



## CHAPTER cclxx.

An Act to incorporate and confer powers upon the Loch Leven Water and Electric Power Company to enable them to construct maintain and work waterworks and water power and electrical generating stations for the supply of electrical energy and to acquire lands and for other purposes. A.D. 1901.  
[17th August 1901.]

**W**HEREAS the construction and working of a water power and electrical generating station or stations at Loch Leven in the counties of Inverness and Argyll and in connection therewith and for that and other purposes the construction of the waterworks hereinafter described would be of public and local advantage :

And whereas the persons in this Act named with others are willing at their own expense to construct the waterworks electrical generating stations and other works for the supply of water water power hydraulic power and electrical energy within the area of supply hereinafter defined and it is expedient that they be incorporated into a Company (in this Act called "the Company") and that power should be conferred on them for such purposes and for acquiring certain lands for such waterworks generating stations buildings and works and for constructing works and generally for carrying out the objects and provisions of this Act :

And whereas it is expedient that powers should be conferred upon the Company to make contracts and agreements with local authorities and with companies and others for the supply of water in bulk and of water power and of electrical energy in bulk or otherwise and for other purposes :

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Act and describing the lands to be taken for the purposes of this Act with a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands and other

A.D. 1901. — property required or which may be taken for the several purposes or under the powers of this Act were duly deposited with the principal sheriff clerks of the counties of Argyll and Inverness and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it 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 :—

Short title.

1. This Act may be cited as the Loch Leven Water Power Act 1901.

Application of Electric Lighting Acts.

2. The Electric Lighting Act 1888 and the provisions of the Electric Lighting (Clauses) Act 1899 which are contained in the sections thereof hereafter mentioned shall not apply to the Company or their undertaking anything in any of the said Acts to the contrary notwithstanding (that is to say) sections 4 5 7 to 9 and 84 of the schedule to the Act of 1899 :

But except as aforesaid the provisions of the schedule to the said Act together with the Electric Lighting Act 1882 are incorporated with and form part of this Act.

The provisions of section 14 of the schedule to the Electric Lighting (Clauses) Act 1899 shall extend and apply to the laying down and placing under this Act of any cables or other works in through under along or across the bed and foreshore of any river.

Incorporation of general Acts.

3. The following Acts and parts of Acts are (except where expressly varied by this Act) incorporated with and form part of this Act (that is to say) :—

The Companies Clauses Consolidation (Scotland) Act 1845 :

Part I. (Cancellation and surrender of shares) and Part III. (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts :

The Lands Clauses Acts :

The Waterworks Clauses Act 1847 sections 12 to 17 and 28 to 34 and 85 and 87 :

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads and other interferences therewith shall apply to the works by this Act authorised.

4. In this Act unless the context otherwise requires—

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The several words terms and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless there be something to the contrary contained therein ;

Interpreta-  
tion.

The expression "the Company" means the Company incorporated by this Act ;

The expression "authorised distributor" means any local authority company or person authorised by Act of Parliament or Provisional Order confirmed by Parliament to give a general supply of energy within ten miles from any part of the lands described in the First Schedule to this Act ;

The word "land" in this Act and in the Acts incorporated herewith as after mentioned shall include water and any right or servitude to or over land and water ;

The expressions "the waterworks" "the undertaking" mean and include respectively the waterworks and the undertaking by this Act authorised ;

The expression "the road authority" means the district committee constituted under the Local Government Scotland Act 1889 and having jurisdiction in the district in which the road footpath or other right of way in relation to which the expression is used is situate.

5. Roger William Wallace Alfred Sohier Bolton John Dick Bonner Robert Heath the Right Honourable William Baron Kelvin Emanuel Ristori and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purpose of making and maintaining the waterworks and water power and generating stations hereinafter mentioned and for other the purposes of this Act and for those purposes shall be and are hereby incorporated by the name of "The Loch Leven Water and Electric Power Company" and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of lands and other property for the purposes of this Act and with all the other powers and privileges of a body corporate.

Company  
incorporated.

6. The domicile of the Company for the purpose of any judicial proceedings relating to the undertaking authorised by this Act or

Domicil of  
Company for  
purposes of  
Act.

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General purposes of Company.

7. Subject to the provisions of this Act the Company may provide water under pressure or otherwise for the purpose of supplying water and motive power and may supply and use such power by hydraulic pressure or otherwise for any purposes to which such power is or may be applicable and may generate use and supply electrical energy for any purposes to which such energy is or may be applicable and may erect lay down and maintain any buildings works machinery mains pipes and other apparatus which may be necessary or useful for those purposes and may acquire and work but not exclusively any patents relating to the supply of water and motive power and to the generation storage supply measurement transformation and distribution of electrical energy and may within the area of supply hereinafter specified supply any person with water power motive power water or electrical energy at such rates and charges and upon such terms and conditions as may be agreed on between them and the person obtaining such supply and generally may do all such acts and things as may be necessary or useful for giving such supply or incidental thereto.

#### LANDS AND WORKS.

Lands for generating stations.

8. The Company may subject to the provisions of this Act enter upon take and use compulsorily or by agreement the lands in the parish of Kilmallie in the county of Inverness and in the parish of Lismore and Appin in the county of Argyll shown on the deposited plans and described in the deposited book of reference and in the First Schedule to this Act or any part or parts thereof and may use those lands or any portion thereof for the erection establishment and maintenance of a station or stations for the development and use of water power and motive power and for generating electrical energy with all necessary and convenient buildings turbines engines dynamos machinery apparatus and conveniences connected with such station or stations and may hold use let or dispose of so much of the said lands as are not required for the purposes aforesaid for the erection establishment construction working and maintenance of manufactories mills workshops industries houses buildings wharves landing-places and works and for all or any of the purposes of this Act.

Storage and distributing works.

9. Subject to the provisions of this Act the Company may manufacture acquire maintain and use and sell let on hire and

otherwise dispose of electric and other mains storage and other batteries dynamos accumulators cables conductors services wires tubes pipes insulators meters reservoirs distributing cut-out and other boxes switches transformers fittings motors and other apparatus for producing transmitting storing measuring regulating and distributing electrical energy for public and private purposes or for converting the same into motive power heat or otherwise and any other machinery apparatus and appliances necessary or useful for any of the purposes of this Act and may lay down and use pipes conduits and other channels of water supply for feeding or condensing purposes or other purposes connected with the buildings works and conveniences mains and appliances erected used or maintained and the production supply and distribution of electrical energy thereby.

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10. Subject to the provisions of this Act the Company may make construct lay down and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the several works shown on the deposited plans and hereinafter described or some of them or some part or parts thereof together with all proper embankments dams bridges roads approaches ways wells tanks basins gauges discharge pipes washouts culverts adits shafts tunnels aqueducts cuts dredgings channels catchwaters by-washes conduits sewers drains main pipes junctions valves telegraph telephone and other means of electrical communication engines turbines apparatus houses (including houses for officers workmen and servants) buildings and conveniences connected with or auxiliary to the said works or any of them or necessary for conducting inspecting maintaining repairing cleansing managing and using the same and may enter on take and use such of the lands described in the deposited plans and book of reference as they may require for those purposes The works hereinbefore referred to are the following (that is to say) :—

Works.

Work No. 1 An embankment or dam for the purpose of raising and upholding the waters of the Loch Eilde Mor and Loch Eilde Beag and thereby submerging lands in the parish of Kilmallie in the county of Inverness to be situate wholly in the parish of Kilmallie in the county of Inverness to be placed across the stream known as Alt na h'Eilde now flowing out of the south-westerly end of the existing lake (at a point distant about 800 yards south-west of the outlet of the lake) and to commence on the easterly side of the said stream at a point distant about 85 yards measured in a south-easterly direction

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from the centre of the said stream and to extend thence in a straight line in a north-westerly direction across the said stream and to terminate on the west side of the said stream at a point distant about 80 yards measured in a north-westerly direction from the centre of the said stream from which embankment the waters of the lake when raised will extend to a point about 6,300 yards in a north-easterly direction measured from the centre of the said embankment at its point of intersection with the said stream :

Work No. 2 An aqueduct tunnel or conduit to be situate wholly in the parish of Kilmallie in the county of Inverness to commence on the northern side of the embankment Work No. 1 aforesaid at a point distant about 50 yards measured in a north-westerly direction from the point of intersection of the said embankment with the stream known as Alt na h'Eilde and to terminate in the stream known as Alt na Fearna at a point distant about 1,050 yards measured in a north-easterly direction from the junction of the said stream known as Alt na Fearna with the River Leven :

Work No. 3 An aqueduct tunnel conduit or line or lines of pipes to be situate wholly in the parish of Kilmallie in the county of Inverness to commence in or at the termination of aqueduct Work No. 2 and to terminate at a point distant about 700 yards measured in a north-westerly direction from the junction of the stream known as Alt na Fearna with the River Leven and about 700 yards measured in a north-easterly direction from the centre of the bridge crossing the River Leven a short distance to the eastward of the house known as Kinloch Beg :

Work No. 4 An aqueduct tunnel conduit or line or lines of pipes to be situate wholly in the parish of Kilmallie in the county of Inverness to commence in or at the termination of aqueduct Work No. 3 aforesaid and to terminate at a point distant about 220 yards measured in a south-westerly direction from the south-eastern corner of Kinlochmore shooting lodge and about 290 yards measured in a north-easterly direction from the north-eastern corner of the house known as Kinloch Beg :

Work No. 5 An embankment or dam for the purpose of raising and upholding the waters of Loch a'Bhailidh Lochan na Salach Uidhre and Lochan Inbhir and thereby submerging land in the parishes of Kilmallie in the county of Inverness and Lismore and Appin in the county of Argyll to be placed across

the River Blackwater at a point distant about 650 yards measured in a north-westerly direction from the outlet of Lochan Inbhir and to commence in the parish of Lismore and Appin in the county of Argyll at a point distant about 520 yards measured in a south-westerly direction from the centre of the aforesaid river to extend thence in a north-easterly direction in a straight line to the north bank of the said river at the point of crossing the same and to extend thence in a north-easterly direction in a straight line and to terminate in the parish of Kilmallie in the county of Inverness at a point distant about 500 yards measured in a north-easterly direction from the northern bank of the said river from which embankment the waters of the lake when raised will extend eastward to the west bank of the Allt Cam in the parish of Kilmallie:

Work No. 6 An aqueduct tunnel or conduit to be situate wholly in the parish of Kilmallie in the county of Inverness to commence at the eastern side of the embankment or dam Work No. 5 aforesaid at a point distant about 100 yards measured in a north-easterly direction from the point of intersection of the said embankment or dam with the centre of the River Blackwater and about 634 yards measured in a north-westerly direction from the outlet of Lochan Inbhir and to terminate at a point distant about 970 yards measured in a north-westerly direction from the junction of the stream known as Alt na h'Eilde with the River Leven and about 1000 yards measured in a north-easterly direction from the north-eastern corner of Kinlochmore shooting lodge:

Work No. 7 An aqueduct tunnel conduit or line or lines of pipes to be situate in the parish of Kilmallie in the county of Inverness to commence in or at the termination of aqueduct Work No. 6 aforesaid and to terminate at a point distant about 700 yards measured in a north-westerly direction from the junction of the stream known as Alt na Fearnna with the River Leven and about 700 yards measured in a north-easterly direction from the centre of the bridge crossing the River Leven a short distance to the eastward of the house known as Kinloch Beg:

Work No. 8 An aqueduct tunnel conduit or line or lines of pipes to be situate wholly in the parish of Kilmallie in the county of Inverness to commence in or at the termination of aqueduct Work No. 7 and to terminate at a point distant about 220 yards measured in a south-westerly direction from

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the south-eastern corner of Kinlochmore shooting lodge and about 270 yards measured in a north-easterly direction from the north-eastern corner of the house known as Kinloch Beg:

Work No. 9 An aqueduct tunnel or conduit to be situate wholly in the parish of Kilmallie in the county of Inverness to commence in or at the termination of aqueducts Works Nos. 4 and 8 respectively aforesaid and to terminate in the River Leven at a point near its northern shore distant about 330 yards measured in a south-westerly direction from the south-eastern corner of Kinlochmore shooting lodge:

Provided that any telegraphs telephones and other means of electric communication constructed by the Company shall not be used for the purpose of transmitting telegrams or telephone messages in contravention of the exclusive privileges conferred upon the Postmaster General by the Telegraph Act of 1869.

For pro-  
tection of  
Frank Bibby.

11. The Company in constructing the works authorised by or in exercising any of the powers of this Act shall not previous to the thirty-first day of October one thousand nine hundred and two enter upon or use any of the lands or premises in the occupation of Frank Bibby as tenant thereof and shall not do or permit to be done any act or thing which would involve the passage of workmen plant or materials horses carts or other vehicles through any part of the said lands and premises to or from any part of the proposed works nor do or permit to be done any other act or thing which would or might interfere with the full and complete enjoyment of the said Frank Bibby of all his residential sporting and other rights as tenant of all and every part of the said lands and premises during the whole period up to the said thirty-first day of October one thousand nine hundred and two nor up to the thirty-first day of October one thousand nine hundred and three except so far as shall be reasonably necessary for the purpose of constructing the dams and tunnels authorised by this Act.

Correction  
of errors &c.  
in deposited  
plans and  
book of  
reference.

12. 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 Company 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 situate for the correction thereof and if it appear to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter



is misstated or wrongly described and such certificate shall be deposited with the principal sheriff clerk for the said county and a duplicate thereof shall also be deposited with the town clerk or clerk to the commissioners of any burgh or with the clerk of the parish council of any parish outside a burgh in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks 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 Company to take the lands and execute the works in accordance with such certificate.

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**13.** The Company may in constructing the works by this Act authorised deviate from the lines or position thereof as shown on the deposited plans relating thereto to the extent of the limits of deviation shown thereon and the Company may also deviate from the levels of all or any of the works authorised by this Act as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards :

Power to deviate.

Provided that if the Company shall in the case of Works Nos. 1 and 5 exercise the powers of vertical deviation hereby granted they shall construct the earthen embankment of such additional thickness at the base as shall be equal to five feet for every additional foot of additional height and shall make a suitable addition to the strength of any masonry or concrete retaining wall or dam :

Provided also that the Company shall not raise or store the waters in Loch Eilde Mor to a greater height than 41·5 feet above and in Loch Inbhir to a greater height than 31·35 feet below the datum mark shown on the deposited plans and described on the deposited sections but such provisions shall not apply to the temporary raising of the level of the water in the said lochs in time of flood.

**14.** The Company may stop up and discontinue for public traffic any footpaths bridle-paths drove roads or other tracks on over or across the lands (other than the lands described in the First Schedule to this Act) shown on the deposited plans and described in the deposited book of reference or which will be submerged or affected by the construction of the waterworks by this Act authorised and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively and the fee thereof shall be by this Act vested in the Company so far

Company may stop up roads &c.

A.D. 1901. — as they are the owners of the adjoining lands on both sides free from all public and other rights of way or passage in over or affecting the same :

Provided that the Company shall if so required by the road authority provide other footpaths bridle-paths drove roads or tracks in substitution for those so stopped up and discontinued to the reasonable satisfaction of the road authority but the Company shall not be obliged in the provision of the same to go outside the limits of deviation shown on the deposited plans and in case any difference shall arise between the Company and any road authorities with respect to the matters aforesaid such difference shall be settled by an arbiter being an engineer who (unless otherwise agreed on between the parties in difference) shall on the application of either party after seven days' notice in writing to the other of them be named by the Board of Trade and the costs of and incident to the reference shall be borne as the arbiter shall direct.

Power to  
take water.

**15.** The Company may by means of the waterworks hereinbefore described or some of them raise the level of the water in Loch Eilde Mor and Loch Eilde Beag Loch a' Bhaillidh Lochan na Salach Uidhre and Lochan Inbhir and may take appropriate impound store use collect abstract divert and distribute for the purposes of the undertaking the waters of the Blackwater River and the streams flowing into it or into the lochs through which it passes.

Power to  
grant ease-  
ments &c.

**16.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may (if they think fit) subject to the provisions of those Acts and of this Act grant to the Company any easement right or privilege (not being an easement right or privilege of water in which parties other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to  
acquire  
easements  
only for  
aqueducts.

**17.** The Company may in lieu of acquiring any lands for the purpose of any aqueduct conduit or pipes by this Act authorised acquire such easements servitudes and rights in such lands as they may require for the purpose of making maintaining renewing enlarging and repairing the same and may give notice to treat in respect of such easements 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 easements servitudes and rights as fully as if the same were lands within the meaning of such Acts : A.D. 1901.

Provided also that nothing herein contained shall authorise the Company to acquire by compulsion any such easement or servitude in any case in which the owner in his particulars of claim shall require the Company to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement or servitude only and every notice to treat for the acquisition of an easement or servitude shall be endorsed with notice of this proviso :

Provided that as regards any lands taken or used by the Company for the purpose of making and maintaining such aqueducts conduits or pipes the Company shall not (unless they give notice to treat for and have acquired such lands and not merely easements or servitudes therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

**18.** The Company may for the general purposes of their undertaking purchase and hold or take on lease (by agreement but not otherwise) in addition to the lands delineated on the deposited plans and described in the deposited book of reference any lands and hereditaments not exceeding in the whole three hundred acres which the Company may from time to time require for the purpose of providing sites for manufacturing and other works and industries and for any of the purposes of their undertaking but the Company shall not create or permit a nuisance on any such lands :

Power to purchase lands by agreement.

Provided always that the Company shall not erect any station for generating electricity upon any lands acquired under this Act other than on the lands referred to in the section of this Act of which the marginal note is "Lands for generating stations."

**19.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for compulsory purchase of lands.

**20.** Subject to the provisions of this Act if the waterworks and the generating stations authorised by this Act are not completed within six years from the passing of this Act then on the

Period for completion of works.

A.D. 1901. — expiration of that period the powers by this Act granted to the Company for executing any of such works not so completed or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Company from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of the aqueducts and other works and the generating stations at any time and from time to time as occasion requires.

For protection of Lochaber District Committee of county council of Inverness.

**21.**—(1) Notwithstanding anything shown on the deposited plans or described in the deposited book of reference the Company shall not enter upon take use close or in any way interfere with the road numbered 70 in the parish of Kilmallie and 28 in the parish of Lismore and Appin on the said plans without the consent of the Lochaber District Committee of the county council of the county of Inverness except for the purpose of constructing the Work No. 9 by this Act authorised.

(2) The works connected with Work No. 9 so far as affecting the said road shall be executed and thereafter maintained by the Company under the superintendence and to the reasonable satisfaction of the said district committee and according to plans sections and specifications to be previously submitted to and approved by them. Provided that if they shall not have expressed their disapproval within one month after the same shall have been submitted to them they shall be deemed to have approved thereof.

(3) Any expenses reasonably incurred by the said district committee under this section shall be paid by the Company and any difference between the Company and the said district committee under this section shall be determined by an arbiter to be appointed by the Board of Trade on the application of either party and the costs of any such reference shall be paid by the Company.

For protection of Sir John Stirling Maxwell Baronet.

**22.** For the protection of Sir John Maxwell Stirling Maxwell Baronet and his successors in estate (all of whom are in this section called "the owner") the following provisions shall except so far as may be otherwise agreed in writing between the owner and the Company apply and have effect (that is to say):—

(1) The Company shall not save as in this section provided at any time enter upon or use any of the lands of the owner or construct thereon any aqueducts canals buildings or other works on or over or under the said lands erect or lay down any telegraphic or other electrical lines or wires or for any such purposes erect any standards or poles on any part thereof:

(2) The Company shall construct Work No. 5 mentioned in that section of the Act the marginal note whereof is "Works" for the purpose of raising and upholding the waters of Loch a'Bhailidh Lochan na Sallach Uidhre and Lochan Inbhir and the waters of the River Blackwater so as to submerge the lands of the owner to the extent of not more than 500 acres thereof as shown and delineated and coloured pink on the plan signed by Sir James Kitson Baronet the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred and the Company shall not after the construction of the said work at any time lower the waters of such lochs below the lowest normal level of such waters existing before the construction of the said work :

(3) The submerged lands mentioned in subsection 2 hereof shall remain and continue to be vested in the owner and the Company shall not subject to the servitude in perpetuity of submerging the said lands by raising and upholding the waters of the lochs and the river in this section mentioned acquire or be deemed to acquire any right title or interest to or in the submerged lands aforesaid and the said servitude shall be used and enjoyed by the Company subject to the reservation to the owner of all other rights in the waters over the lands submerged and to the exclusive right to the fishing therein with power to the owner or persons authorised by him to boat fish and shoot on in or over the waters aforesaid or over the submerged lands and in exercising the servitude aforesaid the Company shall not do or suffer anything to be done which will or may in anywise injure or damage the boating fishing or shooting rights of the owner on in or over the lochs and river aforesaid or the waters over the submerged lands :

(4) Notwithstanding the servitude aforesaid to be exercised by the Company the owner shall continue to be entitled to the use for estate and domestic purposes of all the waters in the streams burns and lochs flowing through or being upon any part of the estate of the owner as if the said servitude had not been acquired by the Company :

(5) The Company shall complete the construction of Work No. 5 aforesaid within the period of three years next following the commencement of such construction and if such construction shall not be completed within the period aforesaid or if at any time after the completion thereof the Company shall decide to abandon the said work they shall remove such part thereof or otherwise carry out such other works as shall permit the waters

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of the lochs and the river aforesaid intended to be raised and upheld thereby to flow as freely and have such free course as if the said work had not been constructed :

(6) The Company shall not fence in the submerged lands aforesaid nor make any roads over any of the lands of the owner nor shall they acquire or at any time be deemed to possess except as hereinbefore provided any servitude or right of way or passage for their servants or workmen or for horses carts waggons or other vehicles or for the transport of any materials to or from any of their works either for the purposes of construction maintenance or otherwise over any of the lands of the owner and the Company shall by all reasonable means prevent any of their officers servants and workmen from trespassing on the lands of the owner Moreover for the purposes of conveying persons or materials to or from any of their works the Company shall in any notices or directions issued by them relating to the conveyance of persons or materials specify that access to the works can only be obtained from Loch Leven :

(7) As compensation for all rights acquired by the Company over the lands of the owner and for the servitude over and occupancy of the submerged lands in this section mentioned and for all disturbance or injury (if any) to the deer forest and shootings of the owner and for severance or otherwise injuriously affecting the remaining lands of the owner by reason of the construction or maintenance of any of the works of the Company and for every other claim competent to be made by the owner in respect of the exercise by the Company of any of the powers of the Act the Company shall in full discharge and satisfaction therefor pay to the owner the sum of 6,500*l.* (six thousand five hundred pounds) and the said sum shall be paid by the Company to the owner upon the commencement of Work No. 5 in this section mentioned Provided always that the Company shall not until the payment of the compensation money aforesaid exercise any of the powers of the Act in so far as the same may or will affect the lands of the owner :

(8) Any difference which may arise between the owner and the Company under or in relation to any of the provisions of this section whether as to anything to be done or not to be done thereunder shall be determined by arbitration.

**23.**—(1) The Company shall not under the powers of this Act purchase or acquire in any district for the purposes of the

Restriction  
on taking  
houses of

Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December one thousand nine hundred were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied. A.D. 1901.  
labouring  
class.

(2) If the Company acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the court of session and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it think fit reduce such penalty.

(3) For the purposes of this section—

The expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them ; and

The expression "house" means any house or part of a house occupied as a separate dwelling.

24. Notwithstanding anything with respect to the sale of superfluous lands in the Lands Clauses Consolidation (Scotland) Act 1845 contained the Company may feu and lease for any term not exceeding ninety-nine years and also either before or after making any feu and lease thereof absolutely sell and dispose of to such persons and in such manner and for such consideration as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of their waterworks and generating station and on the lease or sale by the Company of any such lands houses and property they may reserve to themselves all or any part of the water or water rights or other easements or servitudes belonging thereto and may make the lease or sale subject to such reservation accordingly and may also make any such lease or sale subject to such other reservations special conditions restrictions and provisions as they think fit. Company  
may dispose  
of lands not  
required.

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Temporary discharge of water into streams.

**25.** The Company may at any time cause the water in any aqueduct by this Act authorised to be temporarily discharged into any available stream or watercourse.

In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

Improvement of Loch Leven.

**26.** The Company shall within the period by this Act limited for the completion of works so dredge deepen widen and alter the navigable channel of that part of Loch Leven called the Upper Narrows as to form a navigable channel of a depth of not less than eleven feet at low water spring tides and of a width of not less than one hundred and fifty feet and may execute and maintain any works on the said loch for improving or securing the safety of the navigation thereof or for the convenience or accommodation of vessels coming to the works authorised by this Act and for such purposes may erect lay down and maintain beacons lights and buoys and quays piers landing places berths and laybys as may be convenient or necessary.

Works below high water mark not to be commenced without consent of Board of Trade.

**27.** The Company shall not under the powers of this Act construct on the shore of the said Loch Leven or of the sea or of any creek bay arm of the sea or navigable river communicating therewith where and so far up the same as the tide flows and reflows any work without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of such approval being signified as last aforesaid and where any such work may have been constructed the Company shall not at any time alter or extend the same without obtaining previously to making any such alteration or extension the like consents or approvals. If any such work be commenced or completed contrary to the provisions of this Act the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the costs and charges of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable as a Crown debt or summarily.

Saving rights of Crown.

**28.** Nothing herein contained shall authorise the Company 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 hereditaments subjects or rights of whatsoever description belonging to the King's most Excellent Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent such Commissioners and such Board are hereby respectively authorised to give) neither shall anything herein contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exerciseable by the King's Majesty.

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#### CAPITAL.

**29.** The capital of the Company shall be seven hundred and fifty thousand pounds divided into seventy-five thousand shares of ten pounds each.

Capital.

**30.** Except as hereinafter provided the Company shall not issue any share created under the authority of this Act nor shall any such share vest in the person accepting the same unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Limitation as to issue of shares.

**31.** One fifth of the amount of a share shall be the greatest amount of a call and three months at least shall be the interval between successive calls and three fifths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Calls.

**32.** If any money is payable to a shareholder or mortgagee or debenture stock holder being a minor idiot or lunatic the receipt of the guardian or committee of his estate shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

**33.** The Company shall not have power to raise any money by this Act authorised to be borrowed on mortgage by the creation of shares or stock or to convert into capital the amount borrowed under the provisions of this Act.

Conversion of borrowed money into capital restricted.

**34.** When any sum not less than one hundred thousand pounds part of the capital or estimated sum for defraying the expenses of the undertaking shall have been subscribed under contract binding the parties thereto their heirs executors and administrators for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the

Portion of capital to be subscribed before compulsory powers put in force.

A.D. 1901. Company to put in force the powers of this Act in relation to the compulsory taking of land for the purposes thereof.

Certificate of Board of Trade that portion of capital has been subscribed.

**35.** A certificate under the hand of a secretary or an assistant-secretary of the Board of Trade certifying that the said sum of one hundred thousand pounds has been subscribed as aforesaid shall be sufficient evidence thereof and on the application of the Company and the production of such evidence as the Board of Trade shall think proper and sufficient they shall grant a certificate accordingly.

Power to subscribe for share or lend money to other undertakings.

**36.** The Company may subscribe for purchase hold and dispose of shares or stock in any incorporated company taking or agreeing to take a supply of water motive power or electrical energy from the Company and may lend money on mortgage bond or other security to any such company or to any firm or person taking or agreeing to take such supply from the Company Provided that the amount so subscribed expended and lent by the Company under this section shall not at any one time exceed sixty thousand pounds.

Power to borrow.

**37.** The Company may in respect of the capital of seven hundred and fifty thousand pounds which they are by this Act authorised to raise from time to time borrow on mortgage of the undertaking any sum not exceeding in the whole two hundred and fifty thousand pounds and of that sum may from time to time borrow any sum not exceeding eighty-three thousand three hundred and thirty-three pounds in respect of each two hundred and fifty thousand pounds of their capital but no part of any such sums of eighty-three thousand three hundred and thirty-three pounds shall be borrowed until the whole of the portion of capital in respect of which it is borrowed is issued and accepted and one-half thereof is paid up and the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that the whole of such portion of capital has been issued and accepted and that one-half thereof has been paid up and that not less than one-fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bonâ fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that

the proof aforesaid has been given which shall be sufficient evidence thereof. A.D. 1901.

**38.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor. In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than ten thousand pounds in the whole. For appointment of a judicial factor.

**39.** The Company may create and issue debenture stock subject to the provisions of Part III. of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all mortgages at any time created and issued or granted by the Company under this Act or any subsequent Order or Act shall subject to the provisions of any subsequent Order or Act rank *pari passu* (without respect to the dates of the securities or of the Orders or Acts of Parliament or resolutions by which the stock and mortgages were authorised) and shall have priority over all principal moneys secured by such mortgages. Notice of the effect of this enactment shall be endorsed on all mortgages and certificates of debenture stock. Debenture stock.

**40.** All moneys raised under this Act whether by shares debenture stock or borrowing shall be applied only to the purposes of this Act to which capital is properly applicable. Application of moneys.

**41.—(A)** The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First meeting of Company:

**(B)** The number of directors shall be seven but the Company may vary the number provided that the number be not less than four nor more than seven. Number and qualification of directors &c.

**(C)** The qualification of a director shall be the possession in his own right of not less than fifty shares.

**(D)** The quorum of a meeting of directors shall be three.

**(E)** Roger William Wallace Alfred Sohier Bolton John Dick Bonner Robert Heath the Right Honourable William Baron Kelvin Emanuel Ristori and one other duly qualified person to be nominated by them or the majority of them and consenting to such nomination shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act (or nominated as aforesaid) or any of them

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or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act (or nominated as aforesaid) being if they continue qualified eligible for re-election and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 and the several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are elected in their stead in manner provided by the same Act.

#### SUPPLY.

Area of supply by Company of water power and electrical supply.

**42.** The area within which the Company may supply water water power hydraulic power and electrical energy (in this Act called "the area of supply") shall subject to the provisions of this Act be the area of the lands described in the First Schedule to this Act and delineated upon the deposited plans but in case of difference as to such area the deposited plans shall prevail.

Conditions affecting supply outside area of supply.

**43.** The Company may supply electricity by agreement outside the area of supply but the powers of the Company in respect to such supply of electricity shall be subject to the following provisions:—

(1) Electricity shall be supplied under this section only—

(A) For supply in bulk to authorised distributors; and

(B) For providing power to any person :

(2) The electricity supplied to authorised distributors may be used by them for lighting or other purposes and the electricity supplied to any person for power may be used by such person for lighting any premises on any part of which the power is utilised but save as aforesaid the Company shall not supply electricity for lighting purposes :

(3) Nothing contained in this Act shall be deemed to confer upon the Company any powers enabling them to break up any streets or roads outside the area of supply.

Maximum prices for electrical energy.

**44.** The maximum prices which may be charged by the Company for electrical energy supplied by them within the area of supply shall not exceed those stated in the Second Schedule to this Act.

45. The Company and any consumer of energy within the area of supply and any authorised distributors or any person requiring a supply of electrical energy for the purposes of power without the area of supply may enter into and carry into effect contracts agreements and arrangements for and with respect to all or any of the following matters (that is to say) :—

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—  
Agreements

- (1) The supply by the Company to such consumer or authorised distributors or person of electrical plant fittings or materials ;
- (2) The acquisition and exercise of servitudes for the placing of mains cables posts and wires over and under lands houses and property belonging to any such consumer or authorised distributors or person :

And any person under disability shall have and be entitled to exercise all such powers as may be necessary for making and giving effect to any such agreement.

Any party to any agreement under this section shall be subject to all provisions in any way operating for the protection of the Postmaster-General's telegraphic lines and his rights in respect thereof which are contained in the Electric Lighting Act 1882 and the schedule to the Electric Lighting (Clauses) Act 1899.

46. Notwithstanding anything contained to the contrary in the Electric Lighting Act 1882 or in the Electric Lighting (Clauses) Act 1899 or in this Act the Company may with the approval of the Board of Trade (which approval the said Board are hereby authorised to give) such approval being given by any writing under the hand of a Secretary or an Assistant Secretary of the Board of Trade place erect and maintain electric lines for the supply of electricity within the area of supply under the powers of this Act above the surface of the ground.

Electric lines may be placed above ground with sanction of Board of Trade.

47. The Company may with the consent of the road authority erect and maintain in or on any road or footpath within the area of supply which they are authorised to break up such posts as may be necessary for carrying any of their electric lines overhead.

Power to erect posts.

48. The Company may supply water within the area of supply for domestic and manufacturing or trade purposes and for the purposes of water power on such terms and conditions as the Company think fit and may supply water by measure for all such purposes.

Power to supply water.

49. The Company may sell meters turbines water engines and hydraulic motors or any apparatus for or connected with the use of

Power to sell or let meters.

A.D. 1901. hydraulic power and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Company to let for hire any water or hydraulic engines apparatus or fittings as aforesaid to any person supplied by them with water.

Notice to  
Company of  
connecting  
or discon-  
necting  
meters.

50. Before any person connects or disconnects any meter by means of which any of the water of the Company is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Company of his intention so to do 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 any person authorised by the Company and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Injuring  
meters appa-  
ratus &c.

51. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument or apparatus for measuring water or any engine hydraulic apparatus or fittings belonging to the Company or who fraudulently alters the index to any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Company shall (without prejudice to any other right or remedy of the Company) be liable to a fine not exceeding five pounds and the Company may in addition thereto recover the amount of any damage by them sustained :

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument engine apparatus or fittings belonging to the Company or has fraudulently altered the index to any meter or other instrument or apparatus for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Company the Company may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Company by the person so offending The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the

Company when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *primâ facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

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52. The Company may within the area of supply lay down maintain repair alter and use pipes for conveying water and transmitting water power or hydraulic power and any material matter or thing used by them in or for the purpose of generating or transforming electrical energy or resulting from such process to or from any generating station or any waterworks by this Act authorised and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes.

Power to lay down pipes.

53. The Company may enter into and carry into effect agreements with any local authority company or persons for the supply of water outside the area of supply as defined by this Act to any such authority company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed Provided that such supply shall not be given except with the consent of any company or person supplying water under Parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for any of the purposes for which the Company are by this Act authorised to supply water within the area of supply.

Contracts for supplying water in bulk.

#### SUPPLEMENTAL.

54. Nothing contained in this Act shall prevent the Company from applying and the Company may apply for Provisional Orders under the Electric Lighting Acts 1882 1888 and 1899.

As to application for Provisional Orders.

55. The Company may erect and maintain upon the lands for the time being belonging to or leased by them cottages or dwelling-houses suitable for their officers workmen and servants.

Dwelling-houses for employees.

56. Notwithstanding anything in this Act or in any Act or Acts incorporated therewith contained the Company may out of any moneys by this Act authorised to be raised pay interest at such

As to payment of interest out of capital during construction.

A.D. 1901. rate not exceeding three pounds per centum per annum as the directors may determine to any shareholder on the amount from time to time paid up on the shares held by him respectively from the respective times of such payments until the expiration of the time by this Act limited for the completion of the works by this Act authorised or such less period as the directors may determine subject to the following conditions (that is to say):—

- (A) No such interest shall begin to accrue until the Company shall have obtained a certificate from the Board of Trade that two thirds at least of the share capital authorised by this Act in respect of which such interest may be paid has been actually issued and accepted and is held by shareholders who or whose executors administrators or assigns are legally liable for the same :
- (B) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear :
- (C) The aggregate amount to be so paid for interest shall not exceed sixty thousand pounds and the amount so paid shall not be deemed share capital in respect of which the borrowing powers of the Company may be exercised but such borrowing powers shall be reduced to the extent of one third of the amount paid for interest as aforesaid :
- (D) Notice that the Company has power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares :
- (E) The half-yearly accounts of the undertaking shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act or any other Order or Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of calls actually made as is in conformity with the Companies' Clauses Consolidation (Scotland) Act 1845.