) In the event of refusal by the chief inspector of weights and measures to grant a certificate to an applicant under the previous subsection such applicant shall have a right of appeal to the sheriff.

(3) Any person who may designate himself as a sworn weigher in contravention of this section and who has not taken an obligation as aforesaid before a magistrate before the commencement of this Part of this Order shall be guilty of an offence and shall be liable to a penalty of five pounds.

PART IX.
—cont.

215.—(1) Any inspector of weights and measures constable or other officer appointed for the purpose by the County Council and showing his authority if required may at all reasonable times—

Deficient
weight
measure or
number.

(a) enter any building or other place in which any article is sold or is made up or kept or exposed for sale by weight or measure or in which articles are sold or are set apart or kept or exposed for sale in numbers or in which any article is weighed or measured or any articles are numbered with a view to their being bought or sold and require such articles to be weighed measured or numbered in his presence; or

(b) stop any vehicle or any person carrying or in charge of any basket or other receptacle from which such articles are sold or in which such articles are kept or exposed for sale and require such article or articles to be weighed measured or numbered in his presence.

(2) If the weight measure or number thereof when so ascertained does not correspond with the weight measure or number thereof which has been represented by the person who has sold or made up or kept or exposed the same for sale or who has weighed measured or numbered the same with a view to purchase or sale such inspector or constable or officer may seize impound and convey such article or articles to a police station or to an office provided for the purpose by the County Council.

(3) The person who has sold or made up or kept or exposed the same for sale or who has incorrectly weighed measured or numbered the same with a view to purchase or sale shall be guilty of an offence and shall be liable to a fine not exceeding five pounds and for any subsequent offence ten pounds and in every case of conviction the court may declare such article or

PART IX.
—cont.

articles in so far as belonging to such person to be forfeited and to be dealt with and disposed of in such manner as the court may direct.

(4) If any person obstructs any weighing or re-weighing by this section authorised he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

(5) The provisions of this section shall not apply to the sale of bread or of coal coke char or any other fuel of which coal or coke is a constituent.

Personal
weighing
machines.

216.—(1) In this Part of this Order the expression "personal weighing machine" means any weighing machine which is used or exposed for use in the county for the purpose of ascertaining the weight of a person for the use of which a charge is made.

(2) The owner or the person in charge of any personal weighing machine which is false or unjust shall be guilty of an offence and shall be liable to a penalty not exceeding forty shillings or in the case of a second or any subsequent offence five pounds and the machine shall be liable to be forfeited.

(3) A personal weighing machine shall not be used or exposed for use unless it has been examined and approved by an inspector of weights and measures and has been marked with a distinguishing mark by such inspector.

(4) (a) Any person who forges or counterfeits or removes any such distinguishing mark as is referred to in the last preceding subsection of this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

(b) If after the expiry of twelve months from the commencement of this Order any person knowingly exposes for use any personal weighing machine without such mark or with such forged or counterfeit mark thereon he shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds.

(5) (a) Any inspector of weights and measures may at all reasonable times inspect and examine any personal weighing machine in the county and may seize and detain any such machine which is liable to be forfeited under the provisions of this section and may for

the purposes of such inspection and examination enter any place (whether open or closed) where he has reasonable cause to believe that there is a personal weighing machine which he is authorised to inspect and examine.

PART IX.
—cont.

(b) Any person who neglects or refuses to produce for such inspection any personal weighing machine in his possession or on his premises or refuses to permit any inspector of weights and measures to examine the same or obstructs the entry of such inspector or otherwise obstructs or hinders him from acting under this section shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds or in the case of a second offence ten pounds.

217.—(1) The County Council may for the county make byelaws for all or any of the following purposes (that is to say):—

Byelaws
as to
personal
weighing
machines.

- (a) Generally with respect to the examination and inspection of personal weighing machines and the distinguishing marks to be fixed on personal weighing machines under this Part of this Order and the circumstances and the conditions under which such marks may be affixed or cancelled;
- (b) With respect to the tests to be applied for the purpose of ascertaining the accuracy and efficiency of personal weighing machines;
- (c) For fixing the fees to be paid to the County Council for the examination approval and marking of personal weighing machines under this Part of this Order or for the examination of such personal weighing machines as are found to be incorrect or defective; and
- (d) For fixing the limits of error to be allowed on examination and approval or on inspection and examination of any personal weighing machine under this Part of this Order.

(2) The County Council by any such byelaws may provide for the imposition of penalties not exceeding five pounds for each offence committed against any of such byelaws.

PART IX.
—cont.
Coke &c.

218.—(1) The provisions of Part II of the Weights and Measures Act 1889 as applied by the Weights and Measures (Sale of Coal) (Scotland) Act 1936 and of this Part of this Order and of any byelaws made thereunder relating to coal shall apply to coke and any other solid fuel derived from coal or of which coal or coke is a constituent as if it were coal.

(2) It shall be an offence for any person to make any false statement as to the weight of the coke or wilfully to increase such weight by damping such coke.

Certain
dealings
with sand
or ballast
to be by
weight.

219.—(1) It shall not be lawful for any person (whether on his own behalf or on behalf of another person) to sell agree to sell or agree to carry any sand or ballast otherwise than by weight:

Provided that this subsection shall not apply—

- (a) in relation to any sale agreement for the sale or agreement for the carriage of a quantity of sand or ballast the weight of which is less than one ton;
- (b) in relation to any sale or agreement for the sale of any sand or ballast where it is a term of the sale or agreement that the purchaser is to take delivery in or from a vessel as defined by section 742 of the Merchant Shipping Act 1894;
- (c) in relation to any agreement for the carriage of any sand or ballast if and in so far as it is an agreement for the carriage of that sand or ballast by water and is made for the purpose of giving or taking delivery in pursuance of such a sale or agreement as is referred to in paragraph (b) of this proviso;
- (d) in relation to any sale or agreement for the sale as a whole of ballast produced in the demolition or partial demolition of a building where it is a term of the sale or agreement that the purchaser is to take delivery from the site of the building;
- (e) in relation to any sale or agreement for the sale in the state in which it was produced of ashes or clinker forming a by-product or any other ballast forming a casual product of the

57 & 58 Vict.
c. 60.

carrying on of an industrial process on any premises where it is a term of the sale or agreement that the purchaser is to take delivery from those premises.

PART IX.
—cont.

(2) Any person who contravenes this section shall be guilty of an offence and every sale or agreement made in contravention of this section shall be void notwithstanding anything in section 19 of the principal Act.

(3) An agreement which in a case where the owner of any sand or ballast undertakes to transfer the property therein to another person in consideration only of an undertaking by that person to remove the sand or ballast from the place at which the property therein passes to him is made for the purpose of removing the sand or ballast as aforesaid shall be deemed for the purposes of this Part of this Order not to be an agreement for the carriage of that sand or ballast.

220.—(1) Sand or ballast shall not in pursuance of a sale or agreement for the sale or carriage thereof made by weight be conveyed in or on a vehicle unless the tare weight of the vehicle ascertained in such manner as may be prescribed is indicated by a mark on the vehicle (hereafter in this Part of this Order referred to as "a tare weight mark") approved by the County Council:

Restrictions
on use of
vehicles for
conveying
sand or
ballast.

Provided that nothing in this subsection shall restrict the conveyance of sand or ballast in pursuance of such a sale or agreement as is mentioned in paragraph (a) of the proviso to subsection (1) of the section of this Order of which the marginal note is "Certain dealings with sand or ballast to be by weight."

(2) Any person who conveys any sand or ballast in contravention of this section or causes any sand or ballast to be conveyed in contravention of this section shall be guilty of an offence.

(3) Any person who with intent to defraud or deceive—

(a) commits forgery in connection with any tare weight mark approved for the purposes of this section by the County Council; or

(b) alters or defaces any such tare weight mark placed on a vehicle; or

PART IX.
—cont.

- (c) places or suffers to remain on a vehicle any such tare weight mark or any mark so closely resembling such a tare weight mark as to be calculated to deceive;

shall be guilty of an offence and be liable to imprisonment for a term not exceeding six months or to a fine not exceeding fifty pounds or to both such imprisonment and such fine.

In this subsection the expression "forgery" means the making of a false document in order that it may be used as genuine or the counterfeiting of any such tare weight mark.

Convey-
ance notes
in respect
of sand or
ballast.

221.—(1) Subject to the provisions of the next following subsection the person in charge of any vehicle being used for conveying any sand or ballast on a journey any part of which is along a highway—

- (a) shall carry with him a note (hereafter in this Part of this Order referred to as "a conveyance note") in such form as may be prescribed signed by or on behalf of the appropriate person and stating such matters as are required by this section to be stated in the note;
- (b) shall on demand made by any inspector of weights and measures and on production by the inspector if so required of such document as may be prescribed showing that he is an inspector of weights and measures produce the conveyance note to that inspector; and
- (c) if the vehicle is being so used as aforesaid in pursuance of a sale or agreement for the sale or carriage of the sand or ballast shall before any of the sand or ballast is unloaded from the vehicle at the place of delivery deliver the conveyance note to the consignee or his agent.

In this subsection the expression "the appropriate person" means in a case where the sand or ballast is conveyed in pursuance of a sale or agreement for the sale or carriage thereof the seller or consignor as the case may be or in any other case the person causing the sand or ballast to be conveyed.

(2) Nothing in the preceding subsection shall apply in relation to the conveyance of any sand or ballast the weight of which is less than one ton being sand or ballast conveyed—

(a) in pursuance of such a sale or agreement as is mentioned in paragraph (a) of the proviso to subsection (1) of the section of this Order of which the marginal note is "Certain dealings with sand or ballast to be by weight"; or

(b) otherwise than in pursuance of a sale or agreement for the sale or carriage of the sand or ballast.

(3) A conveyance note shall state that the sand or ballast to which the note relates is or is not as the case may be being conveyed in pursuance of a sale or agreement for the sale or carriage thereof and in a case where it is being so conveyed shall state—

(a) that the sale or agreement was made by weight;

(b) the weight of the sand or ballast; and

(c) the tare weight of the vehicle:

Provided that a statement of the weight of the sand or ballast shall not be required in relation to a vehicle whilst proceeding from the place where it was loaded to the nearest available weighing instrument, if the situation of that instrument is stated on the conveyance note.

(4) Any person who contravenes or fails to comply with this section or signs or causes to be signed for the purposes of this section a conveyance note which contains a materially incorrect statement shall be guilty of an offence.

Where the weight of any sand or ballast in a vehicle is at any time found to be less than the weight specified in the conveyance note relating thereto then for the purpose of any proceedings which may be taken by virtue of this subsection the weight of the sand or ballast at that time shall until the contrary is proved be deemed to have been the weight thereof at the time when the conveyance note was signed.

PART IX.
—cont.

(5) A vehicle conveying any sand or ballast shall not proceed on any journey in relation to which a conveyance note stating the weight of the sand or ballast is required by this section to be carried unless the person in charge of the vehicle at the time when it first becomes necessary that a statement of the weight of the sand or ballast should be contained in the conveyance note has satisfied himself so far as he reasonably can that the said weight is at that time correctly stated in the conveyance note and if this subsection is contravened in the case of any vehicle the person in charge of the vehicle at the said time shall be guilty of an offence.

(6) Any person in charge of a vehicle conveying sand or ballast who uses in relation thereto for the purposes of this section a conveyance note which to his knowledge contains a materially incorrect statement shall be guilty of an offence:

Provided that a person shall not by virtue of this subsection be liable to any penalty by reason only of the weight of any sand or ballast in a vehicle being found to be less than the weight specified in the conveyance note relating thereto if it is proved that the deficiency is solely attributable to the draining away of normal moisture from the sand or ballast during the journey on which the vehicle was at the material time engaged.

(7) Different forms of conveyance notes may be prescribed in relation to different circumstances.

Inspection
and
weighing
of sand or
ballast and
vehicles
conveying
it.

222.—(1) Any inspector of weights and measures on producing if so required such document as may be prescribed showing that he is an inspector of weights and measures may so far as it is reasonable so to do for the purpose of giving effect to this Part of this Order inspect any vehicle which is being used for conveying any sand or ballast and cause the vehicle as loaded to be weighed by means of a weighing instrument stamped by an inspector of weights and measures or cause the vehicle to be unloaded and the vehicle or the sand or ballast or both to be weighed by means of such a weighing instrument as aforesaid:

Provided that neither the vehicle nor the sand or ballast shall be required to be moved for a distance of more than two miles for the purpose of being weighed under this subsection.

(2) If in exercising with respect to a vehicle any of his powers under the preceding subsection an inspector of weights and measures finds—

- (a) that a conveyance note produced to him in relation to any sand or ballast in the vehicle contains a materially incorrect statement; or
- (b) in a case where the vehicle is required by this Part of this Order to be marked with a tare weight mark that the vehicle is not so marked or bears a mark which purports to indicate the tare weight of the vehicle but which either does not accurately indicate that weight or is not a mark approved by the County Council and affixed in the prescribed manner;

then without prejudice to any proceedings which may be taken by reason of the matters aforesaid the inspector shall cause the conveyance note to be corrected in such manner as may be prescribed or as the case may be shall do or request the person in charge of the vehicle to do all such things as are necessary to secure that the vehicle is marked as required by this Part of this Order with a tare weight mark accurately indicating the tare weight of the vehicle and that any other marks on the vehicle purporting to indicate its tare weight are removed or obliterated.

(3) Any person who obstructs or fails to comply with any request made by an inspector of weights and measures in the discharge of his functions under this section shall be guilty of an offence.

223.—(1) The County Council may for the county make byelaws for all or any of the following purposes (that is to say):—

- (a) the ascertainment of the tare weight of vehicles;
- (b) the marking on vehicles of the tare weight thereof;

Byelaws
as to tare
weight con-
veyance
notes &c.

PART IX.
—cont.

- (c) prescribing the form of conveyance notes;
- (d) the rectification of incorrect conveyance notes.

(2) The County Council by any such byelaws may provide for the imposition of penalties not exceeding five pounds for each offence committed against any of such byelaws.

Proof of
inspector's
authority.

224. The authority in writing under the hand of a justice of the peace given to an inspector of weights and measures in pursuance of section 48 of the principal Act shall be the prescribed document showing that he is an inspector of weights and measures.

Publica-
tion of
byelaws.

225. The following provisions shall apply to byelaws made under the sections of this Order of which the respective marginal notes are "Byelaws as to personal weighing machines" and "Byelaws as to tare weight conveyance notes &c." (that is to say):—

- (1) The County Council shall during two successive weeks give notice of any proposed byelaws by advertisement once weekly in one or more newspapers published and circulating in the county the last advertisement being published not less than one month before such byelaws are submitted to the Board of Trade as hereinafter in this section provided:
- (2) Any person interested shall be entitled within one month from the date of the said last advertisement to lodge with the county clerk objections to such byelaws:
- (3) The County Council shall after the expiry of one month from the date of the said last advertisement send to the Board of Trade a copy of such byelaws and of such objections thereto (if any) which may have been lodged and the Board of Trade may hear any person who has lodged such objections and they may approve disallow or alter such byelaws:
- (4) Such byelaws shall not come into operation until they have been approved of by the Board

of Trade who before giving such approval may direct one of their inspectors or other person to be appointed by them to inquire into and report on such byelaws and any objections thereto and the Board of Trade shall have the same powers as regards expenses as are conferred on the Secretary of State by section 93 of the Local Government (Scotland) Act 1889 Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned:

- (5) The County Council shall in one or more newspapers published and circulating in the county publish in full such byelaws when approved of by the Board of Trade and shall also supply gratis to every person applying to the county clerk for the same a copy of any proposed byelaws or of any byelaws approved by the Board of Trade:
- (6) Byelaws confirmed by the Board of Trade under the provisions of this section shall not require confirmation allowance or approval by the sheriff.

226.—(1) Any person who is convicted of an offence under this Part of this Order in respect of which a special penalty is not provided shall be liable to a fine not exceeding five pounds or upon a second or subsequent conviction of such an offence to a fine not exceeding twenty pounds. Penalties.

(2) Where a person is convicted of an offence under this Part of this Order in respect of which a special penalty is not provided and the court is of opinion that the offence was committed with intent to defraud he shall be liable in addition to or in lieu of any fine to imprisonment for a term not exceeding six months.

227. Any expenses incurred by the County Council in executing the provisions of this Part of this Order shall be defrayed by the County Council as part of the expenses incurred by them in administering the Weights and Measures Acts. Expenses of Part IX of Order.

PART X.

ASSESSMENTS.

Application to county of certain powers of Burgh Police (Scotland) Act 1892 relating to assessments.

228.—(1) The provisions of the under-mentioned sections of and schedule to the Burgh Police (Scotland) Act 1892 shall for the purpose of the assessment levy collection and recovery of the consolidated rate and of any other rate or assessment which the County Council are or may hereafter be authorised to assess levy collect or recover within the county exclusive of the burghs therein and without prejudice to any existing powers of the County Council for those purposes extend and apply (that is to say):—

Section 348 (Assessment roll to be made up);

Section 350 (The commissioners may require owner to furnish written statement);

Section 353 (Recovery of assessments);

Section 355 (Recovery of rates from persons removing);

Section 356 (Misnomers &c. not to affect proceedings for recovery of assessments);

Section 357 (Assessment to be recoverable beyond burgh);

Schedule VIII.

(2) In the application to the county of the said sections and schedule there shall be substituted for the expressions "commissioners" "burgh" and "magistrates" occurring therein the expressions "County Council" "county" and "two or more justices of the peace" respectively.

County Council may alter and amend assessment roll.

229. The County Council may from time to time amend the roll or book of assessment or any assessment therein contained by inserting therein the name of any person who ought to have been assessed or who since the making thereof has been in the actual receipt of the rents and profits of the lands and heritages entered in the roll or book of assessment or by striking out the name of any person who ought not to have been assessed

or by correcting according to a written certificate by the assessor the amount of any rent or assessment which may have been inaccurately entered and such alterations shall not be held to vitiate the assessment or render it less operative but every such alteration shall be made within one year after the expiry of the year for or applicable to which the said assessment shall have been fixed or laid on.

PART X.
—cont.

PART XI.

FINANCE.

230.—(1) Notwithstanding the repeal of the repealed Acts the provisions of the repealed Acts so far as applicable shall continue to extend and apply as fully and effectually as if the Act confirming this Order had not been passed in respect of the amounts of money borrowed for the purposes of the water undertaking of the County Council under the authority of the repealed Acts but only so far as such amounts borrowed are outstanding and not paid off as at the fifteenth day of May one thousand nine hundred and forty.

Borrowing
powers.

(2) The County Council may from time to time borrow 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):—

Purpose.	Amount.	Period for repayment.
(a) Waterworks—		
(i) For the purchase of lands and servitudes - - -	£ 500	Sixty years from the date or dates of borrowing.
(ii) For filtration plant - - -	40,000	Twenty-five years from the date or dates of borrowing.

PART XI.
—cont.

Purpose.	Amount.	Period for repayment.
(b) Drainage—		
(i) For the purchase of lands and servitudes - - - -	£ 1,000	Sixty years from the date or dates of borrowing.
(ii) For the construction of sewers conduits or lines of pipes. -	99,750	Fifty years from the date or dates of borrowing.
(iii) For pumping machinery -	1,050	Twenty years from the date or dates of borrowing.
(iv) For subsidiary works - - -	3,200	Twenty-five years from the date or dates of borrowing.
(c) For paying the costs charges and expenses of this Order.	The sum requisite.	Five years from the commencement of this Order.

(3) (a) In addition to the moneys which the County Council are by the foregoing provisions of this section authorised to borrow they may borrow for the repayment of any money borrowed by the Wemyss Trustees or for the purposes of the Dunfermline Orders of 1904 to 1918 or the Kirkcaldy Order of 1913 before the appointed day and remaining unpaid the sum necessary for the purpose and they may borrow such further sums of money for any of the purposes of this Order (being in either case purposes to which capital is properly applicable) 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.

(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. Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

231. Nothing in this Order shall enable any power of borrowing to be exercised or any issue of capital to be made without compliance with the requirements of any regulation for the time being in operation under the Emergency Powers (Defence) Act 1939 or any order made under such regulation.

PART XI.
—cont.
Saving for emergency restrictions on borrowing.

232.—(1) The County Council shall have power—

Power to re-borrow.

(a) to borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(b) to borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the County Council in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

233. All mortgages to be granted by the County Council for moneys borrowed in exercise of any statutory borrowing power may be in or near to the form contained in the Fifth Schedule to this Order.

Form of mortgage.

234. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed or by endorsement on the mortgage duly stamped wherein the consideration shall be truly stated.

Transfer of mortgages.

235. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the County Council official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate has been transferred.

Transfer of mortgages in case of bankruptcy.

PART XI.

—cont.

Mortgages
of rates to
be personal
estate.Discharge of
mortgages.Protection
of holders of
securities.Closing of
registers.As to
interest
accruing on
sinking and
other funds.

236. All mortgages and all moneys advanced and lent under the powers contained in this Order shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

237. Any person entitled to any mortgage granted by the County Council under the authority of this Order may discharge the same and his right and interest therein in favour of the County Council and every such discharge may be written or partly written and partly printed on the mortgage and such discharge when signed by the person entitled to such mortgage shall be valid and effectual to all intents and purposes.

238. A person taking or holding any security issued by the County Council under the authority of this Order shall not be concerned to inquire or to take notice whether the creation or issue thereof was or was not within any statutory borrowing power of the County Council or otherwise in accordance with this Order or whether or not the County Council or any meeting thereof was properly constituted or convened, or whether or not the proceedings at any meeting of the County Council or any committee thereof were legal or regular or to see to the application of any money borrowed or be answerable for any loss or misapplication thereof.

239.—(1) The County Council may close the register of transfers of any class of security of the County Council for a period not exceeding thirty days next before any date on which any interest or dividend on the class of securities to which such register relates are payable.

(2) Any transfer of any security of the County Council made during the period when the register of transfers of such security is so closed shall as between the County Council and the persons claiming under the transfer (but not otherwise) be considered as made subsequently to the payment of the dividend or interest on such security as the case may be.

240. The interest received in any year from the investment of any sums forming part of any sinking fund or redemption fund shall notwithstanding the provisions of any Act or Order relating to any such

fund form part of the revenue for that year of the account from which payments towards such sinking fund or redemption fund are met but the contributions to be made to any redemption fund out of such account shall in that year be increased by a sum equal to the interest that would have accrued to the redemption fund during that year if interest had been accumulated in the fund at the rate per centum per annum on which the annual payments to the fund are based.

241. Notwithstanding anything in this Order the County Council may use for the purpose of any statutory borrowing power exercisable by them any moneys forming part but not for the time being required for the purposes of any fund accumulated for the redemption of debt or as a superannuation or other similar fund (in this section referred to as "the lending fund") subject to the following conditions:—

Use of
moneys
forming
part of
sinking and
other funds.

(1) The moneys so used shall be repaid out of the county fund to the lending fund within the period and by the methods within and by which a loan raised under the statutory borrowing power would be repayable. Provided that the County Council shall repay to the lending fund the moneys so used or the balance thereof for the time being outstanding (as the case may be) as and when the same shall be required for the purposes of the lending fund and may if they so resolve repay the same at any time within the period aforesaid and in either case the repayment shall be made out of the county fund or out of moneys which would have been applicable to the repayment of a loan if raised under the statutory borrowing power:

(2) In the accounts of the county fund an amount equal to interest calculated at such rate per centum per annum as may be determined by the County Council 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 on any moneys so used and for the time being not repaid shall be credited to the lending fund and debited to

PART XI.
—cont.

the purpose with reference to which the moneys are so used:

- (3) The statutory borrowing power 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 and the provisions of any enactment as to re-borrowing of sums raised under the statutory borrowing power shall apply accordingly.

Consolidated loans
fund.

242.—(1) Notwithstanding anything in any Act or Order relating to the County Council the County Council may as from the fifteenth day of May one thousand nine hundred and forty or as from any succeeding fifteenth day of May (if they think fit) establish a fund to be called "the County of Fife Consolidated Loans Fund" applicable to all moneys borrowed or to be borrowed by the County Council and the redemption or repayment thereof and the payment of interest or dividends thereon.

(2) The loans fund shall be applied and administered by the County Council in accordance with the scheme contained in the Sixth Schedule to this Order.

(3) The County Council shall from time to time in order to raise the amounts of the several contributions out of the several revenues of the County Council 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.

Notice of
trusts.

243. Notice of any trust express implied or constructive in respect of any security of the County Council shall not be entered in any register or in any other book kept by the County Council or be receivable by the County Council or shall affect the County Council but this provision shall not prevent any holder of any such security from being described as a trustee or as possessing any official character.

Receipt in
case of
persons not
sui juris.

244. If the holder of any security issued by the County Council is a person of limited contractual capacity 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 County Council of any money payable by them to such person.

PART XI.
—cont.

245. Where more persons than one are registered as joint holders of any security of the County Council any one of them may give an effectual receipt for any interest thereon unless written notice to the contrary has been given by any other of them to the county clerk or the county treasurer or the county registrar.

Interest on securities held jointly.

246. The County Council shall not be required to pay to any executors or administrators any interest or dividend on any security of the County Council held by their testator or intestate until the confirmation or probate of the will or the letters of administration has or have been left with the County Council for registration.

Dividends to executors &c.

247. It shall not be obligatory on the County Council to receive or register any transfer assignation confirmation probate letters of administration act and warrant of a trustee in sequestration certificate of death or marriage or other document adduced as evidence of a transmission of any security to the County Council (except securities issued under the Local Authorities Loans (Scotland) Act 1891) except upon the production to and temporary deposit with the county treasurer 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.

Evidence of transfer or transmission of securities.

54 & 55 Vict.
c. 34.

248.—(1) The County Council before allowing any transfer of any security of the County Council or before paying any interest or dividend on any such security may if the circumstances appear to them to make it expedient require evidence of the title of any person claiming a right to make the transfer or to receive the interest or dividend.

Evidence of title.

(2) That evidence shall be a statutory declaration by one or more competent persons or of such other nature as the County Council may require.

PART XI.
—cont.Interest
orders and
dividend
warrants
by post.

249.—(1) The County Council may give notice to any person being registered as a holder of any security of the County Council that they intend to send interest or dividends to him by post if he does not object and if such person does not within fourteen days from the receipt of such notice give notice to the County Council of such objection the County Council may from time to time send letters containing orders for the payment of interest or dividend warrants to the address of such person appearing in the register. Provided that if such person gives notice to the County Council that he desires such orders or warrants to be sent to another person at a given address the County Council may from time to time send letters containing the same to such other person at such address.

(2) Where more persons than one are registered as joint holders of any security of the County Council any one of them may for the purpose of this section be regarded as the holder of the security unless contrary notice has been given to the County Council by any other of them.

(3) The posting by the County Council of a letter containing an order for the payment of interest or a dividend warrant in pursuance of this section shall as respects the liability of the County Council be equivalent to the delivery of the order or warrant to the registered holders of the security of the County Council.

45 & 46 Vict.
c. 61.

(4) Every order or warrant so sent by post shall be deemed to be a cheque and the County Council shall in relation thereto be deemed a banker within the Bills of Exchange Act 1882.

PART XII.

MISCELLANEOUS.

Dwelling-
houses for
employees.

250.—(1) The County Council may erect purchase or take on lease dwelling-houses for such of the persons employed by them as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

(2) Nothing in this section shall empower the County Council to create or permit a nuisance.

PART XII.
—cont.

251.—(1) The provisions of sections 141 and 142 of the Burgh Police (Scotland) Act 1892 and section 17 of the Burgh Police (Scotland) Act 1903 shall apply to all roads on the county list of highways in special scavenging districts of the county but notwithstanding anything hereinbefore contained in this section the provisions of the said three sections shall not apply to roads as far as ex adverso of land which is agricultural pastoral woodland parks or grazing ground or is unfeued or unbuilt upon.

Footways
in special
districts.

(2) In the section of the said Acts as applied to the county by this section there shall be substituted for the expressions "commissioners" and "town council" the expression "County Council" for the expression "burgh" the expression "special scavenging district" and for the expressions "a private improvement expense" and "private improvement expenses" the expression "a debt due by the owners."

252.—(1) The County Council may subject as hereinafter provided at a meeting called after due notice by resolution adopt within the county or within any special lighting drainage or scavenging district or districts of the county the sections or parts of sections or any of such sections or parts of sections of the Burgh Police (Scotland) Act 1892 and of the Burgh Police (Scotland) Act 1903 enumerated in Part I of the Seventh Schedule to this Order and after a date to be specified in such resolution the adopted sections or parts of sections shall have effect in the county or such district or districts of the county.

Adoption
of sections
of Burgh
Police
(Scotland)
Acts.

(2) Sections 329 330 and 331 of the Burgh Police (Scotland) Act 1892 shall not be adoptive except within a special drainage district of the county.

(3) In such sections and parts of sections as may be adopted in terms of this section there shall be substituted for the words and expressions occurring therein set forth in the second column of Part II of the said Seventh Schedule the words and expressions set forth in the third column of the said Part II.

PART XII.
—cont.
Appeal.

253.—(1) Any person liable to pay or to contribute towards the expense of any work ordered or required by the County Council under any section or part of a section of the Burgh Police (Scotland) Act 1892 or of the Burgh Police (Scotland) Act 1903 adopted by the County Council in terms of the immediately preceding section of this Order and any person whose property may be affected or who thinks himself aggrieved by an order or resolution or deliverance or act of the County Council made or done under Part V of this Order or under any such section or part of a section as aforesaid may unless in the said section or part of a section or the said Part of this Order otherwise specially provided appeal to the sheriff by lodging a note of appeal within fourteen days after intimation of the order or deliverance of the County Council complained of or within fourteen days after the commission of the act complained of with the sheriff clerk of the county.

(2) Such note of appeal shall state the grounds of such appeal and be signed by the appellant or his agent and the sheriff shall order a copy of the appeal to be served on the county clerk and appoint him within six days after such service to lodge answers thereto and shall thereafter hear parties and determine the matter of the appeal and shall make such order thereon either confirming quashing varying or redressing the order resolution deliverance or act appealed against.

(3) The judgment of the sheriff-substitute shall be subject to review by the sheriff and subject to this review by the sheriff the judgment of the sheriff-substitute shall be final and not subject to appeal to any other court except as after-mentioned.

(4) Any party dissatisfied with the judgment of the sheriff as erroneous in point of law may appeal thereagainst to the court of session in terms of the rules of court of the court of session applicable to appeals under section 339 of the Burgh Police (Scotland) Act 1892.

(5) The limit of time for such appeal shall be six days instead of five days as provided by the last-mentioned Act.

254.—(1) Subject to the provisions of this section the County Council may accept hold and administer any gift of property whether heritable or moveable for any local public purpose or for the benefit of the inhabitants of the county or of some part thereof and may execute any works (including works of maintenance or improvement) incidental to or consequential on the exercise of the powers conferred by this section.

PART XII.
—cont.
Acceptance
of gifts of
property.

(2) Where the purposes of the gift are purposes for which the County Council are empowered to expend money raised from a rate they may subject to any condition or restriction attaching to the exercise of that power defray expenditure incurred in the exercise of the powers conferred by the last preceding subsection out of money so raised.

(3) Nothing in this section shall affect any powers exercisable by the County Council under or by virtue of the Education (Scotland) Acts 1872 to 1928 or under any scheme in respect of any trust approved under the Educational Endowments (Scotland) Act 1882 the Educational Endowments (Scotland) Acts 1928 to 1935 or any Act amending the aforesaid Acts.

255. Notwithstanding anything contained in section 5 (Election and term of office of members of courts) of the Licensing (Scotland) Act 1903 as amended by section 9 (2) of the Local Government (Scotland) Act 1908 as to the date of election and term of office of members of licensing courts the members of the County Council elected to licensing courts and courts of appeal at the statutory meeting of the County Council held in December one thousand nine hundred and forty shall hold office for one year only and the next election to licensing courts and courts of appeal in the county in the case of members being county councillors shall take place at the same place and on the same date as the statutory meeting of the County Council in December one thousand nine hundred and forty-one and such members being county councillors shall hold office till the date of the statutory meeting of the County Council in December one thousand nine hundred and forty-four when they shall retire and their successors shall be elected and thereafter such retirement and election shall take place on the day appointed

Election of
members of
licensing
courts.
3 Edw. 7.
c. 25.

PART XII.
—cont.

for the statutory meeting of the County Council in December in the year of the triennial election of the county councillors of the county. Provided that if any such member elected by the County Council shall cease to be a member of the County Council he shall ipso facto cease to be a member of a licensing court or court of appeal.

Byelaws as
to loud-
speakers &c.

256. The County Council may for any special district formed under the Public Health Acts or the Local Government (Scotland) Act 1894 make byelaws for or with respect to all or any of the following matters (that is to say):—

- (i) for regulating and controlling the use of loud-speakers gramophones and any other devices for the reproduction and amplification of sound (in this section referred to as "loud-speakers") used in such manner as to be audible in any street to the annoyance of the lieges or if they think fit for prohibiting the use in such a manner as to be audible in any street of loud-speakers for advertising purposes:

Provided that nothing in this paragraph or in any byelaws made for or with respect to any of the matters specified herein shall apply to any loud-speakers used in any cinematograph theatre in connection with any entertainment provided thereat;

- (ii) for regulating and controlling roller skating on any road or foot-pavement under the control of the County Council.

Confirma-
tion of
byelaws.

257. The provisions of sections 183 to 187 of the Public Health (Scotland) Act 1897 shall extend and apply to all byelaws made by the County Council under the sections of this Order of which the respective marginal notes are "Cleansing of cisterns" "Byelaws for preventing waste of water" "Byelaws for preventing pollution of water" "Byelaws as to buildings" "Control of vacant building areas and derelict buildings" "Byelaws as to camping grounds" and "Byelaws as to loud-speakers &c."

258. Prosecutions for offences against or for recovery of penalties under any of the provisions of this Order or of any enactment applied by or adopted in pursuance of this Order or of any byelaw or regulation made under this Order or under any such enactment may be brought in accordance with the Summary Jurisdiction (Scotland) Acts and any such offence for which either the maximum fine that may be imposed does not exceed twenty pounds or the maximum term of imprisonment that may be imposed does not exceed sixty days may be prosecuted and any such penalty not exceeding twenty pounds may be recovered in the justice of the peace court.

PART XII.
—cont.
Prosecution of offences.

259.—(1) Where a tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose is kept on any premises the occupier of the premises shall take all such steps as may be reasonably necessary to prevent danger from such vessel.

Derelict petrol tanks.

(2) Any officer of the County Council duly authorised by them may on producing a copy of his authority purporting to be signed by the county clerk require the occupier of the premises on which is situated any tank or other fixed container which has been used for the storage of petroleum spirit and is no longer used for that purpose to show him such vessel and permit him to ascertain whether steps have been taken to comply with the provisions of this section.

(3) Any person failing to comply after due warning with the provisions of subsection (1) of this section and any person who obstructs any such officer as aforesaid in carrying out his duty under subsection (2) thereof shall be guilty of an offence and shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) In this section the expression "petroleum spirit" has the meaning assigned to it by the Petroleum (Consolidation) Act 1928.

18 & 19
Geo. 5.
c. 32.

260. Unless otherwise in this Order expressly provided the following provisions shall apply to the making giving delivering or service of any petition complaint notice order resolution requisition demand

Form and service of notices.

PART XII.
—cont.

or other instrument under this Order or any byelaws in force (hereinafter called "the citation") :—

- (1) The citation may be in print or in writing or partly in print and partly in writing and may be authenticated by the name of the county clerk or other proper officer being affixed thereto in print or in writing:
- (2) The citation shall be sufficiently given to any owner or occupier of any property if addressed simply to the "owner" or "occupier" of the premises (naming them) to which it relates:
- (3) The citation may be served upon the person to whom it relates either—
 - (a) personally; or
 - (b) through the post addressed to him at his usual or last known place of abode or business; or
 - (c) by delivering the citation to some inmate there; or
 - (d) in the case of an occupier to an inmate of the building to which the citation relates or if the building is unoccupied and the place of abode of the person after due inquiry cannot be found by affixing the citation or a copy thereof upon some conspicuous part of such building; or
 - (e) in the case of a person employed on any ship or vessel by leaving the citation in the hands of a person on board the ship or vessel and connected therewith:
- (4) Where any owner resides beyond the jurisdiction of the County Council such owner may be cited by delivering the citation to his known factor or agent or person drawing the rents.

Works below high-water mark not to be constructed without consent of Minister of Shipping.

261.—(1) The County Council shall not under the powers of this Order construct on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work without the previous consent of the Minister of Shipping to be signified in writing under the hand of

one of the secretaries under-secretaries or assistant secretaries of the Minister of Shipping and then only according to such plan and under such restrictions and regulations as the Minister of Shipping may approve of in writing under hand as last aforesaid and where any such work may have been constructed the County Council shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval.

PART XII.
—cont.

(2) If any work be commenced altered extended or completed contrary to the provisions of this section the Minister of Shipping may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the County Council and the amount of such costs and charges shall be a debt due from the County Council to the Crown and shall be recoverable accordingly.

262.—(1) After the completion of any work on under or over tidal waters or tidal lands authorised by this Order the County Council shall at the outer extremity of the work below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

Lights on works.

(2) If the County Council fail to comply in any respect with the provisions of this section they shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds and in addition in the case of a continuing offence to a daily penalty not exceeding two pounds.

263.—(1) Where any work constructed by the County Council under the powers of this Order and situated wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Minister of Shipping may by notice in writing either require the County Council at their own expense to repair and restore such part of such work as is situated below high-water mark of ordinary spring tides or any portion thereof or require

Abatement of work abandoned or decayed.

PART XII.
—cont.

them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Minister of Shipping may think proper.

(2) If during the period of thirty days from the date when the notice is served upon the County Council they have failed to comply with such notice the Minister of Shipping may execute the works required to be done by the notice at the expense of the County Council and the amount of such expense shall be a debt due from the County Council to the Crown and shall be recoverable accordingly.

Crown
rights.

264. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing herein contained shall authorise the County Council to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of Shipping respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Shipping as the case may be on behalf of His Majesty first had and obtained for that purpose.

Repeal of
Acts.

265. Subject to the provisions of this Order the Acts and Orders specified in Part I of the Eighth Schedule to this Order (so far as not already repealed) shall as from the appointed day be and are hereby repealed to the extent mentioned in the third column of that schedule.

General
saving
from effect
of repeal.

266. Subject to the provisions of this Order and notwithstanding the repeal of the repealed Acts—

- (a) all existing agreements made by the County Council under any of the repealed Acts shall be and continue valid and available for all

purposes and for and against all parties as if the Act confirming this Order had not been passed;

- (b) all property vested in the County Council at the appointed day shall continue vested in the County Council to the same effect and extent and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the appointed day valid and available or in progress and all existing notices notices to treat agreements awards conveyances contracts titles deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all parties and may be continued enforced and completed as if the Act confirming this Order had not been passed;
- (c) all actions arbitrations submissions prosecutions and proceedings by with or against the County Council by reason of any matter or thing done before the appointed day in execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted by with or against the County Council as if the Act confirming this Order had not been passed;
- (d) all existing byelaws rules regulations orders licences consents sanctions and approvals in execution of or in relation to or granted in pursuance of any of the repealed Acts shall continue in force until repealed altered or revoked under the provisions of this Order or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order;
- (e) all rents rates charges and other sums at the appointed day due to the County Council under the repealed Acts may be collected and recovered by the County Council as if the Act confirming this Order had not been passed;

PART XII.
—cont.

- (f) all books plans and documents which under any of the repealed Acts or otherwise would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed;
- (g) nothing in this Order shall prejudice or affect the agreements enumerated in Part II of the Eighth Schedule to this Order which agreements shall so far as unimplemented and still operative continue in full force and effect according to the true intent and meaning thereof notwithstanding the repeal of the Acts and Orders specified in Part I of the said Eighth Schedule.

Costs of
Order.

267 The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the County Council out of moneys raised by means of a rate leviable by the County Council on all lands and heritages in the landward part of the county (including therein lands and heritages belonging to any burgh) or out of moneys to be borrowed by them under this Order.

The SCHEDULES referred to in the
foregoing Order.

FIRST SCHEDULE.

FOURTH SUPPLEMENTARY AGREEMENT between THE DUNFERMLINE DISTRICT COMMITTEE OF THE COUNTY COUNCIL OF FIFE (hereinafter called "the District Committee") of the one part and the COMMISSIONERS FOR EXECUTING THE OFFICE OF LORD HIGH ADMIRAL OF THE UNITED KINGDOM OF GREAT BRITAIN AND IRELAND (hereinafter called "the Commissioners") of the other part.

WHEREAS the District Committee are the local authority for the Dunfermline district of the county of Fife and as such are vested with the powers conferred by the Public Health (Scotland) Act 1897 of acquiring and providing or arranging for a supply of water for the domestic use of the inhabitants of the said district and for sanitary and other purposes:

And whereas the District Committee in pursuance of these powers have obtained from Parliament the Dunfermline District Water Order 1904 (hereinafter called "the Order of 1904"):

And whereas an agreement was entered into between the parties hereto which forms the First Schedule to the Order of 1904 relating inter alia to the provision of water supply to the Commissioners from the District Committee's Glenquey scheme and the piping necessary therefor on the basis of the Commissioners sharing in the cost to the extent of one-third:

And whereas two supplementary agreements dated respectively thirteenth July and twenty-second September nineteen hundred and ten and second and sixth November nineteen hundred and fifteen were also entered into between the parties relating to the use to be made by the Commissioners of certain piping and as to certain further rights acquired by the Commissioners in the water mains of the District Committee:

And whereas it was found that the said Glenquey scheme was inadequate for the requirements of the District Committee and the Commissioners and that an additional water supply required to be provided:

1ST SCH.
—cont.

And whereas the District Committee obtained from Parliament the Dunfermline District Water Order 1913 (hereinafter called "the Order of 1913"):

And whereas by the Order of 1913 section thirty-six the District Committee became bound to afford a supply of water in bulk to the Commissioners from the works by that Order authorised at the price and on the conditions therein mentioned:

And whereas the District Committee proceeded with the construction of the works authorised by the Order of 1913:

And whereas the Commissioners on account of the requirements of the Rosyth Naval Base and other naval establishments within the area of supply of the District Committee found it necessary to make and did make an order under the Defence of the Realm (Consolidation) Regulations 1914 under which the District Committee were empowered to take water to the extent of five hundred thousand gallons per day from the river Devon pending the completion of the works authorised by the Order of 1913:

And whereas a third supplementary agreement dated sixth and fourteenth November nineteen hundred and seventeen was entered into between the parties whereby the Commissioners in consideration of certain payments acquired further rights in certain of the District Committee's water mains and in which the terms and conditions on which the Commissioners were to obtain said five hundred thousand gallons per day from the river Devon as also a further supply of four hundred thousand gallons per day were laid down:

And whereas owing to war conditions the District Committee found that it was impossible to complete the works and afford the supplies authorised by the Order of 1913 at the prices estimated and provided for in the Order of 1913:

And whereas the District Committee obtained from Parliament the Dunfermline District Water Order 1918 (hereinafter called "the Order of 1918") to enable them to provide for the requirements of the Commissioners and their own area and to execute additional works and to defer execution of certain works authorised by the Order of 1913:

And whereas the Commissioners have agreed to assist the District Committee in connection with the construction of works authorised by the Order of 1913 and the Order of 1918 by sharing in the cost thereof and it is necessary that an agreement should be entered into between the District Committee and the Commissioners in regard to the expenditure which will be required to execute the works authorised by the said last-mentioned Orders and hereinafter referred to:

Therefore subject to the approval of Parliament it is hereby agreed between the District Committee and the Commissioners as follows (videlicet):—

1st Sch.
—cont.

First.—The District Committee shall proceed with the promotion of an Order for the confirmation of this agreement and shall cause the works authorised by the Orders of 1913 and 1918 (other than the works deferred or from the construction of which the District Committee are relieved by the Order of 1918 and which are hereafter excepted) to be executed and the supply of water to be obtained therefrom to be introduced as soon as circumstances will permit.

Second.—The source of supply shall be the river Devon in the parish of Glendevon and county of Perth and a suitable reservoir shall be erected thereon and main pipes laid therefrom for the purpose of conveying the water from the reservoir to the existing mains of the District Committee.

Third.—The works to which this agreement relates are the works authorised by the Orders of 1913 and 1918 excepting the intake weir and bye-wash channel provided for in section ten (Compensation water) of the Order of 1913 or the additional reservoir or increased reservoir accommodation and subsidiary works to be constructed if required in lieu thereof as provided for under section thirteen subsection four of the Order of 1918 and ~~excepting also work number seven referred to in section six subsection five of the Order of 1918.~~

Fourth.—The cost of obtaining the statutory powers to provide the supply of water and of purchasing the land and wayleaves required and of constructing and completing the fore-said works all expenses incident thereto and the interest which may have to be paid to bankers or others while the works are in course of construction which cost has been estimated by the engineers of the District Committee at two hundred and ninety thousand one hundred and seventy-three pounds sterling shall to the extent of seven-ninths parts be held as applicable to the requirements of the District Committee and to the extent of two-ninths parts shall be held as applicable to the requirements of the Commissioners. The whole cost as ascertained on the completion of the works shall be payable by the parties in the aforesaid proportions videlicet seven-ninths by the District Committee and two-ninths by the Commissioners. In order to ascertain the amount of the two-ninths of the cost payable by the Commissioners they shall receive credit for payments made by them to the District Committee for water supplied under the Order of 1913 with periodical interest thereon and in respect they did not take delivery of the whole supplies to which they were entitled under the Order of 1904 and that the surplus water thereby rendered available was sold by the District Committee

1ST SCH.
—cont.

they shall also be entitled to credit for the sums received by the District Committee for such surplus water the amount of which is hereby fixed at one thousand pounds. A statement is annexed and signed as relative hereto showing the amount payable by the Commissioners in respect of two-ninths of the District Committee's expenditure to fifteenth May nineteen hundred and nineteen.

Fifth.—In the event of a second reservoir and subsidiary works being required in lieu of the said intake weir and bye-wash channel the share of the cost thereof which the Commissioners shall bear shall be reserved for consideration when the necessity for such reservoir and works arises.

Sixth.—The capital sum required to meet the cost of the works referred to in clause third hereof shall be raised by the District Committee and shall be repayable in the respective periods prescribed in the Order of 1913 and the Order of 1918 or such other shorter periods as may be agreed upon by the parties and as from and after the fifteenth day of May nineteen hundred and nineteen the District Committee shall pay seven-ninths and the Commissioners two-ninths of the periodical sums required to repay the said loans and the interest thereof.

Seventh.—The Commissioners shall bear the cost of all piping and works within the boundaries of the naval establishments and the District Committee shall bear the cost of all other piping and works other than those covered by this agreement. In the event of any additional main pipes being required for supplying any future government establishments upon any areas hereafter acquired by the Commissioners within the area of supply of the District Committee the Commissioners shall bear the cost thereof.

Eighth.—The provisions of section thirty-six of the Dunfermline District Water Order Confirmation Act 1913 are superseded by this agreement.

Ninth.—During the period fixed for the repayment of the capital to be raised in terms of article sixth hereof the Commissioners shall be entitled to receive as from and after said fifteenth day of May nineteen hundred and nineteen free of charge a supply of water not exceeding on the average one million gallons per day (being two-ninths of four million five hundred thousand gallons per day being the estimated supply from said reservoir) calculated over periods of three consecutive months it being understood that the supply to be received in any one day in excess of the said quantity of one million gallons shall not be such as to restrict the supply required for the ordinary purposes of the District Committee. The said supply is to be used for the purposes set forth in article seventh of the agreement set forth in the First Schedule of the Order of 1904 and for the supply of

the Crombie Royal Naval Ordnance Depot (Crombie Explosives Depot) The Commissioners shall be entitled to a further supply to the extent to which the District Committee may be able to give the same (after giving a full supply to their district for domestic or other purposes and satisfying their other statutory obligations) at three pence per thousand gallons and if at any time the Commissioners shall not require to use the whole quantities of water to which they are entitled under this agreement and the agreement scheduled to the Order of 1904 the District Committee shall be entitled to use and dispose of the surplus water belonging to the Commissioners in such way as they may deem proper and in the event of the District Committee exercising this power they shall pay to or credit the Commissioners for all water so used or disposed of at the like price of three pence per thousand gallons Article second of the third supplementary agreement is hereby cancelled.

1st Sch.
—cont.

Tenth.—In the event of the capacity of the District Committee's main proving inadequate or of the supply of water proving insufficient to meet the requirements of both parties it shall be in the power of either of the parties to raise the question of the construction of additional mains or works for the purpose of meeting such requirements and if such additional mains and works are mutually agreed upon in detail the District Committee shall thereupon adopt the requisite proceedings towards carrying out the construction of such additional mains and works and the Commissioners shall contribute to the costs thereby to be incurred in proportion to the share they may require of the additional water to be obtained by such mains or works and the parties shall be interested in such additional mains and works and shall be entitled to receive the additional water to be procured by the additional works in the same proportions the average daily supply of the additional water being calculated over periods of three consecutive months as provided in regard to the daily supply of one million gallons in the preceding article the Commissioners' proportion to be free of charge during the period fixed for the repayment of the capital which may be raised for the execution of any works The costs shall be provided as stipulated for in article sixth hereof.

Eleventh.—After the repayment of the capital raised for the costs of the original works has been completed the Commissioners shall be entitled to supplies of water on payment of three pence per thousand gallons for a minimum supply of one million gallons per day and that over and above the additional quantity which they may be entitled to obtain free of charge during the period fixed for the repayment of the capital raised under article tenth hereof If any additional mains are constructed or additional works are executed as hereinbefore provided for then after the capital raised for the costs thereof has

1ST SCH.
—cont.

been repaid the Commissioners shall be entitled to receive the said additional quantity of water on the same terms as the minimum supply of one million gallons per day videlicet three pence per thousand gallons and they shall also be entitled to a further supply to the extent to which the District Committee may be able to give the same with due regard to the requirements of their district and their other statutory obligations at the same rate of three pence per thousand gallons or such other rate as may be fixed in the event of dispute by arbitration as provided for herein provided that the rate so fixed shall not in any case exceed the lowest rate charged for supplies other than domestic within their district.

Twelfth.—The representative nominated by the Commissioners under article tenth of the agreement set forth in the First Schedule to the Order of 1904 shall be entitled to attend and take part in the proceedings of any committee entrusted by the District Committee with the construction or management of the works to which this agreement relates and the said representative shall have access to all documents correspondence and plans relative to the carrying out of such works.

Thirteenth.—The quantity of water to be delivered to the Commissioners shall be accurately recorded by a meter or meters placed in a meter-house or meter-houses to be provided and maintained in good working order by the Commissioners. The District Committee shall have right of access to the meter-house or meter-houses and meter or meters at such times as they may desire for the purpose of checking the registers showing the quantity or quantities of water delivered and they shall also have the right of inspecting any accounts and documents kept by the Commissioners shewing or tending to shew the quantity of water delivered. If it shall be found that the meter or meters are out of order and are registering incorrectly it shall be assumed until the contrary is shown by the Commissioners that they got out of order on the day preceding the day of the inspection on behalf of the District Committee and if the Commissioners can shew on what other day since the last inspection of the meters the same got out of order then whether the imperfection of the meters was telling for or against the Commissioners the quantity of water taken by the Commissioners from the day on which the meters got out of order until the same shall be amended shall after the first year of supply be taken to be that supplied by the District Committee on each of the days in the preceding year corresponding with the same days of the week nearest in date to those days during which the meters shall be out of order and the account shall be adjusted on that footing but it shall be open to either the District Committee or the Commissioners to shew to an engineer to be selected by both as a referee between them what the quantity of water actually supplied by the

District Committee per diem during the period in question was and the account between the District Committee and the Commissioners shall then be adjusted with reference to the finding and decision of such referee.

Fourteenth.—The Commissioners shall during the period fixed for the repayment of the capital contribute in each year two-ninths of the cost of superintendence and maintenance of the works referred to in clause third hereof (including interest payments to sinking fund management and taxes) for which the District Committee shall be otherwise responsible as same shall be ascertained from the accounts of the District Committee as made up annually at fifteenth May and a statement shewing the amount due by the Commissioners prepared by the joint clerk and treasurer of the District Committee shall be rendered immediately thereafter and the said amount if correct shall be paid by the Commissioners to the District Committee within six weeks from the date of said statement. The books vouchers accounts and other records of the District Committee shall be made available and shall be open to investigation by the Commissioners and their officers during the currency of this agreement.

Fifteenth.—If material damage shall be occasioned to the works by flood or accident or corrosion or by natural decay a special report of the proposed renewals shall be obtained from a competent engineer and the cost thereof shall be met by the parties hereto in the same proportions as the cost of the original works. After the capital raised has been repaid the annual payments for water falling to be made by the Commissioners as provided in article eleventh hereof shall be considered as part of any such proportion payable by them.

Sixteenth.—This agreement shall be read as supplementary to the agreement scheduled to the Order of 1904 and to the later supplementary agreements all of which agreements shall remain in force so far as not altered herein.

Seventeenth.—If any dispute shall arise between the parties to these presents touching the meaning or construction of these presents or affecting the rights and liabilities of the parties respectively thereunder the same shall be referred to a single arbiter pursuant to the Arbitration (Scotland) Act 1894 or any statutory modification thereof.

Lastly.—It is hereby declared that this agreement is made subject to such alterations as may be made thereon during the progress of the confirming Order but if any material alteration be so made it shall be competent to either party to withdraw from the agreement. In the event of any difference arising between the parties hereto as to whether such alteration is

material or not the same shall be referred to the Dean of the Faculty of Advocates whose decision shall be final and binding upon the parties.

In witness whereof these presents written upon this and the six preceding pages are (under the declaration that the word "necessary" occurring in the nineteenth line counting from the top of the page first hereof and the word "eleventh" occurring in the last line of page sixth hereof were both written over erasures before subscription) together with the said statement annexed subscribed in duplicate by the parties hereto as follows videlicet they are subscribed for and on behalf of the District Committee as duly authorised at a meeting held at Dunfermline on twenty-seventh July nineteen hundred and twenty by Robert Walker Wallace of Halbeath Dunfermline chairman the Honourable William James Hewitt St. Colme House Aberdour member and George James Sherriff solicitor Dunfermline joint clerk and treasurer all of the District Committee at Dunfermline on said twenty-seventh day of July nineteen hundred and twenty before these witnesses Harry Fairlie Hodge district engineer Dunfermline and Alexander Fairgrieve clerk to Messrs. A. & W. Burt solicitors Dunfermline and they are subscribed by Admiral Sir Montague Edward Browning G.C.M.G. K.C.B. M.V.O. Deputy Chief of Naval Staff and Rear Admiral Sir Osmond De Beauvoir Brock K.C.B. K.C.M.G. K.C.V.O. two of the Commissioners for executing the said office of Lord High Admiral for and on behalf of said Commissioners at London on the sixth day of September and year last mentioned before these witnesses Archibald Charles Mackay Edmonds paymaster lieutenant commander Royal Navy and John Cogswell Boardman temporary paymaster commander Royal Navy both of the Admiralty London.

H. F. HODGE
Witness.

ROBERT W. WALLACE
Chairman.

ALEXANDER FAIRGRIEVE
Witness.

WILLIAM J. HEWITT
Member.

A. C. M. EDMONDS
Witness.

GEORGE J. SHERRIFF
Joint Clerk.

J. C. BOARDMAN
Witness.

M. E. BROWNING
O. DE B. BROCK.

STATEMENT E.

	Paid for meter supplies.		Difference being		Interest to 15th May 1919 at 5%.	
	£	s. d.	£	s. d.	£	s. d.
2/9ths of sinking fund interest and maintenance £1,202 10s. 10d. paid in the year ending 15th May 1915 less interest received during that year £3,762 10s. 9d.	836	2 4	742	12 2	148	12 5
do. do. £1,000						
do. 15th May 1916						
2/9ths £6,645 16s. 3d.	1,476	16 3	937	18 5	140	13 9
do. do.						
do. 15th May 1917						
2/9ths £7,960 15s. 6½d.	1,769	1 3	440	15 11	44	1 7
do. do.						
do. 15th May 1918						
2/9ths £8,240 15s. 0d.	1,831	5 6	390	0 6	19	10 0
do. do.						
do. 15th May 1919						
2/9ths £7,735 3s. 2d.	1,718	18 6	174	6 6		
	7,632	3 10	2,685	13 6	352	17 9

Total differences which would be payable by the Admiralty - £2,685 13s. 6d.
 Total interest to 15th May 1919 - £352 17s. 9d. } = £3,038 11s. 3d.

1st Sch.
-cont.

SECOND SCHEDULE.

SCHEDULE OF THE PREFERENTIAL DOMESTIC WATER RATES LEVIABLE IN THE FORMER WATER SUPPLY DISTRICTS UNDERMENTIONED IN EACH OF THE TEN YEARS DOWN TO AND INCLUDING THE YEAR ENDING 15TH MAY 1950.

(Referred to in the section of this Order of which the marginal note is "Domestic water rate in districts enumerated in Second Schedule.")

	Former special water supply district.	YEAR ENDING 15TH MAY.													
		1941.	1942.	1943.	1944.	1945.	1946.	1947.	1948.	1949.	1950.				
1	Auchtermuchty -	1/7	2/-	2/-	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6
2	Ceres -	2/6	2/6	3/-	3/-	3/-	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6
3	Cupar Muir -	2/6	2/6	3/-	3/-	3/-	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6
4	Falkland -	1/-	1/6	2/-	2/-	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6
5	Pitlessie -	1/-	1/-	1/-	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6
6	Springfield -	2/6	2/6	3/-	3/-	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6
7	Colinsburgh -	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6
8	Lower Largo } -	2/-	2/-	2/-	2/-	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6	2/6
9	Upper Largo } -	1/-	1/-	1/-	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6
10	Dunino -	2/6	2/6	3/-	3/-	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6
11	Guardbridge -	1/-	1/-	1/-	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6
12	Leuchars -	1/-	1/-	1/-	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6
13	Wemyss water district -	1/-	1/-	1/-	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6	1/6
14	Dunfermline district -	3/-	3/-	3/-	3/-	3/-	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6	3/6

THIRD SCHEDULE.

MINUTE OF AGREEMENT between THE COUNTY COUNCIL OF THE COUNTY OF FIFE (hereinafter referred to as "the First Parties") of the one part and THE DISTILLERS COMPANY LIMITED incorporated under the Companies Acts 1862 and 1867 and having their registered office at 12 Torphichen Street Edinburgh (the said company and their successors in ownership or tenants of the Cameron-bridge distillery subjects aftermentioned being hereinafter referred to as "the Second Parties") of the second part.

WHEREAS the First Parties have promoted a Provisional Order (hereinafter referred to as "the said Order") to enable them inter alia to construct an intercepting sewer down the river Leven to the sea for the purpose of receiving domestic sewage and industrial effluents at present being discharged into the river Leven and inter alia the trade effluent from the distillery at Cameron-bridge in the parish of Markinch belonging to the Second Parties:

And whereas the Parties hereto have on the conditions aftermentioned agreed that the trade effluent from the said distillery should in the event of the proposals of the First Parties in the said Order either as they at present stand or as modified being approved by Parliament be taken into the said new sewer:

Now therefore the Parties have agreed and do hereby agree as follows:—

(First).—The Parties hereto agree that the whole cost of laying and maintaining the necessary pipes and making the necessary connections for the purpose of conveying the trade effluent sewage and drainage as aftermentioned from the said distillery to the said sewer shall be borne by the Second Parties it being understood that the Second Parties will submit the proposed connections of their said pipes with the said sewer and the positions and levels thereof for the approval of the county engineer or other person to be appointed by the First Parties. No connection with the said sewer shall be made without the consent of the county engineer or other person as aforesaid but such consent shall not be withheld without some good and adequate reason being given therefor. It is agreed that the said sewer shall be laid by the First Parties at such a level that the Second Parties' trade effluent sewage and drainage can

Connecting
pipes.

3RD SCH.
—cont.

be discharged therein by gravitation without alteration of the Second Parties' existing tanks and ponds and that the Second Parties shall pay one-sixth of the amount by which the cost of laying the said sewer at such level as aforesaid is in excess of the estimated cost of laying the sewer at the level originally contemplated by the First Parties.

Contribution
by Second
Parties to
capital cost
of sewer.

(Second).—On the construction of the said sewer being completed in terms of this agreement so that the First Parties are prepared to receive therein the trade effluent sewage and drainage of the Second Parties without treatment the First Parties shall intimate this in writing to the Second Parties and the Second Parties shall within three months of receipt of such intimation intimate to the First Parties also in writing whether or not they elect to avail themselves of the facilities afforded by the said sewer for the disposal of their trade effluent. If the Second Parties elect to avail themselves of said facilities they shall pay to the First Parties as at the date on which their trade effluent is first introduced into the said sewer the sum of six thousand seven hundred and seventy-four pounds sterling and the said one-sixth share of the excess cost referred to in clause first hereof in full satisfaction of their share of the capital cost of said sewer. If the Second Parties elect not to avail themselves of the said facilities they shall on the expiry of the said period of three months and provided the First Parties are still prepared to accept into the said sewer the said trade effluent sewage and drainage of the Second Parties without treatment make payment of the said sum of six thousand seven hundred and seventy-four pounds sterling and of the said one-sixth share of the excess cost aforesaid to the First Parties in consideration of their having constructed the said sewer in terms hereof.

Maintenance
of sewer.

(Third).—In respect of maintenance costs to be incurred by the First Parties in the operation of the said sewer the Second Parties shall pay to the First Parties annually the sum of one hundred and fifty pounds the first payment being due and payable on the expiry of one year from the date on which the capital payment mentioned in the immediately preceding clause was due and payable by the Second Parties and thereafter yearly on the said date. In respect of this annual payment of one hundred and fifty pounds the First Parties will during the thirty years' period hereinafter mentioned relieve the Second Parties of all liability for rates and taxes on and maintenance of the said sewer including all repairs and renewals necessitated by any cause including normal wear and tear it being understood that "maintenance" does not include any contribution towards a sinking fund for renewal of the said sewer and that no charge for this purpose is to be made against the Second Parties. The parties hereto agree that this arrangement regarding maintenance shall subsist for a period of thirty years from the date when

the Second Parties first discharge their effluent into the said sewer. The Parties hereto agree that in the event of the First Parties providing facilities to the satisfaction of the Second Parties by means of the said sewer for the disposal of the trade effluent sewage and drainage from the premises of the Second Parties without treatment and the Second Parties not availing themselves of these facilities the Second Parties shall nevertheless be bound to pay during the said period of thirty years the aforesaid sum of one hundred and fifty pounds per annum to the First Parties on the conditions noted therein. At the expiry of the said thirty years' period the Second Parties shall have the right if they so desire to discontinue making use of the First Parties' sewer and making any payments in connection therewith or in their option may require a new agreement to be entered into as to the terms and conditions upon which they will continue to use the First Parties' sewer. In the event of the Second Parties desiring to enter into such new agreement and in the event of a failure to agree as to its terms and conditions the same will be determined by arbitration as aftermentioned.

3RD SCH.
—cont.

(Fourth).—In respect of the obligations entered into by the Second Parties under this agreement the First Parties bind and oblige themselves and their successors that they will not extend the existing special drainage district of Windygates and Balcurvie or form any new special drainage district so as to incorporate in a special drainage district any part of the works or premises of the Second Parties at Cameronbridge aforesaid which are at present situated outwith any special drainage district.

Special
drainage
district.

(Fifth).—The Second Parties bind and oblige themselves and their successors to free and relieve the First Parties of any claim at the instance of lower riparian owners or industrialists or of any one claiming to use the river water for power purposes or otherwise in so far as such claim arises in consequence only of the Second Parties discharging the trade effluent sewage and drainage from their said premises into the said sewer instead of into the river Leven as at present.

Abstraction
of effluents
from river.

(Sixth).—It is agreed (a) that in order to meet the special circumstances and requirements of the distilling processes carried on in the works of the Second Parties the Second Parties shall be entitled so long as there is no storm overflow from the said sewer notwithstanding that the standard rate of discharge of effluent from their said works has been estimated at five thousand gallons per hour to discharge their said effluent into the said sewer at a rate not exceeding seven thousand five hundred gallons per hour during the whole day of twenty-four hours (subject always to the provisions of head (b) hereof) but that when at any time between the hours of 7 a.m. and 7 p.m. there is storm overflow from the said sewer the Second Parties shall

Quantity of
effluent.

3RD SCH.
—cont.

so long as said overflow continues and between the said hours be bound to discharge said effluent at the restricted rate of five thousand gallons per hour (b) that in the event of the Second Parties desiring to discharge a quantity in excess of the aforesaid maximum of seven thousand five hundred gallons per hour to the sewer they will give notice of their intention so to do to the First Parties' county engineer stating the quantity and the period for which this concession is desired and the times of suggested discharge and the said engineer if satisfied that the sewer can take additional effluent to the extent and at the times desired will authorise the Second Parties to discharge such additional quantity into the said sewer it being understood that this authority will not be refused on any ground other than the incapacity of the sewer at the time to accept the desired additional effluent and (c) that the Second Parties' trade effluent shall normally be discharged into the said sewer without gauging but at such times as may be required by the First Parties' county engineer the effluent from the dreg ponds shall be allowed to flow over a gauge weir and the quantity being discharged shall be ascertained by observing the depth of flow over said weir. The design of said weir shall be as agreed upon between the engineers of both Parties.

Quality of
effluent.

(Seventh).—The Second Parties bind and oblige themselves to continue the existing arrangement whereby the spent wash (i.e. effluent from the stills) is collected in dreg ponds and allowed to settle before the effluent is discharged into the sewer. In the event of the Second Parties desiring to alter the existing arrangement they shall obtain the prior approval in writing of the First Parties to the revised arrangement which approval will not be unreasonably withheld. Subject to the foregoing the First Parties bind and oblige themselves to take the Second Parties' trade effluent sewage and drainage into the said sewer to the extent provided for in this agreement without its being subjected to prior treatment of any kind whatsoever.

Inspection
of works.

(Eighth).—At all reasonable times of the day or night duly authorised officers of the First Parties escorted by a representative of the Second Parties shall be entitled to inspect the premises of the Second Parties in order to ascertain that the Second Parties are complying with the provisions of this agreement provided that the First Parties shall and hereby undertake to free and relieve the Second Parties of all claims at the instance of such inspecting officers in respect of injury sustained by them in the course of their inspection of the Second Parties' premises.

Operation of
agreement.

(Ninth).—The Parties hereto agree that this agreement shall come into effect as from the date of the coming into operation of the relevant provisions included in the said Order.

(Tenth).—The Parties will share equally the stamp duty and registration fees applicable to this agreement.

(Eleventh).—In the event of any question or dispute arising between the parties as to the true intent or meaning of this agreement or as to any matter arising out of the same such question or dispute shall be referred to the determination of a single arbiter to be mutually agreed on by the parties or failing agreement to be nominated by the sheriff of Fife and Kinross and the decision of such arbiter shall be final and binding on both Parties.

3RD SCH.
—cont.
Arbitration.

(Twelfth).—The First Parties agree to schedule this agreement to the said Order and both parties agree to the registration hereof for preservation and execution.

(Thirteenth).—This agreement is subject to such alterations as may be made therein by Parliament or the Secretary of State during the progress of the said Order but if in the opinion of the sheriff of Fife and Kinross to whom the matter may be referred by either party any material alteration be made therein it shall be competent for either party to withdraw therefrom.

In witness whereof these presents typewritten upon this and the six preceding pages are executed (in duplicate) as follows videlicet they are sealed with the seal of the said The Distillers Company Limited and subscribed for and on behalf of the said company by Henry James Ross and William Dargie two of the directors of the said company and by Leonard Alsagar Elgood secretary to the said company all at Edinburgh on the eighteenth day of March in the year nineteen hundred and forty and they are sealed with the common seal of the county council of the county of Fife and subscribed for and on behalf of the said county council by William Simpson and James Colville Henderson two members of council and by John Methven Mitchell county clerk all at Cupar on the twenty-sixth day of the said month and year last mentioned before these witnesses Herries Howatson administrative assistant and Winifred Moyes typist both in the employment of the said county council.

H. HOWATSON.

Witness.

WINIFRED MOYES.

Witness.

L. S.

L. S.

WM. SIMPSON.

J. C. HENDERSON.

J. M. MITCHELL.

HENRY J. ROSS.
Director.

W. DARGIE.
Director.

L. A. ELGOOD.
Secretary.

FOURTH SCHEDULE.

MINUTE OF AGREEMENT between THE COUNTY COUNCIL OF THE COUNTY OF FIFE (hereinafter referred to as "the First Parties") of the one part and JOHN FERGUS AND COMPANY LIMITED flax spinners and bleachers having their registered office at Prinlaws Leslie in the county of Fife (the said company and their successors in ownership or tenants of the lands and mills of Prinlaws aftermentioned being hereinafter referred to as "the Second Parties") of the second part.

WHEREAS the First Parties have promoted a Provisional Order (hereinafter referred to as "the said Order") with a view to inter alia securing the purification of the river Leven:

And whereas to this end provision has been made in the said Order for prohibiting pollution of the said river Leven from mills and works situated thereon:

And whereas the mills of Prinlaws and relative works belonging to the Second Parties are situated on the river Leven and are at present discharging trade effluent into the river Leven and the Second Parties are desirous of making provision that the nature of the trade effluent being discharged from the said mills will not bring the Second Parties within the application of the said provision for prohibiting pollution from mills and works:

And whereas domestic sewage from subjects situated on the Second Parties' said lands is at present being discharged into the river Leven by way of cesspools and the Parties hereto have agreed that such domestic sewage should be further purified before being discharged into the river Leven:

And whereas provision has been made in the said Order whereby certain lands or parts thereof belonging to the Second Parties may be acquired compulsorily by the First Parties for the purposes of the said Order which acquisition may be prejudicial to the interests of the Second Parties and the Second Parties are desirous that so far as practicable their interests should be protected:

Now therefore the parties have agreed and do hereby agree as follows:—

Provision for dealing with trade effluent and domestic sewage.

(First).—The Second Parties undertake that if they shall not exercise the option reserved to them under clause (Third) hereof they will within six months from the completion of the sewers authorised by the said Order or such part of them as it

may be necessary to construct for carrying out the purposes of the said Order construct or will have constructed at their mills of Prinlaws plant to deal with the trade effluent from their mills and sewage purification works to deal with domestic sewage from Prinlaws village and Prinlaws North Mill in such a way that so long as no unpurified sewage or effluent is discharged unto the river above the lands of Prinlaws other than that which is at present being so discharged the following standards shall be complied with (A) *As Regards Domestic Sewage* the effluent shall not contain as discharged more than three parts per one hundred thousand of suspended matter and with its suspended matters included shall not take up at 65°F. (18.3°C.) more than two parts per one hundred thousand of dissolved oxygen in five days or alternatively the effluent shall comply with the standard fixed for the whole drainage area and (B) *As Regards River Water* (1) the biological oxygen demand of the river water immediately below Prinlaws works shall be not more than .35 parts per one hundred thousand and further shall contain no acid and (2) the trade effluent shall be discharged at a uniform rate over twenty-four hours and the First Parties undertake that so long as such standard of purification is maintained the nature of the effluent from the Second Parties' works will not be considered by them as bringing the Second Parties within the application of the provisions of the said Order prohibiting pollution from mills and works.

4TH SCH.
—cont.

(Second).—In order that the First Parties may be satisfied that the said standard of purification is being maintained it is hereby agreed that the First Parties shall be entitled on giving reasonable notice to the Second Parties to inspect the purification plant provided in terms hereof and at any time without notice to take samples of the effluent above at and below the point of discharge such inspection and sampling to be carried out by the river inspector to be appointed in terms of the said Order or by such other person or persons as may be authorised by the First Parties.

Inspection
and
sampling.

(Third).—Notwithstanding the terms of clauses (First) and (Second) hereof the Second Parties shall be entitled within a period of nine months from the date of the notice to be given in terms of the section of the said Order of which the marginal note is "Notice to be given by County Council before constructing works" but not at any date after the expiry of the said period of nine months to intimate in writing to the First Parties that they desire the First Parties to make provision for the reception and disposal of the trade effluent and domestic sewage from the said mills and lands of Prinlaws and the heritable subjects situated on such lands into the sewers to be provided under the said Order and to enter into agreements with the First Parties for

Right to
connect up
to sewers.

4TH SCH.
—cont.

that purpose as provided by the section of the said Order of which the marginal note is "Agreements for reception and disposal of trade effluent."

Notice to be given of intention to commence works.

(Fourth).—Nothing in the said Order contained shall extend or authorise the First Parties to interfere with or affect any of the subjects belonging to the Second Parties for the purpose of executing any works authorised by the said Order unless the First Parties shall give to the Second Parties not less than seven days' notice in writing accompanied by plans and (so far as practicable) sections and specifications showing the manner in which such works are proposed to be executed. Provided that in cases of emergency such notice only as is reasonably practicable shall be given.

Reference to arbitration.

(Fifth).—If any dispute or difference shall arise between the parties hereto as to the true intent or meaning of this agreement or as to any matter arising out of the same such dispute or difference shall be referred to the determination of an arbiter to be appointed on the application of either party by the sheriff of Fife and Kinross and the decision of the said arbiter shall be final and binding on both Parties.

Agreement to be scheduled to Order.

(Sixth).—The First Parties agree to schedule this agreement to the said Order.

Agreement subject to approval of Parliament and Secretary of State for Scotland.

(Seventh).—This agreement is subject to such alterations as may be made therein by Parliament or the Secretary of State during the progress of the said Order but if in the opinion of the sheriff of Fife and Kinross to whom the matter may be referred by either party any material alteration be made therein it shall be competent to either party to withdraw therefrom.

In witness whereof these presents typewritten upon this and the three preceding pages are executed (in duplicate) as follows videlicet they are sealed with the seal of the said John Fergus and Company Limited and subscribed for and on behalf of the said company by William Porter and Edward John Jobson two of the directors of the said company and by Christopher Kinnaird secretary to the said company all at Leslie on the ninth day of April in the year nineteen hundred and forty before these witnesses Alexander Wallace clerk and Celia Anderson clerks both in the employment of the said John Fergus and Company Limited and they are sealed with the common seal of the county council of the county of Fife and subscribed for and on behalf of the said county council by David Adamson and Harry Hay Edie two members of the council and by John Methven Mitchell county clerk all at Cupar on the day month and year last mentioned before these witnesses

David Graham Rodger clerk and Grace Kilgour Aitken typist both in the employment of the said county council. 4TH SCH. —cont.

ALEXANDER WALLACE.
Witness.

CELIA ANDERSON.
Witness.

D. G. RODGER.
Witness.

GRACE K. AITKEN.
Witness.

L. S.

L. S.

WILLIAM PORTER.
Director.

EDWARD J. JOBSON.
Director.

CHRISTOPHER KINNAIRD.
Secretary.

DAVID ADAMSON.

H. H. EDIE.

J. M. MITCHELL.

FIFTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Form of mortgage.")

FORM OF MORTGAGE.

THE COUNTY COUNCIL OF THE COUNTY OF FIFE.

Number

By virtue of the Local Government (Scotland) Act 1889 the Local Government (Scotland) Act 1929 the Fife County Council Order 1940 and of other Acts and powers in that behalf—

We the County Council of the County of Fife (hereinafter in these presents referred to as "the County Council") in consideration of the sum of _____ advanced and paid to us by C. D. of E. on the _____ day of _____ one thousand nine hundred and _____ do hereby bind and oblige the said County Council out of the funds rates and revenues of the County Council to pay at the term of _____ to the said C. D. his executors or assignees the said sum of _____ and also the interest thereon at the rate of _____ per centum per annum at the terms of Whitsunday and Martinmas in each year from the said _____ day of _____ one thousand nine hundred and _____ notwithstanding the date hereof till the said sum is paid and for the further security of the said C. D. we do hereby assign to him his executors or assignees such proportion of the said funds rates and revenues for the time being of the County Council as shall be equivalent to the said sum now paid

5TH SCH.
—cont.

to us and the interest thereon as aforesaid and for and in respect of the said interest we the County Council shall pay the several sums contained in the 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 us for the contents of such warrants. Declaring that the said C. D. and his foresaids shall not be entitled to make and that we shall not be bound to register any partial assignation of these presents or of the sums of money principal or interest herein contained and we consent to the registration hereof for preservation and execution.

In witness whereof these presents are subscribed and sealed at a meeting of the County Council held at
upon the _____ day of _____ one thousand
nine hundred and _____ years before these witnesses

(Witness) _____ Member of County Council.

(Witness) _____ Member of County Council.

County Clerk.

SIXTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Consolidated loans fund.")

SCHEME FOR THE ESTABLISHMENT AND ADMINISTRATION OF THE CONSOLIDATED LOANS FUND.

PART I.—PRELIMINARY.

SHORT TITLE AND INTERPRETATION.

1.—(1) This scheme may be cited as the County of Fife Consolidated Loans Fund Scheme 1940.

(2) The Interpretation Act 1889 applies to the interpretation of this scheme as it applies to the interpretation of an Act of Parliament and where by virtue of this scheme any enactment or any provision in an Order ceases to have effect section 38 of the Interpretation Act 1889 shall apply as if this scheme were an Act of Parliament.

(3) In this scheme unless the context otherwise requires—

6TH SCH.
—cont.

“ Appointed day ” means the 15th day of May 1940 or such succeeding 15th day of May as the County Council may determine;

“ Loans Fund ” means the consolidated loans fund established under this Scheme;

“ Year ” means the financial year ending on the 15th day of May;

“ Half-year ” means the financial half-year ending on the 11th day of November or the 15th day of May;

“ Advance ” means any capital moneys lent or deemed to have been lent from the Loans Fund to a borrowing account or to another local authority in the exercise of a statutory borrowing power;

“ Borrowing account ” means any account or fund of the County Council to which money has been lent or is deemed to have been lent from the Loans Fund;

“ Instalments ” in connection with the repayment of advances means—

(a) equal yearly or half-yearly instalments of principal (in this scheme referred to as “ fractional instalments ”); or

(b) such instalments of principal as when combined with interest on that portion of the advance which is outstanding will cast as nearly as may be an equal burden on each year or half-year of the unexpired portion of the period of the advance (in this scheme referred to as “ annuity instalments ”);

“ Statutory security ” has the meaning assigned to that expression by the Local Authorities Loans (Scotland) Act 1891;

“ Auditor ” means the auditor appointed by the Secretary of State under the Local Government (Scotland) Act 1929 to audit the accounts of the County Council.

COMMENCEMENT.

2. This scheme shall be deemed to have come into operation on the appointed day.

PART II.—ESTABLISHMENT OF THE LOANS FUND.

ESTABLISHMENT AND ACCOUNTS.

3.—(1) There shall be established by the County Council a fund called the consolidated loans fund.

6TH SCH.
—cont.

(2) Separate accounts shall be kept by the County Council in relation to the Loans Fund.

(3) In the accounts of the County Council relating to the Loans Fund items in the nature of capital shall be distinguished from items in the nature of revenue.

CAPITAL PAYMENTS AND TRANSFERS TO LOANS FUND.

4.—(1) Save as otherwise provided in this scheme there shall be paid to the Loans Fund by the County Council:—

- (a) All moneys borrowed by the County Council whether by issue of stock or other security in connection with the exercise of their borrowing powers;
- (b) All sums transferred by the County Council with due authority to the Loans Fund from any fund of the County Council to be utilised for the purpose of the exercise of any statutory borrowing power;
- (c) All moneys of a capital nature received by the County Council whether from the sale of capital assets or otherwise except such as are applied by the County Council with due authority to another capital purpose;
- (d) The appropriate sums provided in each year out of other funds or accounts of the County Council to comply with the terms and conditions as to repayments attaching to the several borrowing powers of the County Council;
- (e) Any instalments repaid to the County Council in respect of advances to other local authorities;
- (f) The sums provided by the County Council out of revenue under Part III of this scheme for the purpose of defraying deferred charges as hereafter provided or providing a reserve fund in respect of depreciation of investments of the Loans Fund; and
- (g) All premiums on issues of stock and profits on transactions of the Loans Fund.

(2) There shall be carried to the Loans Fund the balances unapplied whether represented by investments or not on the appointed day of all redemption funds or other moneys or sums described in paragraph (1) of this article:

Provided that no balance of loan money held for the purpose of a borrowing account shall be treated as an unapplied balance if it is needed to meet expenditure for the purpose for which it was provided.

(3) All moneys sums or balances to which the foregoing provisions of this article apply except in so far as premiums on issues of stocks and profits on transactions of the Loans Fund are applied to revenue purposes under the provisions of this scheme shall be deemed to be capital moneys of the Loans Fund.

REVENUE PAYMENTS AND TRANSFERS TO LOANS FUND.

6TH SCH.
—cont.

5.—(1) There shall also be paid to the Loans Fund—

- (a) All interest received by the County Council on or after the appointed day in respect of any moneys sums or balances to which the provisions of the preceding article of this scheme apply;
- (b) Any fines fees or other receipts applicable to revenue purposes arising from the transactions of the Loans Fund;
- (c) Any balances unapplied on the appointed day of interest or receipts mentioned in the foregoing provisions of this article;
- (d) A sum or sums necessary to meet the aggregate amount of all dividends and interest payable in each year on stock mortgages or other securities issued in exercise of any statutory borrowing power and remaining outstanding; and
- (e) Such further sums as the County Council are required by this scheme to pay to the Loans Fund in order to meet revenue expenses.

(2) All moneys sums or balances to which paragraph (1) of this article applies shall be deemed to be revenue moneys of the Loans Fund.

TRANSFER OF LIABILITIES TO LOANS FUND.

6. Save as otherwise provided in this scheme all liabilities of the County Council in respect of borrowed moneys outstanding on the appointed day shall be transferred to the Loans Fund.

VALUATION OF TRANSFERRED ASSETS AND LIABILITIES.

7.—(1) All investments by this scheme transferred to the Loans Fund shall be entered in the accounts of the Loans Fund at their market selling price on the appointed day.

(2) Any stock issued by the County Council the liabilities in respect of which are by this scheme transferred to the Loans Fund shall be entered in the accounts of the Loans Fund at the value at which the stock is to be redeemed.

PART III.—ADMINISTRATION OF LOANS FUND.

APPLICATION OF CAPITAL OF LOANS FUND.

8.—(1) Subject to the provisions of this scheme capital moneys forming part of the Loans Fund shall be used or applied by the County Council—

- (a) In the exercise of any statutory borrowing power by the transfer of the required amount to the appropriate fund

6TH SCH.
—cont.

and account of the County Council or where the County Council are empowered to advance moneys on loan to another local authority by the payment of the necessary sum to that local authority; or

- (b) In the redemption or repayment of loans or the purchase of stock for extinction; or
- (c) In defraying the expenses incurred by the County Council in the creation and issue of stock:

Provided always that in order to secure that a proportion of the repayments from the borrowing accounts to the Loans Fund shall be used solely for the purposes of redemption of debt to private lenders there shall be set aside annually to a redemption fund account twenty per centum of the total annual amount due to be received from the borrowing accounts by the Loans Fund in repayment of advances made.

The redemption fund created by setting aside the proportion of the annual amounts due to be received from the borrowing accounts as hereby authorised shall not be re-lent to borrowing accounts but will be available only for repayment to private lenders of advances made to the Loans Fund and may pending an opportunity for repayment to private lenders be invested in trustee securities.

(2) Any capital moneys of the Loans Fund not used or applied as directed by paragraph (1) of this article or about to be so used or applied within a reasonable period shall be invested in statutory securities and any sum received by the County Council on the realisation of any such security shall be repaid on receipt to the Loans Fund and except in so far as it consists of discount on money bills purchased by the County Council shall be treated as capital moneys.

(3) Capital moneys forming part of the Loans Fund shall not be used or applied otherwise than as prescribed by this scheme.

REDEMPTION OF DEBT.

9. The County Council shall so administer the capital moneys of the Loans Fund as to secure that at the date when the holders of any stock or other security become entitled to claim redemption thereof moneys sufficient for such redemption are available for the purpose.

USE OF RESERVE AND SUPERANNUATION FUNDS &c.

10. The County Council may if they think fit pay into the Loans Fund not more than twenty-five per centum of any moneys annually set aside to form part of any reserve superannuation capital or other similar fund (in this section referred to as "the lending fund") and not for the time being required and such

moneys shall be deemed to be moneys borrowed by the County Council and paid into the Loans Fund within the meaning of paragraph (1) of article 4 of this scheme and shall be used accordingly subject to the following conditions:—

6TH SCH.
—cont.

- (a) The moneys so used shall be repaid to the lending fund as and when required for meeting the obligations for which the lending fund was established; and
- (b) Interest shall be paid to the lending fund on any moneys so used and for the time being not repaid at such rate per centum per annum as may be determined by the County Council to be equal as nearly as may be to the average rate of interest payable by the County Council on their current borrowings.

APPLICATION OF REVENUE OF LOANS FUND.

11. The revenue moneys forming part of the Loans Fund shall be used or applied by the County Council—

- (a) In paying the interest upon loans as and when it falls due;
- (b) In paying the expenses connected with the raising of loans which are not defrayed out of capital moneys;
- (c) In providing the annual contributions in respect of deferred charges prescribed in this scheme; and
- (d) In meeting the other costs and charges connected with the administration or investment of the Loans Fund.

EXERCISE OF STATUTORY BORROWING POWERS.

12.—(1) Save as otherwise provided by this Scheme any statutory borrowing power exercisable by the County Council on or after the appointed day shall be exercised by them in the manner prescribed by this scheme and not otherwise (that is to say):—

- (a) By making from the capital moneys of the Loans Fund such advances to the borrowing account or other local authority as are required for the purpose for which the statutory borrowing power was obtained; and
- (b) By raising and carrying to the Loans Fund such loans as are necessary to enable that fund to make such advance or advances out of the capital moneys of the fund.

(2) The net loan debt of the County Council as calculated in the manner indicated in Part II of the Third Schedule to this scheme shall at no time exceed the net total of the exercised borrowing powers of the County Council as calculated in the manner indicated in Part I of that schedule.

6TH SCH.
—cont.

(3) The accounts and records of the Loans Fund and the published abstract of the accounts certified at the audit shall contain such particulars as are necessary for the purpose of showing that the requirements of this article are at all times duly observed.

CONDITIONS GOVERNING ADVANCES.

13.—(1) Any advance from the Loans Fund in the exercise of a statutory borrowing power shall be deemed to be due or owing by the appropriate borrowing account to the Loans Fund.

(2) The period within which any such advance is to be repaid to the Loans Fund shall be determined by the County Council upon the authorisation of the advance so however that the period of repayment shall not exceed that prescribed by the statutory borrowing power.

(3) The provisions of this article shall extend with such modifications as may be necessary to advances made by the County Council to another local authority.

REPAYMENT OF ADVANCES.

14.—(1) The County Council shall determine in each case in accordance with the terms of the statutory borrowing power the appropriate sums to be provided by a borrowing account in each year for the repayment of advances by fractional or annuity instalments and those sums shall be transferred to the Loans Fund on the last day of each year or if the County Council so direct on the last day of each half-year.

(2) The instalment shall as far as practicable be so adjusted as to be expressed in complete pounds.

(3) Where provision is made by the County Council for the repayment of an advance by annuity instalments the instalments shall not be based on a rate of interest exceeding three and a half per centum except with the approval of the Secretary of State.

(4) The provisions of this article shall extend with such modifications as may be necessary to advances made by the County Council to another local authority.

REGISTER OF ADVANCES.

15.—(1) The county treasurer shall keep a register of advances showing in respect of each statutory borrowing power of the County Council its amount and purpose and the period of repayment and when an advance from the Loans Fund is made or deemed to have been made shall enter therein the amount and date of the advance and the amounts of the instalments which are to be repaid to the Loans Fund and the dates

on which those instalments are payable and where the advance has been made to another local authority the terms and conditions attaching to such advance.

6TH SCH.
—cont.

(2) Where repayment of the advance is to be made by annuity instalments a list of the instalments due in each year or half-year of the period of repayment shall be entered and totalled in the register immediately after the approval of this scheme or the date of the advance as the case may be.

(3) Where the future instalments are reduced by reason of any special repayment made by the borrowing account a further entry shall be made in the register giving the particulars of the reduction.

BORROWING POWERS EXERCISED BEFORE APPOINTED DAY.

16.—(1) Any money borrowed by the County Council which before the appointed day has been appropriated to the purposes of any statutory borrowing power less—

- (a) the amount by which the loan has been reduced by repayment or extinction before the appointed day;
- (b) the market selling value on the appointed day of any redemption fund provided in connection therewith; and
- (c) the amount of any unexpended balance of the money borrowed which is transferred to the Loans Fund;

shall be deemed to have been provided by means of an advance from the Loans Fund to the appropriate borrowing account.

(2) The net amounts of the advances so calculated shall be entered by the county treasurer in the register of advances together with particulars of the appropriate instalments to be repaid during the remainder of the period prescribed by the statutory borrowing power.

(3) Where before the appointed day provision is being made for the repayment of any loan raised by the County Council by an accumulating redemption fund or by annuity instalments the County Council may if they think fit determine that the instalments to be transferred to the Loans Fund during the remainder of the period prescribed by the statutory borrowing power shall be fractional instalments.

APPLICATION OF SPECIAL CAPITAL RECEIPTS.

17. Whenever capital moneys received by the County Council are paid into the Loans Fund under paragraph (1) (c) of article 4 of this scheme—

- (a) If any part of the advance in respect of which the capital moneys have been received is outstanding the moneys

6th Sch.
—cont.

shall be applied in the reduction of such advance and the instalments of principal to be repaid to the Loans Fund may be adjusted as if a repayment had been made of the principal advanced from the Loans Fund of equal amount to the capital moneys so applied;

- (b) If the advance in respect of which the capital moneys have been received has been wholly repaid or the said capital moneys are greater than the amount of the advance outstanding or if there is no advance to which the capital moneys have reference the capital moneys or the balance thereof shall be treated as a loan to the Loans Fund from the fund or account to which they belong and interest thereon shall be charged to the Loans Fund and credited to the fund or account while the moneys form part of the Loans Fund Provided that the County Council may if they think fit apply the said capital moneys or balance thereof in the reduction of some other advance (if any) to the fund or account to which they belong or if there be no such advance in reduction of such other advance as the County Council may determine.

SPECIAL ADVANCES.

18. In the case of any borrowing accounts for which loans have been raised at abnormal rates of interest (such loans being herein referred to as "special advances") the County Council with the approval of the Secretary of State may determine that such borrowing accounts shall pay to the Loans Fund interest on such special advances at such rate and for such period as may be prescribed in lieu of any other payment of interest on the special advance.

INTEREST.

19.—(1) The net amount of the interest payable by the County Council on loans after the deduction of interest receivable on investments and on loans advanced to other local authorities and of interest charged to the borrowing accounts in respect of special advances above-mentioned and after allowing for any sums directed by this scheme to be debited or credited to the interest account shall be apportioned at the end of each year between the several borrowing accounts in the manner following:—

- (a) There shall first be charged or allowed to each borrowing account in respect of any advance or repayment of an advance which has been made or received during the currency of the year the appropriate amount in respect of the period between the date of the advance or repayment and the end of the year calculated at the rate

per centum which would be payable by the County Council on loans raised at the time of such advance or repayment;

- (b) Interest on existing loans from the Public Works Loan Commissioners and interest on loans which are repayable by instalments extending over the whole period of the statutory borrowing power and which are shown by the deed to be raised in the exercise of a particular borrowing power mentioned therein and interest on existing local housing bonds shall be charged to the account or accounts liable for the payment of interest on such debt and in the case of any advance for a purpose in respect of which any government grant in aid is receivable such special charge may be made to such department of the County Council as may be approved by the government department concerned;
- (c) The remainder of the net amount shall be apportioned between the borrowing accounts in the proportion which the outstanding advances to each borrowing account at the commencement of the year then ending bears to the total at such commencement of the outstanding advances to all the borrowing accounts:

Provided that in their discretion the County Council may subject to paragraph (b) of this article apportion the total interest for each year among the departments of the County Council in proportion to the average balances of indebtedness during the year of each department. If this method of apportionment is adopted the balance of indebtedness shall be adjusted by monthly transfers between the Loans Fund and departments and the monthly balance so obtained for each department shall form the basis for calculating the average balance of indebtedness during the year.

(2) If the County Council shall direct that interest shall be apportioned on the last day of each half-year references in paragraph (1) of this article to the year shall be read as references to the half-year while that direction remains in force.

DEFERRED CHARGES.

20.—(1) The expenses incurred in the creation and issue of stock shall be defrayed out of the capital moneys of the Loans Fund and shall together with any discount liability which has been assumed by the County Council in respect of the redemption of stock at a value exceeding the price at which the stock was issued be treated as deferred charges.

(2) Such proportion of the deferred charges incurred in respect of each issue of stock as corresponds with the proportion

6TH SCH.
—cont.

which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the County Council shall be defrayed in each year out of the revenue moneys of the Loans Fund and debited in so far as it relates to discounts to the interest account and in so far as it relates to expenses to the Loans Fund expenses account.

PREMIUMS RECEIVED ON ISSUES OF STOCK.

21. The expenses incurred by the County Council on an issue of stock shall be a first charge on any sums received as premiums in respect of that issue and such proportion of the remainder (if any) of the sums so received as corresponds with the proportion which one year bears to the number of complete years which will elapse before that stock first becomes redeemable by the County Council shall be appropriated in each year to the revenue purposes of the Loans Fund and credited to the interest account.

INVESTMENTS OF LOANS FUND ON OR AFTER APPOINTED DAY.

22. Any investment of moneys of the Loans Fund made on or after the appointed day shall be entered and stand in the accounts of the Loans Fund at its cost price exclusive of the expenses of investment.

DEPRECIATION OF LOANS FUND INVESTMENTS.

23.—(1) A valuation shall be made after the end of each year of the investments of the Loans Fund and upon the total selling value of those investments first being found to fall short of the total value at which the investments are entered in the accounts of the Loans Fund the total depreciation shall forthwith be treated as a loss in the accounts of the Loans Fund and a sum equal to the amount thereof shall be carried to a reserve fund in the accounts of the Loans Fund.

(2) Any increase or decrease of the total depreciation of investments ascertained under paragraph (1) of this article which may be found to exist upon a revaluation made at the close of any subsequent year shall forthwith be treated in the accounts of the Loans Fund as a loss or profit as the case may be and the amount of the reserve shall at the same time be adjusted to agree with the net depreciation found on that revaluation.

(3) The reserve fund authorised by this article may be applied in defraying any loss arising on the sale of any investment of the Loans Fund.

PROFITS AND LOSSES.

6TH SCH.
—cont.

24.—(1) The net profit or loss which has arisen during any year on—

- (a) the realisation of investments;
- (b) the repayment of loans; or
- (c) the purchase of stock annuities or other securities of the County Council below or above the value at which they stand in the books of the Loans Fund;

shall be ascertained at the end of the year.

(2) The net profit or loss ascertained under paragraph (1) of this article together with the amount of any depreciation in the value of the investments of the Loans Fund which by the preceding article of this scheme is required to be treated as a loss shall in so far as the net profit or loss does not exceed the product of a rate of one penny in the pound levied on the whole landward part of the county be transferred to the credit or debit of the Loans Fund expenses account at the close of the year and the remainder shall be carried forward.

(3) If after the transfer required by paragraph (2) of this article has been made there remains a balance of profit or loss greater than three times the product of a rate of one penny in the pound levied on the whole landward part of the county or if there is reason to anticipate that such a balance is about to arise the County Council shall forthwith submit to the Secretary of State for his approval a scheme for the application or liquidation of the balance and the scheme as approved with or without amendment by the Secretary of State shall be carried into effect by the County Council.

(4) Subject to the provisions of paragraph (3) of this article any balance of profit carried forward under the provisions of this article shall be treated as capital moneys of the Loans Fund and as a deferred credit in the accounts of that fund and any balance of loss so carried forward shall be temporarily defrayed by the capital moneys of the Loans Fund and treated as a deferred charge in the accounts of that fund.

LOANS FUND EXPENSES.

25.—(1) There shall be brought together in one total for each year all revenue expenditure exclusive of interest in connection with the Loans Fund but including—

- (a) any cost in connection with the raising of loans (other than expenses of the issue of stock which under this scheme are treated as deferred charges);

6TH SCH.
—cont.

- (b) any annual contribution to meet deferred charges so far as they relate to expenses of issue;
- (c) any proportion of losses debited to the Loans Fund expenses account of the year under the preceding article of the scheme; and
- (d) any other expenses incurred in and about the management or investment of the fund including such proportion of the remuneration of officers and general office expenditure as may reasonably be allocated to the fund.

(2) There shall be deducted from the total expenditure mentioned in paragraph (1) of this article—

- (a) any items which are specifically chargeable to borrowing accounts or other local authorities;
- (b) any proportion of profits credited to the Loans Fund expenses account of the year under this scheme; and
- (c) any fees fines or other revenue receipts of the Loans Fund;

and the remainder shall be apportioned between the borrowing accounts in the proportion which the advances to each borrowing account outstanding on the last day of the year bears to the total of all such advances provided that the County Council may if they think fit make the apportionment required under this article on the basis contained in the proviso to paragraph (1) of article 19 hereof.

PROVISION TO MEET REVENUE CHARGES OF LOANS FUND.

26. The sums from time to time required to meet the revenue charges of the Loans Fund shall as far as reasonably practicable be provided by the borrowing accounts at such times as will enable those charges to be met as they arise.

PART IV.—ACCOUNTS RETURNS &C.

LEDGER ACCOUNTS.

27.—(1) The county treasurer shall keep such ledger accounts as are prescribed by this article or are needed for the purpose of presenting a full and correct account of the transactions of the Loans Fund.

(2) The ledger accounts prescribed by this article shall be kept on the double entry system and shall include—

A—Personal Accounts of—

Officers:

The county treasurer (in a cash book showing separately capital and revenue moneys);

The registrar of stock;
Any other officer having cash transactions in respect of
the Loans Fund.

6TH SCH.
—cont.

Creditors:

Stockholders in respect of each class of stock;
Mortgagees in respect of loans;
Other lenders (if any) in respect of annuities debentures
money bills or any other class of loan;
The County Council in respect of loans from other funds
to the Loans Fund;
Inland revenue in respect of income tax deductions;
Lenders in respect of unclaimed interest;
Other creditors (if any).

Debtors:

Borrowing accounts in respect of advances from the
Loans Fund;
Other local authorities in respect of advances from the
Loans Fund;
Governments corporations or other persons in respect of
investments held by the County Council;
Other debtors (if any).

B—Impersonal Accounts of—

Deferred charges;
Deferred credits;
Profits and losses;
Interest due to and from the Loans Fund;
Loans Fund expenses.

C—Loans Fund balance sheet.

STATEMENT AS TO BORROWING POWERS.

28.—(1) At the close of each year the county treasurer shall prepare a statement showing in respect of each statutory borrowing power and in appropriate columns—

- (a) the date authority purpose period and amount of the power;
- (b) the date and amount of each advance in the exercise of the power; and
- (c) the amount of each advance outstanding at the commencement of the year the amount repaid to the Loans Fund during the year the amount outstanding at the end of the year and the number of years over which the remaining repayment is to be spread.

(2) The statement required by this article may if the County Council so decided include the prescribed particulars for a series of years instead of the prescribed particulars for a single year

6TH SCH.
—cont.

ABSTRACT OF ACCOUNTS AND STATISTICAL STATEMENT.

29.—(1) At the close of each financial year the county treasurer shall prepare an abstract of the accounts of the Loans Fund for that year showing the particulars contained in the First Schedule to this scheme or such other particulars as the County Council or the Secretary of State may require.

(2) At the close of each financial year the county treasurer shall also prepare a statistical statement as to the financial position of the County Council giving such information as is set out in the Second Schedule to this scheme and such further information as the County Council or the Secretary of State may require.

(3) The abstract of accounts and the statistical statement required by this article duly certified by the county treasurer shall be included in and form part of the annual abstract of accounts of the County Council.

(4) The accounts relating to the Loans Fund shall be subject to audit in like manner as all the accounts of the County Council contained in the annual abstract of accounts and the provisions of section 15 of the Local Government (Scotland) Act 1929 as read with the Third Schedule to that Act and the regulations made by the Secretary of State thereunder shall have effect accordingly.

(5) Upon completion of the audit a report shall be entered by the auditor on the balance sheet of the Loans Fund in the following form or as near thereto as the circumstances may admit:—

“ I have audited the accounts of which the foregoing is an abstract and I do hereby certify—

- (a) That the above balance sheet presents a true and complete statement of the loan debt of the County Council on the 15th day of May and of the advances owing on that day to the Consolidated Loans Fund by the several borrowing accounts of the County Council and by other local authorities;
- (b) That the said loan debt and advances are respectively within the statutory borrowing powers of the County Council;
- (c) That all conditions attaching to those borrowing powers in regard to repayment and provision for repayment have been duly observed by the County Council; and
- (d) That during the year all sums of money required by the County of Fife Consolidated Loans

Fund Scheme 1940 to be paid into the Consolidated Loans Fund have been so paid and have been duly allocated to capital or revenue in accordance with the provisions of that scheme."

6TH SCH.
—cont.

(6) In the event of such report by the auditor, at any time showing that the County Council have failed duly to make payments of interest and the appropriate periodical sums required to be set aside for the repayment of advances made from the Loans Fund as aforesaid it shall be competent for the Secretary of State to apply summarily to the court of session to compel the County Council to make such payments and the said court shall thereupon pronounce such judgment or order as they may consider just and may decern for the expenses of such application.

REGISTERS OF MORTGAGES &C.

30. Such registers of mortgages and stock and of transfers of mortgages and stock as are now required to be kept by the county treasurer or by the register of stock shall continue to be kept by those officers.

LOANS FROM THE PUBLIC WORKS COMMISSIONERS AND OTHER LOANS EXCLUDED FROM THIS SCHEME.

31.—(1) Save as provided in this article the provisions of this scheme shall not extend to moneys borrowed or to be borrowed by the County Council—

- (a) from the Public Works Loan Commissioners; or
- (b) which are repayable by instalments extending over the whole period of the statutory borrowing power; or
- (c) by the issue of local bonds for housing.

(2) For the purpose of enabling the accounts of the Loans Fund to comprise a complete record of the transactions of the County Council in relation to loans particulars of the loans to which paragraph (1) of this article applies of the appropriations of those loans and of the receipt and payment of interest and other items in respect thereof shall be included in the accounts of the Loans Fund and in the statements and abstracts prepared therefrom.

SAVING FOR EXISTING SECURITIES.

32. Nothing in this scheme shall prejudice or affect any mortgage or other security which has been granted in respect of any moneys borrowed by the County Council or any priority attaching thereto or the powers of any person entitled under any such mortgage or other security to enforce the same as if

6TH SCH.
—cont.

this scheme had not been approved and where for the purpose of enforcing the security it is necessary to continue the exercise of a power which would have existed but for this scheme the power may continue to be exercised as if this scheme had not been approved.

SAVING PROVISION.

33. Nothing in this scheme shall affect any enactment defining the methods by which the County Council may borrow money or the security for moneys borrowed by the County Council.

BANK ACCOUNTS.

34. The County Council may make such regulations regarding their banking account or accounts as they may think fit.

INVESTIGATION OF LOANS FUND.

35. It shall be in the discretion of the Secretary of State to investigate the administration of the Loans Fund from time to time as he may determine.

REVISION OF SCHEDULE.

36. The Secretary of State may from time to time at the request of the County Council make such additions to or alterations in this schedule as may be found to be necessary or desirable and thereupon such additions or alterations shall be given effect to as if they had been enacted in this scheme.

FIRST SCHEDULE.

ABSTRACT OF ACCOUNTS.

A.—CAPITAL TRANSACTIONS OF LOANS FUND IN YEAR ENDED 15TH MAY 19

	£	£	£	£
<i>Amounts applied in loan repayment.</i>				
To Stockholders £ of per cent. " A "				
Stock—Stock redeemed				
" Stockholders £ of per cent. " B "				
Stock—Stock purchased for extinction				
" Mortgagees—aggregate amount repaid in year				
" Bond holders—amount repaid in year				
" Decrease of amount owing to bank				
" Other lenders				
<i>Applications of capital money in exercise of borrowing powers.</i>				
Authority.			Conditions in regard to repayment.	
Purpose.				
To Loans Fund losses temporarily borne by loan (if any)				
" Application of premiums on stock and bond issues (if any) in reduction of revenue charges of year.				
Balance unapplied at end of year—				
Invested				
Uninvested				
				£
<i>Amounts raised by loan.</i>				
By per cent. Stock redeemable				
Nominal amount £				
Local bonds—Average interest per cent.				
" Mortgages subject to instalment repayment—Average interest per cent.				
" Mortgages not subject to instalment repayment—Average interest per cent.				
" Increase of debt to bank				
" Other method of borrowing (if any)				
" Advances from other funds of the County Council giving in each case the source and the rate of interest				
" Total raised by loan during year				
<i>Other capital receipts.</i>				
Capital receipts applied in reduction of outstanding advances				
" Loans Fund profits temporarily applied to capital purposes (if any)				
" Annual instalments repaid by borrowing accounts				
" Annual instalments from revenue in respect of stock and bond discounts and expenses etc.				
Balance unapplied at beginning of year—				
Invested				
Uninvested				
				£

B.—REVENUE TRANSACTIONS OF LOANS FUND IN YEAR ENDED 15TH MAY 19

6TH SCH.
—cont.

Ch. xliii.

Fife County Council
Order Confirmation Act, 1940.

3 & 4 GEO. 6.

Interest transactions.
To Dividends on stock - - - - -
" Interest on mortgages etc. - - - - -
" Interest on local bonds - - - - -
" Interest on bank overdrafts (if any) - - - - -
" Year's contribution in respect of stock
and bond discounts - - - - -

Other financing transactions.

To Loans Fund expenses—
Year's contribution towards expenses
of stock and bond issues - - - - -
Stamp duty and other expenses in
raising loans - - - - -
Composition for stamp duty on
transfers - - - - -
Remuneration of stock registrar - - - - -
Office expenses—share allotted to
Loans Fund - - - - -
Other Loans Fund expenses - - - - -
" Net loss on realisation (or revaluation)
of investments or on redemption of
debt transactions - - - - -
(If only part has been charged in year
state amount carried forward) - - - - -

	£		£
<p><i>Interest transactions.</i> By Interest on investments - - - - - " Interest on bank balances (if any) - - - - - " Interest on P.W.L.C. and other similar loans - - - - - " Interest on local bonds etc. from housing accounts - - - - - " Dividends on "A" Stock - - - - - " Dividends on "B" Stock - - - - - " Interest charged to borrowing accounts at average rate of - - - - - per cent. " Year's share of premiums on stock and bond issues - - - - -</p>	£	<p><i>Other financing transactions.</i> By sundry receipts— Fees - - - - - Fines—repayment of loans before maturity - - - - - Other loans fund receipts - - - - - " Financing expenses charged to borrow- ing accounts— In specific amounts - - - - - At average rate of - - - - - per cent.</p>	£
<p><i>Interest transactions.</i> To Dividends on stock - - - - - " Interest on mortgages etc. - - - - - " Interest on local bonds - - - - - " Interest on bank overdrafts (if any) - - - - - " Year's contribution in respect of stock and bond discounts - - - - -</p>	£	<p><i>Other financing transactions.</i> Year's contribution towards expenses of stock and bond issues - - - - - Stamp duty and other expenses in raising loans - - - - - Composition for stamp duty on transfers - - - - - Remuneration of stock registrar - - - - - Office expenses—share allotted to Loans Fund - - - - - Other Loans Fund expenses - - - - - " Net loss on realisation (or revaluation) of investments or on redemption of debt transactions - - - - - (If only part has been charged in year state amount carried forward) - - - - -</p>	£

CAPITAL BALANCES.		£	£	£
<i>Outstanding capital liabilities.</i>				
Stock holders—				
The nominal or face value of each denomination of stock or debenture giving rate of dividend and redemption dates				
Mortgagees—				
Loans subject to instalment repayment	-			
Loans not subject to instalment repayment	-			
Local bond holders	-			
Bank—loans on overdraft	-			
Other lenders	-			
Other funds of the County Council	-			
				£
<i>Deferred credits.</i>				
In respect of premiums received and Loans Fund profits carried forward	-			
				£
<i>Capital assets.</i>				
Investments.				
(for details see statement of investments at p.)				
Capital money in hand uninvested (if any)	-			
				£
<i>Application of Capital.</i>				
Outstanding balances of advances from Loans Fund to other accounts of the County Council as in annual statement				
				£
<i>Deferred charges.</i>				
In respect of stock and bond discounts and expenses and of Loans Fund losses carried forward	-			
				£
REVENUE BALANCES.		£	£	£
Lenders—Interest due for payment but not paid (if any)	-			
Unclaimed Dividends or Interest (if any)	-			
Creditors—				
Departmental Accounts	-			
Sundry Persons	-			
				£
Cash in hand—				
Bank	-			
Stock Registrar	-			
Debtors—				
Departmental Accounts	-			
Sundry Persons	-			
				£

6TH SCH.
—cont.

D.—STATEMENT AS TO INVESTMENTS.

Name and description of security.	Nominal value.	Balance sheet value at 16th May.	Proceeds of sale (excluding expenses).
<i>Investments realised during year—</i>	£	£	£
<i>Investments held throughout year—</i>		Balance sheet value at 16th May. £	Balance sheet value at close of year. £
<i>Investments acquired during year—</i>		Cost (excluding expenses). £	Balance sheet value at close of year. £

SECOND SCHEDULE.

6TH SCH.
—cont.

LOANS FUND STATISTICAL STATEMENT.
15TH MAY 19

I.—PARTICULARS OF BORROWING POWERS.

<i>A.—Powers unexercised.</i>	£	£
Borrowing powers unexercised at commencement of year - - - - -		
<i>Add—</i>		
Borrowing powers granted during the year—		
(a) Specific amounts authorised under Local Acts and sums borrowed under Local Acts giving power to borrow “the sum requisite” - - - - -		
(b) Amounts sanctioned by County Council -		
<i>Deduct—</i>		
Borrowing powers lapsed cancelled or given up during the year - - - - -		
Borrowing powers exercised during the year -		
 Borrowing powers unexercised at 15th May 19 - - - - -	 £	
<i>B.—Powers exercised.</i>		
Borrowing powers exercised before commencement of year (where period for repayment not yet expired) - - - - -		
Borrowing powers exercised during the year. - -		
Total borrowing powers exercised -		
<i>Deduct—</i>		
Repayments made in respect of above before commencement of year - - - - -		
Instalments repaid during year in order to comply with the repayment conditions of the borrowing powers - - - - -		
Special repayments (if any) made during the year - - - - -		
 Net total (agreeing with total of outstanding advances as shown in balance sheet)	 £	

6TH SCH.
—cont.

	£	Per-centage of total.
<i>Purposes to which the above total has been applied.</i>		
(a) Reproductive works viz.		
Undertakings - - - - -		
(b) Loans to other persons and rechargeable works -		
(c) Housing—		
Under Act of 1919 - - - - -		
Under other Acts - - - - -		
(d) Other lands and buildings including equipment		
(e) Other public works—road sewer etc. works -		
(f) Deferred charges—stock and bond discounts and expenses - - - - -		
	£	100

II.—PARTICULARS OF LOAN DEBT.

	Amounts as per balance sheet.	
	£	£
Total outstanding debt to outside lenders (nominal value) - - - - -		
Total outstanding debt to other funds of the County Council - - - - -		
Gross debt - - - - -		
<i>Less</i> —Amounts available for redemption—		
Investments (as per balance sheet) - - - - -		
Cash in hand - - - - -		
Net Debt - - - - -	£	

Reconciliation (if needed) of net debt with net total of borrowing powers exercised. Part I.B.

Net debt (as above) - - - - -	£
Premiums and profits applied to capital purposes - - - - -	
<i>Deduct</i> —Losses temporarily defrayed out of capital - - - - -	
Total (agreeing with Net Total of borrowing powers exercised) - - - - -	£

SEVENTH SCHEDULE.

PART I.

THE SECTIONS AND PARTS OF SECTIONS OF THE BURGH POLICE (SCOTLAND) ACT 1892 AND OF THE BURGH POLICE (SCOTLAND) ACT 1903 REFERRED TO IN THE SECTION OF THIS ORDER OF WHICH THE MARGINAL NOTE IS "ADOPTION OF SECTIONS OF BURGH POLICE (SCOTLAND) ACTS."

The Burgh Police (Scotland) Act 1892—

- Section 164 (Rain water to be conveyed from roofs of houses in pipes);
- Section 188 (Penalty for not lighting deposits of building materials or excavations);
- Section 223 (Throwing rubbish into streams);
- Section 249 (Penalty for introducing ashes into soilpipes);
- Section 289 (Penalty for wilfully setting chimneys on fire);
- Section 290 (Penalty for allowing chimneys to catch fire);
- Section 381 (Penalties for certain police offences) subsections (18) (22) (23) (26) (28) (35) (48) (52) and (53) as amended by section 104 (Portions of principal Act repealed or amended) subsection (2) (x) of the Burgh Police (Scotland) Act 1903;
- Section 395 (Theatres &c. to be licensed);
- Section 396 (Terms of licence);
- Section 397 (Public shows &c. not to be opened or set up in burgh without sanction of magistrates);
- Section 398 (Burden of proof of licences);
- Section 400 (Penalty for breach of byelaws);
- Section 401 (Constables may enter certain premises);
- Section 402 (Unlicensed theatres may be entered and occupants removed);
- Section 403 (Suppression of brothels);
- Section 406 (Penalty against practising games of hazard &c.);
- Section 407 (Gaming houses);
- Section 409 (Known or reputed thieves may be apprehended &c.);

7TH SCH.
—cont.

- Section 412 (Goods &c. found to be reported to police office) as read with section 30 (Lost property) of the Road Traffic Act 1934;
- Section 413 (Goods stolen or fraudulently disposed of to be delivered up to owner);
- Section 414 (How stolen or unclaimed goods to be kept);
- Section 415 (Unclaimed stolen property &c. to be disposed of);
- Section 433 (Brokers to be licensed);
- Section 434 (Brokers to furnish a description of their premises and keep books);
- Section 435 (Brokers to retain articles for fourteen days after having received them);
- Section 436 (Brokers to produce articles and books on demand);
- Section 437 (Pawnbroker to produce his book on demand);
- Section 438 (Brokers &c. to report stolen goods under a penalty for neglect);
- Section 439 (If stolen articles be altered or defaced by broker he shall be held to be resetter of stolen goods);
- Section 440 (Brokers not to carry on business of publicans nor to purchase tickets of pawnbrokers);
- Section 441 (Pawnbrokers not to act as brokers and brokers not to take articles in pledge);
- Section 442 (Pawnbroker and broker not to carry on business in the same premises);
- Section 443 (Penalty on brokers transacting business with persons under fourteen years of age);
- Section 444 (Penalty on brokers transacting business between certain hours);
- Section 445 (Penalty on pawnbrokers &c. purchasing tickets or clothing issued by charitable institutions);
- Section 446 (Pawnbrokers not to keep smelting pots);
- Section 447 (Brokers to have their names painted over shop doors);
- Section 448 (Brokers &c. may detain suspected persons offering goods for pledge or sale);
- Section 449 (Provisions applicable to a dealer in marine stores);
- Section 450 (Penalty on carrying on business without licence and other offences);

3 & 4 GEO. 6. *Fife County Council* **Ch. xliii.**
Order Confirmation Act, 1940.

- Section 451 (Licences may be suspended or revoked);
 Section 452 (Saving for ship chandlers or ropemakers);
 Section 453 (Offences by brokers pawnbrokers and dealers
 in marine stores to be police offences).

7TH SCH.
 —cont.

The Burgh Police (Scotland) Act 1903—

- Section 18 (Owners to maintain vaults and footway);
 Section 80 (Byelaws for theatres and other places of
 amusement);
 Section 81 (Billiard rooms &c. to be licensed).

PART II.

FOR THE PURPOSES OF THE ADOPTION OF THE ABOVE SECTIONS AND PARTS OF SECTIONS BY THE COUNTY COUNCIL THE WORDS AND EXPRESSIONS IN THE THIRD COLUMN OF THE FOLLOWING TABLE TO BE SUBSTITUTED FOR THE WORDS AND EXPRESSIONS IN THE SECOND COLUMN WHERE OCCURRING IN THE SAID SECTIONS AND PARTS OF SECTIONS.

Title of Act.	Nos. of sections and words and expressions occurring therein.	Words and expressions to be substituted in application of sections to county.
Burgh Police (Scotland) Act 1892.	Section 164. "commissioners" - - "and where any railway bridge aqueduct or canal crosses any footpath or public thoroughfare the owner thereof shall erect and place an iron or zinc screen under such bridge to carry off the rain water or the moisture that flows from or percolates through the bridge to prevent the same falling on persons passing along such footpath or public thoroughfare and any such owners failing to erect or place such screen shall be liable to a penalty of forty shillings for every day that default is made	"County Council." "and where any rain water or moisture flows from or percolates through any railway bridge aqueduct or canal crossing any footpath or public thoroughfare in such quantity as to cause discomfort to persons passing along such footpath or public thoroughfare or to affect injuriously the surface of such footpath or public thoroughfare the owner thereof shall erect and place an iron or zinc screen under such bridge to carry off any such rain water or moisture or shall take such

7TH SCH.
—cont.

Title of Act.	Nos. of sections and words and expressions occurring therein.	Words and expressions to be substituted in application of sections to county.
Burgh Police (Scotland) Act 1892.	Section 164— <i>cont.</i> after being required by the commissioners to comply with this enactment."	other means as may be necessary to prevent the same falling on persons passing along such foot-path or public thoroughfare and any such owner failing to erect or place such screen or take such measures shall be liable to a penalty of forty shillings for each day that default is made after being required by the County Council to comply with this enactment."
	Section 188. "streets" - - - "commissioners" - - -	"roads." "County Council."
	Section 223. "magistrate" - - - "burgh" - - -	"sheriff or any two or more justices of the peace." "county."
	Section 290. "magistrate" - - -	"sheriff or any two or more justices of the peace."
	Section 381. "street" - - - "burgh" - - -	"road." "county."
	Section 395. "burgh" - - - "magistrates" - - -	"county." "County Council."
	Section 396. "magistrates" - - - "burgh" - - -	"County Council." "county."
	Section 397. "burgh" - - - "magistrates" - - -	"county." "County Council."

Title of Act.	Nos. of sections and words and expressions occurring therein.	Words and expressions to be substituted in application of sections to county.
Burgh Police (Scotland) Act 1892.	Section 400. "magistrates" - -	"County Council."
"	Section 402. "any magistrate" - - "magistrates" - -	"the sheriff or any justice of the peace." "County Council."
"	Section 403. "magistrate" (where first occurring) "magistrate" (where second occurring) "burgh prosecutor" - - "this Act" - - - "two magistrates" - -	"sheriff or any justice of the peace." "sheriff or justice of the peace (as the case may be)." "procurator fiscal or justice of peace fiscal (as the case may be)." "the County Council." "two or more justices of the peace."
"	Section 407. "collector of police, and applied in the same way and manner as penalties under this Act are directed to be applied."	"the county collector and carried to the credit of the consolidated rate."
"	Section 409. "street" - - - "magistrate" - - - "applied for the purposes of this Act."	"road." "sheriff or any two or more justices of the peace." "paid to the county collector and carried to the credit of the consolidated rate."
"	Section 412. "magistrate" (where first occurring) "magistrate" (where subsequently occurring)	"sheriff or any justice of the peace." "sheriff or justice of the peace."
"	Section 413. "any magistrate" - - "magistrate" (where subsequently occurring)	"the sheriff or any justice of the peace." "sheriff or justice of the peace."

7TH SCH.
—cont.

Title of Act.	Nos. of sections and words and expressions occurring therein.	Words and expressions to be substituted in application of sections to county.
Burgh Police (Scotland) Act 1892.	"magistrate's order" -	"order of the sheriff or any justice of the peace."
	Section 415.	
	"magistrate" - - -	"sheriff or any justice of the peace."
	"applied for the purposes of this Act."	"paid to the county collector and carried to the credit of the consolidated rate."
	Section 433.	
	"this Act" - - -	"this Order."
	"burgh" - - -	"county."
	"magistrates" - - -	"County Council."
	"clerk" - - -	"county clerk."
	Section 434.	
	"clerk" - - -	"county clerk."
	Section 435.	
	"a magistrate" - - -	"the sheriff or any two or more justices of the peace."
	Section 436.	
	"police court" - - -	"sheriff or justice of peace court."
	"a magistrate" (where first occurring)	"the sheriff or a justice of the peace."
	"satisfaction of the magistrate"	"satisfaction of the sheriff or a justice of the peace."
	"a magistrate" (where second occurring)	"the sheriff or any two or more justices of the peace."
	Section 438.	
	"magistrate" - - -	"sheriff or any two or more justices of the peace before whom the offence may be tried."
Section 439.		
"magistrate" - - -	"sheriff or any justice of the peace."	
Section 448.		
"a magistrate" - - -	"the sheriff or any justice of the peace."	
"the magistrate" (where first and second occurring)	"the sheriff or justice of the peace."	
"in the absence of the magistrate or burgh prosecutor"	Omit.	

Title of Act,	Nos. of sections and words and expressions occurring therein.	Words and expressions to be substituted in application of sections to county.
Burgh Police (Scotland) Act 1892.	<p>“ discharged or liberated ”</p> <p>Section 449.</p> <p>“ magistrates ” - - -</p> <p>“ clerk ” - - -</p> <p>Section 450.</p> <p>“ burgh ” - - -</p> <p>Section 451.</p> <p>“ any magistrate or court ”</p> <p>“ magistrate or court ” (where second occurring)</p>	<p>“ discharged or pending such examination as aforesaid shall be liberated.”</p> <p>“ County Council.”</p> <p>“ county clerk.”</p> <p>“ county.”</p> <p>“ the sheriff or any two or more justices of the peace.”</p> <p>“ sheriff or justices of the peace.”</p>
Burgh Police (Scotland) Act 1903.	<p>Section 18.</p> <p>“ Where any footway is taken over or is maintainable by the town council ”</p> <p>“ town council ” (where second occurring)</p> <p>Section 80.</p> <p>“ town council ” - - -</p> <p>“ burgh ” - - -</p> <p>“ penalty he may incur under the Burgh Police Acts ”</p> <p>“ principal Act or any local Police Act as the case may be.”</p> <p>“ Section 400 of the principal Act ”</p> <p>Section 81.</p> <p>“ under the immediately preceding section ”</p> <p>“ magistrates ” - - -</p>	<p>“ Where any footway is taken over by the County Council or is maintainable by the County Council.”</p> <p>“ County Council.”</p> <p>“ County Council.”</p> <p>“ within the licensing district of the county in which the premises are situated.”</p> <p>“ penalty he may incur.”</p> <p>“ Local Government (Scotland) Act 1889.”</p> <p>“ Section 400 of the Burgh Police (Scotland) Act 1892 as applied to the county by this Order.”</p> <p>“ from the County Council ”</p> <p>“ County Council.”</p>

7TH SCH.
—cont.

EIGHTH SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Repeal of Acts.")

PART I.

Session and chapter.	Title of Act or Order.	Extent of repeal.
39 & 40 Vict. c. xciv.	Public Health (Scotland) Act 1867 Order Confirmation (Wemyss) Act 1876.	The whole Act.
57 & 58 Vict. c. xli.	Wemyss and Buckhaven Methil and Innerleven Water Supply Confirmation Act 1894.	The whole Act.
4 Edw. 7. c. cxlvi.	Dunfermline District Water Order Confirmation Act 1904.	The whole Order.
10 Edw. 7 & 1 Geo. 5. c. cv.	Wemyss and District Water Order 1910.	The whole Order.
2 & 3 Geo. 5. c. clxix.	Kirkcaldy District Water Order 1913.	The whole Order.
3 & 4 Geo. 5. c. clvi.	Dunfermline District Water Order 1913.	The whole Order.
8 & 9 Geo. 5. c. 1.	Dunfermline District Water Order 1918.	The whole Order.
15 & 16 Geo. 5. c. lxvi.	Wemyss and District Water Order 1925.	The whole Order.

PART II.

AGREEMENTS TO CONTINUE IN FORCE.

1. Agreement between the Dunfermline District Committee of the County Council and the Commissioners for executing the office of Lord High Admiral of the United Kingdom of Great Britain and Ireland dated 4th March and 21st 22nd 23rd and 28th April 1904 as set forth in the First Schedule to the Dunfermline District Water Order 1904.

2. Agreement between the Dunfermline District Committee of the County Council and the Provost Magistrates and Councillors of the Royal Burgh of Inverkeithing dated 5th and 12th April 1904 as set forth in the Second Schedule to the Dunfermline District Water Order 1904.

Printed by SIR WILLIAM RICHARD CODLING, C.B., C.V.O., C.B.E.,
Controller of His Majesty's Stationery Office
and
King's Printer of Acts of Parliament.

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses
York House, Kingsway, London, W.C.2 ; 120 George Street, Edinburgh 2 ;
39-41 King Street, Manchester 2 ; 1 St. Andrew's Crescent, Cardiff ;
80 Chichester Street, Belfast ;
or through any bookseller

Price 8s. *od.* net.