



CHAPTER lvii

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Fife County Council. [16th December 1949.]

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:

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 1949.

SCHEDULE

FIFE COUNTY COUNCIL

Provisional Order to consolidate with amendments the enactments relating to the supply of water by the county council of the county of Fife to provide for the transfer to the County Council of the water undertaking of the town council of the burgh of Markinch and of the waterworks of the Freuchie Water Company and the water supply from the Marl Pit at Dunshelt to extend the limits for the supply of water by the County Council and confer further powers upon them with regard to their water undertaking to authorise the County Council to acquire lands and construct waterworks and a sewer to constitute one special district in the county for the purpose of lighting to constitute the county a special district for the purposes of scavenging and drainage to provide for the establishment of a River Leven Board to make provision in relation to the purification of the rivers and streams roads planning and amenities the valuation of lands and heritages weights and measures seashore public health parks and burial grounds to empower the County Council to borrow money 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 Fife County Council Order 1940 (hereinafter referred to as "the Order of 1940") the Acts and Orders relating to the supply of water within the county were consolidated and further powers were conferred on the County Council for the construction of waterworks and the supply of water within the water limits defined in that Order:

9 & 10 Geo. 6. c. 42.
12 & 13 Geo. 6. c. 31.

And whereas certain of the provisions of the Order of 1940 are at variance with provisions contained in the Water (Scotland) Acts 1946 and 1949 and it is expedient that the Order of 1940 should be amended as provided by this Order:

And whereas it is expedient to provide for the transfer to the County Council of the water undertaking of the town council of the burgh of Markinch and for the taking over and administration by the County Council of the present source of supply of the Freuchie Water Company and the water supply from the Marl Pit at Dunshelt in so far as such supply is not at present administered by them and to extend the limits for the supply of water by the County Council as provided by this Order:

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

And whereas there are fifty-six special lighting districts in the county and it is expedient that such special lighting districts should cease to exist and that there should be one special lighting

district for the lighting of roads and streets in the county as provided by this Order :

And whereas there are forty-nine special scavenging districts in the county and it is expedient that such special scavenging districts should cease to exist and that the county should form one special scavenging district for the removal of household refuse and the sweeping and cleansing of roads and streets and the levying of scavenging rates as provided by this Order :

And whereas there are fifty special drainage districts in the county having drainage rates of varying amounts and assessed for the purposes of drainage separately from other parts of the county and it is expedient that such special drainage districts should cease to exist and that the county should form one special drainage district for the provision of sewerage and drainage and the levying of drainage rates as provided by this Order :

And whereas by the Order of 1940 the County Council were authorised to construct sewers and works and provision was made for preventing sewage or polluting or discolouring or offensive liquids or matters flowing or falling or being put into the river Leven and the river Ore or any tributary thereof and for affording further facilities for the removal disposal and treatment thereof :

And whereas by the Fife County Council (Extension of Time) Order 1947 made by the Secretary of State under section 1 of the Special Enactments (Extension of Time) Act 1940 the time limited by section 152 of the Order of 1940 for the completion of the sewers and works described in Part IV of the Order of 1940 was extended to the thirty-first day of July one thousand nine hundred and fifty and it is expedient that the said time should be further extended as provided by this Order : 3 & 4 Geo. 6.
c. 16.

And whereas it is expedient to provide for the establishment of a River Leven Board to deal with matters of joint concern with the County Council and the River Leven Trustees under the River Leven Act 1827 and for the representation of the County Council on the committee of management appointed under the said Act : 7 & 8 Geo. 4.
c. cv.

And whereas it is expedient that provision be made relative to the allocation of the cost of the construction and maintenance of the said sewers and works :

And whereas water is abstracted from the river Eden 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 river Eden :

And whereas it is expedient that the County Council should be authorised to construct the sewer and works connected therewith described in this Order and to make provision for preventing sewage or polluting or discolouring or offensive liquids or matters flowing or falling or being put into the river Eden 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 (a) the owners and occupiers of mills manufactories and other works and premises and (b) local authorities

and others for the reception into the said last-mentioned sewer and works and the disposal of trade effluent and for contributions by such owners occupiers and local authorities and others towards the cost of the construction and maintenance of the said last-mentioned sewers and works:

And whereas it is expedient to make provision as to the standards of purity of effluents to be allowed to enter the rivers Leven and Eden and the sewers authorised by the Order of 1940 and this Order:

And whereas it is expedient that the powers contained in this Order to ensure that rivers and streams in the county are kept free from obstruction and properly cleansed should be enacted:

And whereas it is expedient that further and better provision be made with reference to roads planning and amenities the valuation of lands and heritages weights and measures seashore public health parks burial grounds and other matters:

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

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 authorised by this Order to borrow money and such estimates are as follows:—

Waterworks—	£
Purchase of lands and servitudes	18,000
Conduits and lines of pipes (cast iron)	104,700
Conduits and lines of pipes (concrete)	7,100
Reservoirs impounding (earth and masonry dams) and relative works	1,340,800
Intakes wells and other works	8,800
Filtration plant	133,000
Plant works	32,000
 Sewer—	
Purchase of lands and servitudes	4,500
Sewer conduit or lines of pipes—	
Fireclay and concrete	293,000
Cast iron	102,000
Pumps and pumping station	14,000
Subsidiary works	3,000

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 that the other provisions contained in this Order 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 Perth and Clackmannan 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.—(1) This Order may be cited as the Fife County Council Order 1949. Short and collective titles.
- (2) The Fife County Council Order 1940 the Fife County Council (Extension of Time) Order 1947 and this Order may be cited as the Fife County Council Orders 1940 to 1949.
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:— Order divided into Parts.
- 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.
 - Part IV.—Lighting district.
 - Part V.—Scavenging:
 - A.—Scavenging district.
 - B.—Scavenging rates.
 - Part VI.—Drainage:
 - A.—Drainage district.
 - B.—Drainage rates.
 - Part VII.—Purification of rivers and streams:
 - A.—River Leven.
 - B.—River Eden.
 - C.—Protection of rivers and streams.
 - Part VIII.—Roads planning and amenities.
 - Part IX.—Valuation of lands and heritages.
 - Part X.—Weights and measures.
 - Part XI.—Seashore.

PART I
—cont.

Part XII.—Public health:

A.—Sanitary.

B.—Human food.

C.—Expenditure under Part XII.

Part XIII.—Public parks and burial grounds:

A.—Public parks.

B.—Burial grounds.

Part XIV.—Finance.

Part XV.—Miscellaneous.

Interpretation.

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 in relation to the relative subject matter 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):—

10 & 11 Geo. 6.
c. 43.

“ Act of 1946 ” means the Water (Scotland) Act 1946 ;

“ Act of 1947 ” means the Local Government (Scotland) Act 1947 ;

“ Act of 1949 ” means the Water (Scotland) Act 1949 ;

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

“ built up area ” means an area in which there is provided on the roads therein a system of street lighting furnished by lamps placed not more than two hundred yards apart ;

“ 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 ” “ county engineer ” and “ county medical officer ” mean respectively the clerk treasurer registrar engineer and medical officer of health 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 therefor ;

“ district council ” means the district council of a district within the county constituted in accordance with the provisions of sections 38 and 39 of the Act of 1947 ;

“ drain ” means any drain of and used for the drainage of one building only or premises within the same curtilage and made merely for the purpose of communicating therefrom with a cesspool or other like receptacle for drainage or with a sewer into which the drainage of two or more buildings or premises occupied by different persons is conveyed ;

“food” means any article used as food or drink for human consumption other than drugs or water and includes—

(a) any substance which is intended for use in the composition or preparation of food ;

(b) any flavouring matter or condiment ; and

(c) any colouring matter intended for use in food :

Provided that notwithstanding anything in this definition the addition of any colouring or flavouring matter or condiment to an article used as food or drink shall be deemed to be the addition of a substance to food ;

“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 by the Town and Country Planning (Scotland) Act 1947 and by this Order ;

9 & 10 Geo. 5.
c. 57.
21 & 22 Geo. 5.
c. 11.
10 & 11 Geo. 6.
c. 53.

“Local Government Acts” means the Local Government (Scotland) Act 1889 the Local Government (Scotland) Act 1929 the Act of 1947 and any Acts amending or extending the same ;

52 & 53 Vict.
c. 50.
19 & 20 Geo. 5.
c. 25.

“mortgage” means a deed containing an assignation of the funds rates and revenues of the County Council ;

“Order of 1940” means the Fife County Council Order 1940 confirmed by the Fife County Council Order Confirmation Act 1940 ;

3 & 4 Geo. 6.
c. xliii.

“Order of 1947” means the Fife County Council (Extension of Time) Order 1947 dated 16th June 1947 made by the Secretary of State under section 1 of the Special Enactments (Extension of Time) Act 1940 ;

“Public Health Acts” means the Public Health (Scotland) Acts 1897 to 1907 and any Acts amending or extending the same ;

“sewer” includes sewers and drains of every description except drains to which the word “drain” interpreted as aforesaid applies and except drains vested in or under the control of any authority having the management of roads and not being a local authority ;

“sheriff” means the sheriff of Fife and Kinross and includes his substitutes ;

“statutory undertakers” means any authority or company or body or person authorised by an Act of Parliament or Order having the force of an Act to supply electricity or gas or water ;

“street” means any highway road bridge square lane footpath close court or passage (not being or forming part of any railway station or depot) or any part thereof open and accessible to the public whether the same is a thoroughfare or not ;

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

41 & 42 Vict.
c. 76.

PART I
—cont.10 & 11 Geo. 6.
c. 49.

“Transport Commission” means the British Transport Commission and any reference to the Transport Commission in relation to the functions of the Transport Commission which are for the time being delegated to an executive in pursuance of section 5 of the Transport Act 1947 shall be construed as a reference to that executive ;

“tribunal” means the tribunal or other authority to whom any question of disputed purchase money or compensation under this Order is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 ;

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.

All distances and lengths stated in any description of works powers or lands shall be read and have effect as if the words “or thereby” were inserted after each such distance and length.

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 ;

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

The provisions of the Fourth Schedule to the Act of 1946 except section 7 (Power to acquire servitudes for underground work) and Part III (Compensation water) of that schedule :

Provided that for the purposes of the incorporated provisions of the Fourth Schedule to the Act of 1946 section 2 of that schedule shall be read and have effect as if the expression “the deposited plans” were substituted therein for the expression “the plans submitted to the Secretary of State” and the expression “the deposited sections” were substituted therein for the expression “the said plans” wherever the last-mentioned expression occurs in that section.

So far as regards the provisions of Part III (Water) and Part VII (Purification of rivers and streams) of this Order—

8 & 9 Vict.
c. 33.

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 waterworks and the sewers and other works by this Order authorised and any part of the said works respectively.

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

PART I
—cont.

PART II

LANDS

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

Power to
acquire lands.

(2) The powers of the County Council for the compulsory purchase of land under this section shall cease on the thirty-first day of December one thousand nine hundred and fifty-two.

7.—(1) Any person empowered by the Lands Clauses Acts to sell and convey or discharge lands may (if he thinks fit) subject to the provisions of those Acts grant to the County Council any servitude or right (not being a servitude or right of water in which some person other than the grantor has an interest) required for the purposes of this Order in over or affecting any such lands.

Persons under
disability may
grant servi-
tudes &c.

(2) The provisions of the said Acts with respect to lands and feu duties or ground annuals so far as they are applicable shall extend and apply to any such grant and to any such servitude or right as aforesaid.

8.—(1) All private rights of way over any land that may be acquired compulsorily under this Order shall as from the acquisition of the land whether compulsorily or by agreement be extinguished.

Extinction of
private rights
of way.

(2) Any person who suffers loss by the extinguishment of any right under this section shall be entitled to be paid by the County Council compensation to be determined in case of dispute under and in accordance with the Acquisition of Land (Assessment of Compensation) Act 1919.

9.—(1) If any omission misstatement or wrong description of any land or of the owner lessee or occupier of any land is found to have been made on the deposited plans or in the deposited book of reference the County Council after giving ten days' notice to the owner lessee and occupier of the land in question may apply to the sheriff of the county in which such lands are situated for the correction thereof.

Correction
of errors in
deposited plans
and book of
reference.

(2) If on any such application it appears to the sheriff that the omission misstatement or wrong description arose from mistake he shall certify the fact accordingly and shall in his certificate state the particulars of the omission or in what respect any matter is misstated or wrongly described and the decision of the sheriff in such matter shall be final.

(3) The certificate of the sheriff shall be deposited with the sheriff clerk of the said county and thereupon the deposited plans and book

PART II
—cont.

of reference shall be deemed to be corrected according to the certificate and it shall be lawful for the County Council to take the land and execute the works in accordance with the certificate.

(4) Any certificate deposited under this section shall be kept by such sheriff clerk along with the other documents to which it relates.

Power to
acquire servi-
tudes only.

10.—(1) In lieu of acquiring any land that may be acquired under this Order the County Council may for the purpose of constructing using and maintaining so much of the waterworks and sewer and other works authorised by this Order as will be laid underground and doing anything necessary in connection therewith acquire such servitudes and rights in that land as they may require for that purpose.

(2) Accordingly the County Council may give notice to treat in respect of any such servitude or right describing the nature thereof and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition of such servitudes and rights as if they were lands within the meaning of those Acts.

(3) Where the County Council have acquired a servitude or right only in any land under this section (a) they shall not be required or (except by agreement) entitled to fence off or sever that land from the adjoining land and (b) the owner or occupier of the land for the time being shall subject to the servitude or right have the same right to use and cultivate the land as if the Act confirming this Order had not been passed.

(4) If in his particulars of claim the owner of any land in respect of which notice to treat for a servitude or right is given under this section requires the County Council to acquire the land the County Council shall not be entitled to acquire the servitude or right unless the tribunal determines that the servitude or right can be granted without material detriment to the land or in the case of a park or garden belonging to a house without seriously affecting the amenity or convenience of the house:

Provided that nothing in this subsection shall apply to land forming part of a street.

(5) A notice to treat given under this section shall be endorsed with notice of the effect of subsection (4) of this section.

PART III

WATER

A. Definitions vesting water rights &c.

Commencement
of Part III of
Order.

11. This Part of this Order shall except where otherwise provided come into force on the appointed day.

Definitions for
Part III of
Order.

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

“Crail Town Council” means the provost magistrates and councillors of the royal burgh of Crail;

“domestic water rate” means the domestic water rate authorised to be imposed and levied by the County Council under the Act of 1949;

PART III
—cont.

- “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 ; 4 Edw. 7. c. cxlvi. 3 & 4 Geo. 5. c. clvi.
- “Dunfermline Orders of 1904 to 1918” means the Dunfermline District Water Orders 1904 to 1918 ; 8 & 9 Geo. 5. c. 1.
- “Kirkcaldy Order of 1913” means the Kirkcaldy District Water Order 1913 ; 2 & 3 Geo. 5. c. clxix.
- “Markinch Town Council” means the provost magistrates and councillors of the burgh of Markinch ;
- “public water rate” means the public water rate authorised to be imposed and levied by the County Council under the Act of 1949 ;
- “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 undertaking of and the water undertakings 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 or the Crail and Markinch Town Councils and others whose undertakings are transferred to 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 the County Council ;
- “Wemyss Order of 1876” “Wemyss Order of 1894” “Wemyss Order of 1910” and “Wemyss Order of 1925” mean respectively 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 Trustees” means the former Wemyss and District Water Trustees ;
- “Wemyss water district” means so much of the water limits as before the sixteenth day of May one thousand nine hundred and forty comprised the limits of compulsory supply of the Wemyss Trustees.

13. Part III (Water) of the Order of 1940 shall as from the appointed day be and is hereby repealed except the provisions thereof which are referred to in the First Schedule to this Order. Repeal of Part III of Order of 1940.

PART III

—cont.

Water undertaking to continue vested in County Council.
Transfer of water undertakings of Crail and Markinch Town Councils.

14. Subject to the provisions of this Order the water undertaking as it exists and as it is 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.

15.—(1) As on and from the appointed day the water undertakings of the Crail and Markinch Town Councils including all waterworks then existing or in course of construction and all lands works mains pipes plant stores and other property and effects belonging to or vested in the Crail and Markinch Town Councils or in any person for or in trust for them and forming part of or held in trust for the said water undertakings and all outstanding accounts balances with bankers and other balances money in any reserve depreciation or sinking fund and all other moneys and debts belonging or owing to the Crail and Markinch Town Councils or to any person on their behalf or to or in which they are entitled or interested in connection with the said water undertakings and all estate and interest of the Crail and Markinch Town Councils in any such property shall be and are by virtue of this Order transferred to and vested in the County Council who shall thenceforth have possess and enjoy the same subject to all debts and liabilities affecting the same and to the provisions of this Order.

(2) As on and from the appointed day and subject to the other provisions of this Order all the powers rights duties privileges and authorities of the Crail and Markinch Town Councils under any enactment not repealed by this Order (other than (a) any provision contained in any such enactment with respect to the levying or recovering of water rates or charges or the borrowing or raising of money and (b) the powers and duties of the Crail and Markinch Town Councils under sections 29 30 53 and 54 of the Act of 1946) so far as relating to the said water undertaking shall by virtue of this Order be transferred to and vest in the County Council subject to all obligations and restrictions as if the County Council had been referred to in those enactments in lieu of the Crail and Markinch Town Councils.

Transfer of works of Freuchie Water Company and Lord Colum Edmund Crichton-Stuart.

16.—(1) As on and from the appointed day—

- (a) all mains pipes filters and other works and apparatus belonging to the Freuchie Water Company ; and
- (b) the Marl Pit and the water rights and water supply therein and the pipes laid down for the purpose of supplying the farms of Plains Nethermyres Cash Mill Greenmyre and Jamaica Cottage and works connected therewith belonging to the Falkland Estate Trustees ;

within the water limits shall by virtue of this Part of this Order 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.

(2) The price to be paid by the County Council for the Marl Pit with the water rights and water supply therein so far as belonging to Lord Colum Edmund Crichton-Stuart shall be the sum of fifty pounds sterling.

Vesting of property transferred to County Council.

17. 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.

PART III
—cont.

18. Subject to the provisions of this Order the powers of the Crail and Markinch Town Councils with reference to the supply of water shall as from the appointed day cease and determine.

Cesser of powers of
Crail and Markinch
Town Councils to
supply water.

19. All agreements between the County Council and the Crail and Markinch Town Councils relating to the supply of water to or by the County Council or to or by the Crail and Markinch Town Councils which are in force on the appointed day shall as from the appointed day be void and of no effect but without prejudice to the rights of the County Council or the Crail and Markinch Town Councils to recover any sums accrued due and payable to them respectively at the appointed day under any such agreement.

Annulment of
agreements
between
County Council
and Crail
and Markinch
Town Councils.

20. All legal or other proceedings begun before the appointed day and relating to any property or liabilities of the Crail and Markinch Town Councils transferred to the County Council by virtue of this Order may be carried on with the substitution of the County Council as party to the proceedings in lieu of the Crail and Markinch Town Councils and any such proceedings may be amended in such manner as may be necessary for that purpose.

Proceedings
not to abate.

21. All books and documents relating to the water undertakings of the Crail and Markinch Town Councils 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.

Books &c.
to be evidence.

22. All water rates charges and assessments or any proportion thereof and all arrears thereof penalties debts and sums of money at the appointed day owing to the Crail and Markinch Town Councils relating exclusively to their water undertakings shall continue to be due and payable to the Crail and Markinch Town Councils respectively.

Water rates
and arrears.

23.—(1) All debts and sums of money which at the appointed day are due and owing by the Crail and Markinch Town Councils in relation to their water undertakings whether by mortgage bond debenture annuity or otherwise shall be and are by this Order as from the appointed day transferred to and shall be undertaken and be payable by 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 in like manner as they could have been recovered and enforced from and against the Crail and Markinch Town Councils.

Transfer of
debts.

(2) As from the appointed day the Crail and Markinch Town Councils shall be freed and relieved by the County Council from any claim or demand made by any creditor holding any such security or

PART III
—cont.

securities and of all expenses incurred in connection therewith and such claim or demand shall form a charge upon the water undertaking.

Accountancy
between
Crail and
Markinch
Town Councils
and County
Council.

24.—(1) All capital sums of money in the hands or under the control of the Crail and Markinch Town Councils or the treasurers thereof exclusively or in part applicable to their water undertakings shall in whole or in part as the case may be belong to and be handed over to the County Council subject to the payment of any debts that may be outstanding in connection therewith (other than the money owing on mortgage bond debenture or annuity) and all questions of and relating to accounting between the Crail and Markinch Town Councils and the County Council for the ascertainment of the sums so due (if any) to or by the County Council shall failing agreement be referred to a duly qualified accountant to be mutually appointed by the County Council and the Crail and Markinch Town Councils or failing such appointment within three months after the appointed day to an accountant to be appointed by the Secretary of State on the application of either the County Council or the Crail and Markinch Town Councils.

(2) The accountant so appointed shall have full right of access to the books accounts and vouchers of the Crail and Markinch Town Councils for the purpose of such accounting and shall certify the amount (if any) due to or by the County Council and the amount so certified (if any) as payable to or by the County Council shall be paid to or by the County Council within one month after the date of such certificate.

(3) The fees payable to such accountant shall be paid by the County Council.

Existing
mortgages.

25. Subject to the provisions of this Order nothing contained in this Order shall prejudice or affect any mortgages bonds or assignments or other writs granted in security for money borrowed (whether repayable by instalments or otherwise) by the Crail and Markinch Town Councils in respect of or relating to their water undertakings 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 Provided that the water rates and charges levied by the County Council shall be substituted for and shall come in lieu and place of the water rates assessments and charges on the security of which such money was borrowed.

Saving
existing agree-
ments &c.

26. After the appointed day all contracts agreements and obligations granted made or entered into in favour of or by or with the Crail and Markinch Town Councils in relation to their water undertakings shall subject to the provisions of this Order remain in force and effect and shall be available to or against the County Council in the same manner as the same would or might have been available to or against the Crail and Markinch Town Councils before the appointed day.

Proceedings
saved.

27. Nothing in this Order shall prejudice or affect anything done or suffered before the appointed day in relation to the water undertakings of the Crail and Markinch Town Councils nor any right liability claim or demand incident to or consequent on anything so done or suffered.

28. After the commencement of this Order the Crail and Markinch Town Councils shall not without the previous consent of the County Council under the hand of the county clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the construction completion renewal and maintenance of the works and the proper conduct of the said undertakings and any expenditure properly made or incurred by the Crail and Markinch Town Councils in connection with the said undertakings otherwise than out of money borrowed on or arising from the said undertakings shall be repaid by the County Council.

PART III
—cont.
Maintenance of
undertakings
until transfer.

29. The byelaws rules and regulations in force at the appointed day relating to the water undertakings of the Crail and Markinch Town Councils shall as from the appointed day cease to be in force and the byelaws rules and regulations of the County Council for the time being in force in relation to the water undertaking shall extend and apply to and within the water limits as extended by this Order.

Byelaws &c.

30. 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.

Provisions of
Order to
apply to
existing
waterworks.

31. 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 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 Act of 1946 and this Order entitled to open and break up for such purposes.

Power to
maintain
extend or
renew water
undertaking
&c.

32.—(1) The County Council shall subject to standing orders to be from time to time made by the County Council continue to appoint a committee for the management and maintenance of the water undertaking.

Water
committee.

(2) The number of members of the committee shall as from the appointed day be twenty-nine of whom twenty-eight shall be members of the County Council and one shall be nominated by the Admiralty.

(3) Of the members of the committee to be appointed from amongst the members of the County Council—

(a) two shall be members of the County Council representing thereon the landward part of the county included within the Wemyss water district but this paragraph shall cease to have effect on the fifteenth day of May one thousand nine hundred and fifty ;

PART III
—cont.

- (b) two 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 ;
- (c) one shall be a member of the County Council representing the burgh of Markinch.

Power to
take waters.

33. 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 the Frandy Burn Inner Burn Outer Burn Glenquey Burn Garchel Burn Dunmoss Burn Meadow Burn Blackrig Burn Milldeans Burn Carriston Burn Conland Burn river Farg Plains Burn Miln Burn Slateford Burn Chapel Burn Water of May Common Burn Lochmuir Springs Denside Springs Ribbonfield Bore the Marl Pit and of all or any of the affluents of those streams and all other streams springs and waters flowing into or arising within the sites of the waterworks belonging to or authorised by 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.

Compensation
water from
Glendevon and
Glenquey
reservoirs.

34. 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") (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 (3) of this section (a) from the Glendevon reservoir into the river Devon not less than four million six 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) 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 two engineers to be appointed as arbiters

the one by the County Council and the other by the interested parties and the provisions of this section relating to existing compensation water shall apply to any additional compensation water provided under this subsection ;

- (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 the 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 :
- (3) 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 :
- (4) 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 :
- (5) 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 (10) 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 :
- (6) 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 :
- (7) 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 :
- (8) 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 :

PART III
—cont.

- (9) 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:
- (10) 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 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:
- (11) 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:
- (12) 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:

PART III
—cont.

- (13) The provisions of this section shall be accepted and taken by the interested parties as providing 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:
- (14) In this section the expression "sheriff" shall not include sheriff-substitute.

35.—(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 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 section and the section of this Order of which the marginal note is "Limiting abstraction of water from Slateford and Miln Burns" shall be accepted and taken by all persons interested as providing 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 sheriff-substitute.

PART III
—cont.Limiting
abstraction of
water from
Frandy Inner
and Outer
Burns.

36.—(1) Notwithstanding anything contained in the section of this Order of which the marginal note is "Power to take waters" the County Council shall not divert into their reservoir at Glendevon by means of the Waterworks Nos. 4 5 and 6 authorised by this Order the waters of the Frandy Burn the Inner Burn and the Outer Burn unless a flow at the rate of one hundred and fifty thousand gallons per diem is passing down the course of the Frandy Burn past the point of the intake (Waterwork No. 6) authorised by this Order and the County Council shall then be entitled to take and divert into the said reservoir the remainder of the water flowing in the said burns.

(2) For the purpose of measuring the flow of water in the Frandy Burn the County Council shall maintain at or near the said intake (Waterwork No. 6) 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 at all reasonable times of all parties interested therein or of persons duly authorised by them in that behalf.

(3) The provisions of this section shall be accepted and taken by all persons interested as providing full compensation for all water which the County Council can take divert impound or appropriate by means of the waterworks authorised by this Order on the Frandy Burn the Outer Burn and the Inner Burn.

Limiting
abstraction of
water from
Slateford and
Miln Burns.

37.—(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 not less than 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 the remainder of the 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.

(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.

38.—(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 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.

39.—(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. Compensation water from Coul 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.

40. 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 Provision as to gauges.

PART III
—cont.

“Limiting abstraction of water from Frandy Inner and Outer Burns”
 “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 do 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.

Compensation
water from
Water of May
reservoir &c.

41.—(1) Before and during the construction of the reservoir (Waterwork No. 8) authorised by this Order and until the date of the first filling of the said reservoir the County Council may subject as hereinafter provided take from the streams known as the Water of May and the Common Burn such water as they may require into the conduit or line of pipes (Waterwork No. 11) authorised by this Order :

Provided that before taking any water from the said streams they shall on an approved site construct an approved gauge to gauge the flow of the streams and while the flow of water through or over the gauge is less than at the rate of five hundred and seventy-five thousand gallons per diem they shall not take any water but when the flow exceeds the said quantity they shall be entitled to take only the excess over that quantity.

(2) After the date of the first filling of the said reservoir (Waterwork No. 8) the County Council shall at an approved point within a distance of two hundred yards below the foot of the dam (Waterwork No. 9) authorised by this Order discharge into the said streams from or from streams feeding the said reservoir during every day of twenty-four hours reckoned from midnight in a uniform and continuous flow a quantity of water not less than eight hundred and forty-four thousand gallons and for the purpose of gauging such discharge the County Council shall construct and maintain in good order approved gauges on approved sites.

(3) After the completion of the intake (Waterwork No. 13) authorised by this Order the County Council may take from the stream known as the Chapel Burn such water as they may require:

Provided that before taking any water from the said stream the County Council shall construct adjacent to the said intake an approved gauge to gauge the flow of the stream and that until the date of the first filling of the reservoir (Waterwork No. 8) while the flow of the stream is less than at the rate of three hundred thousand gallons per diem they shall not take any water but when the flow exceeds the said quantity they shall be entitled to take only the excess over that quantity. After the date of the filling of the reservoir (Waterwork No. 8) while the flow of the stream is less than at the rate of four hundred and fifty thousand gallons per diem they shall not take any water but when the flow exceeds the said quantity they shall be entitled to take only the excess over that quantity.

(4) If the County Council—

- (a) fail to construct or maintain in good order any such gauge as aforesaid or refuse to allow any person interested to inspect and examine any such gauge or any records made thereby or kept by them in connection therewith or to take copies of any such records ; or
- (b) take any water from the said streams contrary to the provisions of subsections (1) and (3) of this section or fail to comply with the requirements of subsection (2) of this section with respect to the discharge of water ;

they shall without prejudice to their civil liability (if any) to a person aggrieved be liable in the case of an offence under paragraph (a) of this subsection on summary conviction to a daily penalty not exceeding fifty pounds and in the case of an offence under paragraph (b) of this subsection—

- (i) on summary conviction to a daily penalty not exceeding fifty pounds ; and
- (ii) on conviction on indictment to a daily penalty not exceeding five hundred pounds.

(5) In this section the expression “gauge” includes a gauge weir or other apparatus for measuring the flow of water and the expression “approved” means approved by the Secretary of State and for the purposes of this section a fishery district board shall be deemed to be interested in the flow of water in and the discharge of water into any stream within their fishery district or any stream feeding such a stream and shall be deemed to be aggrieved by the commission of an offence under this section in relation to any such stream.

(6) The foregoing provisions of this section shall be deemed to have been accepted by all persons interested as providing full compensation for all water which the County Council can take divert impound or appropriate by means of the waterworks authorised by this Order on the Water of May the Common Burn and the Chapel Burn except in respect of any land between the foot of the embankment of the said reservoir (Waterwork No. 8) and the point of discharge approved for the purposes of subsection (2) of this section.

42. For the purpose of section 3 of the Fourth Schedule to the Act of 1946 incorporated with this Order 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.” shall be deemed to be situated upon lands which are specified in this Order.

Restriction on works for abstraction of water.

B.—Works and lands

43. Subject to the provisions of this Order the County Council may make and maintain in the lines and according to the levels

Power to make additional waterworks.

PART III
—cont.

shown on the deposited plans and sections the waterworks hereinafter described (that is to say):—

In the counties of Perth and Clackmannan—

A reservoir (Waterwork No. 1) to be situated partly in the parish of Glendevon and partly in the parish of Blackford in the county of Perth and partly in the parish of Tillicoultry in the county of Clackmannan commencing in the parishes of Glendevon and Blackford in the dam (Waterwork No. 2) hereinafter described and terminating in the river Devon in the parishes of Blackford and Tillicoultry at a point 1370 yards measured in a westerly direction from the south-west corner of Backhill farmhouse:

In the county of Perth—

A dam (Waterwork No. 2) crossing the river Devon to be situated partly in the parish of Glendevon and partly in the parish of Blackford commencing in the parish of Glendevon at a point 450 yards measured in a south-easterly direction from the south-east corner of Backhill farmhouse and terminating in the parish of Blackford at a point 450 yards measured in a north-easterly direction from the south-east corner of Backhill farmhouse;

A road of access (Waterwork No. 3) to be wholly situated in the parish of Glendevon commencing at a point 450 yards measured in a westerly direction from the west corner of Frandy farm buildings and terminating at a point 480 yards measured in a south-easterly direction from the south-east corner of Backhill farmhouse;

An intake (Waterwork No. 4) on the Inner Burn to be wholly situated in the parish of Glendevon and including a conduit or line of pipe to connect to the catchwater channel or conduit (Waterwork No. 7);

An intake (Waterwork No. 5) on the Outer Burn to be wholly situated in the parish of Glendevon and including a conduit or line of pipe to connect to the catchwater channel or conduit (Waterwork No. 7);

An intake (Waterwork No. 6) on the Frandy Burn to be wholly situated in the parish of Glendevon;

A catchwater channel or conduit (Waterwork No. 7) to be wholly situated in the parish of Glendevon commencing at the intake (Waterwork No. 6) proceeding thence to and terminating in the Glendevon reservoir of the County Council at or near the south end of the embankment of that reservoir;

A reservoir (Waterwork No. 8) to be situated partly in the parish of Dunning and partly in the parish of Forteviot commencing in the dam (Waterwork No. 9) and terminating in the Water of May in the parish of Dunning at a point 320 yards measured downstream from the confluence of the Water of May and the Common Burn;

A dam (Waterwork No. 9) crossing the Water of May to be situated partly in the parish of Dunning and partly in the parish of Forteviot commencing in the parish of

Forteviot at a point 120 yards measured in a north-westerly direction from the ruins of the farm steading of Wester Bankhead and terminating in the parish of Dunning at a point 370 yards measured in a north-westerly direction from the said ruins ;

An access road (Waterwork No. 10) to be wholly situated in the parish of Forteviot commencing in the public road from Milnathort to Path of Condie at a point 330 yards measured in a southerly direction from the farm steading of Auchtenny and terminating in the dam (Waterwork No. 9) ;

A conduit or line of pipes (Waterwork No. 11) to be situated partly in the parish of Dunning and partly in the parish of Forteviot commencing in the dam (Waterwork No. 9) and terminating in the parish of Forteviot in the junction well (Waterwork No. 12) ;

A junction well (Waterwork No. 12) to be wholly situated in the parish of Forteviot at a point 90 yards measured in a south-westerly direction from the extreme south-west corner of the farm steading buildings of Pathgreen ;

An intake (Waterwork No. 13) on the Chapel Burn to be wholly situated in the parish of Forteviot ;

A conduit or line of pipes (Waterwork No. 14) to be wholly situated in the parish of Forteviot commencing in the intake (Waterwork No. 13) and terminating in the junction well (Waterwork No. 12) ;

A conduit or line of pipes (Waterwork No. 15) to be wholly situated in the parish of Forteviot commencing at the junction well (Waterwork No. 12) and terminating in the Glenfarg reservoir of the County Council ;

Filtration plant (Waterwork No. 16) to be wholly situated in the parish of Muckhart immediately north of Yetts of Muckhart within the enclosure numbered 106 on the 1/2500 ordnance map (1900 edition) of the said parish.

44. If the waterworks authorised by this Part of this Order are not completed by the thirty-first day of December one thousand nine hundred and fifty-nine or such extended time as the Secretary of State may upon the application of the County Council allow the powers granted by this Order 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.

Period for completion of waterworks.

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

Waterworks to form part of water undertaking.

46. 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 their waterworks and any expenses incurred by the Council Council under such undertaking may be defrayed out of any revenue or funds of the County Council.

Postal facilities.

PART III
—cont.Acquisition of
sporting and
other rights by
agreement.

47. 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 minerals by
agreement.

48. 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 waterworks of the County Council are now or may hereafter be situated or pass or under any land adjoining any such lands respectively :

1 & 2 Geo. 6.
c. 52.

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.

Power to
afforest lands.

49.—(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.

50. Subject to the provisions of the Act of 1949 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 extended and defined as comprising and including—

1 & 2 Geo. 5.
c. civ.

(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—

3 & 4 Geo. 5.
c. clvii.

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

45 Vict. c. xliii.

(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

54 & 55 Vict.
c. xciv.

(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 ;

(ii) The burgh of Buckhaven and Methil ;

(iii) The burgh of Markinch ;

(iv) The burgh of Crail.

51. Any person who without the written consent of the County Council takes water from any public well stand-pipe watering trough or drinking fountain for any purpose other than for domestic use or for drinking shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds. PART III
—cont.
Public wells
&c.

52.—(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: 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) Nothing in this section shall affect any exemption under section 17 of the Act of 1949 from liability to make payment in respect of a supply of water.

53.—(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 on summary conviction to a penalty not exceeding five pounds for each offence.

54. The following provisions shall apply in relation to the Wemyss water district (that is to say):— Supply of
water within
Wemyss
water district.

(1) (i) The County Council shall until the fifteenth day of May nineteen hundred and fifty supply water for pithead baths which were in use at the sixteenth day of May nineteen hundred and forty within the Wemyss water district as follows:—

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

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

(ii) The National Coal Board shall until the fifteenth day of May nineteen hundred and fifty 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 the Wemyss water district during the period

PART III
—cont.

to the fifteenth day of May nineteen hundred and fifty shall for each one thousand gallons of water supplied during 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 the Wemyss water district.

Dunshelt
water supply.

55. As from the appointed day 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 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 shall be deemed to be null and void but providing that the said farms of Plains Nethermyres Cash Mill Greenmyre Jamaica Cottage and Dunshelt Brickworks and any lands or heritages not forming part of the said farms which are entitled to be supplied with water from the Marl Pit by means of the pipe laid down for the purpose of supplying these farms and others shall be supplied by the County Council free of all rates and charges whatsoever with a supply of water adequate for all farm and domestic purposes and equivalent to that which the said farms and others have had in the past from the said Marl Pit to which Marl Pit supply they at present have a right And providing also—

- (a) that the County Council shall not raise the level of the water in the Marl Pit so as to interfere with the drainage of the adjoining lands and in particular with that of Easter Cash farm ; and
- (b) that in the event of the County Council's operations affecting the overflow from the Marl Pit so as to interfere with the present water supply therefrom to fields on Easter Cash and Woodmill farms the County Council shall provide at their own expense troughs or other suitable water supply for the said fields.

Payment in
advance of
charges for
water supply.

56. The charge for a supply of water by the County Council under any contract or 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.

Cleansing of
cisterns.

57. 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.

Power to cut
off disused
water pipes.

58. Where any pipe laid for the purpose of supplying the water of the County Council to any premises has become disused or derelict

whether through the premises becoming unoccupied or otherwise the county engineer and any officer of the County Council appointed by him and producing his authority if required may after giving notice to the owner or occupier cut off any such pipe at any point at which it seems to him to be proper so to do whether within or without such premises.

59. Nothing in this Order shall prejudice or affect—

Agreements
with
Admiralty.

(1) the 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 the fourth day of March and the twenty-first twenty-second twenty-third and twenty-eighth days of April one thousand nine hundred and four as set forth in the First Schedule to the Dunfermline Order of 1904 and three supplementary agreements between the same parties dated respectively the thirteenth day of July and the twenty-second day of September one thousand nine hundred and ten the second and sixth days of November one thousand nine hundred and fifteen and the sixth and fourteenth days of November one thousand nine hundred and seventeen ;

(2) the agreement between the said district committee and the said commissioners dated the twenty-seventh day of July and the sixth day of September one thousand nine hundred and twenty as set forth in the First Schedule to the Order of 1940 ;

and the said agreements shall so far as unimplemented and still operative continue in full force and effect according to the true intent and meaning thereof subject to such modifications (if any) as may be agreed in writing between the County Council and the said commissioners.

60. 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 it is to say):—

Supply of
water to
Dunfermline
Corporation.

(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 ;

PART III
—cont.

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 ;

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 accorded 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 provisions of the Dunfermline Orders of 1904 to 1918 which were repealed by the Order of 1940 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 fifteenth day of November one thousand nine hundred and fifty-nine or within six months after the fifteenth day of November one thousand nine hundred and sixty-four the rates aforesaid shall be subject to revision and shall failing agreement be determined by arbitration as hereinafter provided :
- (4) If such request is made by the Dunfermline Corporation within six months after the fifteenth day of November one thousand nine hundred and fifty-nine 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 said fifteenth day of November one thousand nine hundred and fifty-nine

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 the period of thirty-five years prior to that date:

- (5) If such request is made by the Dunfermline Corporation within six months after the fifteenth day of November one thousand nine hundred and sixty-four 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 said fifteenth day of November one thousand nine hundred and sixty-four 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 the period of forty years prior to that date:
- (6) On the completion of the construction of the reservoir (Waterwork No. 1) authorised by this Order the rates mentioned in subsection (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.

PART III
—cont.
Supply of
water to
Inverkeithing
Corporation.

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

- (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 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 provided in this section ;
- (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.

62. 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):—

Supply of water
to Lochgelly
Corporation.

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

PART III
—cont.

- (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
Clackmannan
County
Council.

63. 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 five-pence 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 before the sixteenth day of May one thousand nine hundred and sixty-six to afford a supply or supplies less in quantity than one hundred and fifty thousand gallons per day shall thereafter 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 of twenty-five years preceding the said date 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 said date whichever is the greater:
- (3) If the Clackmannan County Council fail to require the County Council to afford any supply prior to the said date 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 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.
Supply of water
to Kinross
County
Council.

64. 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):—

- (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 and there shall be provided fixed and maintained (at the sight and to the satisfaction of the County Council) 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. The expenses of the County Council in so supplying water shall be defrayed in accordance with the provisions of Part I (Water rates) of the Act of 1949 ;

(b) 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.

65. 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):—

PART III
—cont.
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 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 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 commencement of this Order 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

PART III
—cont.

within the water area of the village of Muckhart as existing at the commencement of this Order 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 convenient 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.

Supply of water
to riparian
owners.

66.—(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 who may at any time before the sixteenth day of May one thousand nine hundred and fifty-five require the County Council to afford such a supply.

(2) 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.

(3) The meter for measuring such supply and the house and land in which the same 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. The meter, meter-house and connections shall be maintained in good and efficient order by the County Council at the expense of the owner.

(4) If any such owner fails to require the County Council to afford such a supply before the said date the rights of such owner under this section shall thereupon cease and determine.

67. For the protection of Isabella Robertson Christie or other the owner 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):—

Supply of water
to Cowden
and Arndean
estate.

(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:

(4) In the event of the owner requiring the County Council at any time or times before the sixteenth day of May one thousand nine hundred and fifty-five to afford a supply or supplies less in quantity than twenty thousand gallons per day the owner shall thereafter be entitled to require the County Council to afford to the owner 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 said date:

PART III
—cont.Supplemental
water supply
from Leven
Corporation.

(5) If the owner fails to require the County Council to afford a supply before the said date the rights of the owner under this section shall thereupon cease and determine.

68. The County Council may apply to the provost magistrates and councillors of the burgh of Leven (hereinafter in this section referred to as "the Leven Corporation") for a supply of water to enable the County Council to supply and distribute water to the premises within the village of Lundin Links and adjoining landward area which were supplied with water by the Leven Corporation prior to the sixteenth day of May one thousand nine hundred and forty and the Leven Corporation shall furnish to the County Council a supply of water for such purpose and on such terms and conditions as may be agreed or failing agreement as may 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 Provided that such supply shall not prejudicially affect or restrict the supply of water within the limits of supply of the Leven Corporation.

D.—Water rates and charges

County
Council to
estimate
annual sums
required for
water under-
taking.

69.—(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.

Rates for
supplies to
National Coal
Board.

70.—(1) Notwithstanding the terms of the section of this Order of which the marginal note is "Saving for Water (Scotland) Act 1949" when water is supplied to the National Coal Board (hereinafter in this section referred to as "the board") by measure to any lands buildings or premises of the board for other than domestic purposes the board shall be entitled to require the County Council to set off against the aggregates of the domestic water rate levied on the board 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 the board for other than domestic purposes at all places wheresoever within the water limits the County Council being entitled to charge whichever of such aggregates is the greater.

(2) For the purposes of this section the area of the board within the water limits shall be divided into three (namely):—

- (a) that part of the said area which is comprised within the district of the Dunfermline District Council;
- (b) that part of the said area which is comprised within the district of the Lochgelly District Council; and

(c) that part of the said area which is comprised within the water limits exclusive of the areas (a) and (b) hereinbefore referred to ;

PART III
—cont.

as such areas are defined in the district council scheme made by the County Council under section 38 of the Act of 1947.

71. Notwithstanding the terms of the section of this Order of which the marginal note is "Saving for Water (Scotland) Act 1949"—

Public
water rate.

(1) In relation to the Wemyss water district—

(a) the public water rate to be imposed and levied in the year ending the sixteenth day of May one thousand nine hundred and fifty upon the lands and heritages within such district shall not exceed twopence in the pound ;

(b) as from the sixteenth day of May one thousand nine hundred and fifty 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) For the purpose of imposing and levying the public water rate 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 year ending the sixteenth day of May one thousand nine hundred and fifty the annual value of such waterworks shall be held to be one-fourth of the gross annual value thereof entered in the valuation roll ;

(b) Thereafter the public water rate payable in terms of the Act of 1949 shall be paid by the said burghs or any combination of the said burghs in the same way as owners of lands and heritages in the county without restriction or limitation ;

(c) For the purposes of this 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.

16 & 17 Geo. 5.
c. 47.

72. 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.

Minimum
water charge.

73. Notwithstanding the terms of the section of this Order of which the marginal note is "Saving for Water (Scotland) Act 1949" the expenses recoverable by the County Council from Crail Town Council in terms of section 11 of the Act of 1949 shall be calculated as follows :—

Expenses of
County Council
for supply in
burgh of Crail.

(1) For each of the ten years before the sixteenth day of May one thousand nine hundred and fifty-nine an amount equal

PART III
—cont.

to the produce of a rate of two shillings and sixpence in the pound on the total rateable values of the lands and heritages within the royal burgh of Crail:

- (2) As from the sixteenth day of May one thousand nine hundred and fifty-nine the expenses recoverable by the County Council from Crail Town Council shall be calculated in the manner provided by section 11 of the Act of 1949.

Expenses of
County Council
for supply in
burgh of
Markinch.

74.—(1) Notwithstanding the terms of the section of this Order of which the marginal note is "Saving for Water (Scotland) Act 1949" the expenses recoverable by the County Council from the Markinch Town Council in terms of section 11 of the Act of 1949 for the years hereinafter mentioned shall be calculated as follows:—

- (i) for each of the five years before the sixteenth day of May one thousand nine hundred and fifty-four an amount equal to the produce of a rate of one shilling and eleven pence in the pound on the total gross annual value of the lands and heritages within the burgh of Markinch;
- (ii) for each of the five years after the sixteenth day of May one thousand nine hundred and fifty-four an amount equal to the produce of a rate of two shillings and one penny in the pound on the total gross annual value of such lands and heritages.

(2) As from the sixteenth day of May one thousand nine hundred and fifty-nine the expenses recoverable by the County Council from the Markinch Town Council shall be calculated in the manner provided by section 11 of the Act of 1949.

Domestic water
rate in districts
enumerated
in Second
Schedule.

75. Notwithstanding anything contained in the Act of 1949 the domestic water rate within the former water supply districts enumerated in the Second Schedule to this Order shall not in the year ending 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 that year by the County Council (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 by the County Council (exclusive of the said districts) in respect of that year.

E.—Protective provisions

For protection
of county
councils of
Perth and
Kinross and
joint county
council for
combined
counties of
Perth and
Kinross.

76. 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 Acts and Orders repealed by the Order of 1940 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 between the County Council and the highway authority) have effect (that is to say):—

PART III
—cont.

- (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 plans required by section 3 of the Third Schedule to the Water 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:
- (3) (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 the 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:
- (4) 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 in the County Council objecting thereto:
- (5) 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 has been laid and the County Council shall forthwith on receiving notice in writing from the highway authority alter the position of any such aqueduct

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—cont.

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. Provided that new aqueducts conduits or lines of pipes shall not be laid by the County Council under the provisions of this subsection except with the approval of the Secretary of State:

(6) (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 :

(7) 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 ;

(8) 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 :

(9) 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.

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—cont.

77. 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 Dunfermline
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 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 the construction or repair of any works authorised by the Acts and Orders repealed by the Order of 1940 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 the 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:

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—cont.

- (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 expense which can be shown to be due to the construction of any works authorised by the Acts and Orders repealed by the Order of 1940 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 sixteenth day of May one thousand nine hundred and forty 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.

78. For the protection of Alexander Napier 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):—

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—cont.

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—

(a) the Glendevon reservoir before the fifteenth day of August one thousand nine hundred and thirteen; and

(b) the reservoir (Waterwork No. 1) authorised by this Part of this Order before the commencement of this Order;

so far as such rights or privileges have not been or may not be acquired by the County Council or in respect of which compensation has not been or shall not be 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 areas of the said reservoirs 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 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

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—cont.

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 and the road of access (Waterwork No. 3) authorised by this Part of this Order shall be repaired and maintained in good order in all time coming by the County Council to the reasonable satisfaction of the owner:
- (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 roads of access 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 roads of access from the public road from Crieff to Yetts of Muckhart and nothing contained in this Order shall be deemed to constitute the said roads of access 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 roads of access 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 in and over (a) all waters impounded in the Glendevon reservoir formed by the County Council under the powers conferred on them under the Dunfermline Order of 1913 and (b) the area of land which the County Council may acquire from the owner under the powers of this Order for the purposes of the reservoir dam and road of access (Waterworks Nos. 1 2 and 3) authorised by this Part of this Order 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 these rights 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 boat-houses on such part of the lands acquired as aforesaid as may be 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 each of such reservoirs or from such place on the banks thereof as the owner or his said 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 boat-houses or boats:

- (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 embankments of the said reservoirs 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 managers and servants to keep and use a boat upon each of the said reservoirs for the purpose of examining inspecting repairing and maintaining the same and the embankments and banks thereof at all times they may think proper but other persons shall not save in so far as provided by subsection (12) of this section be entitled to keep or use boats on the said reservoirs 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 reservoirs and of the embankments thereof shall be at all times fenced off by the County Council at their expense with suitable gates in such fences for access to the said boat-houses:
- (16) The County Council their contractors or sub-contractors shall not during the construction 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:
- (17) The County Council shall post and maintain notices at the entrance gates of the said roads of access and at the said reservoirs to prohibit trespassing and unauthorised fishing and shall instruct their resident waterman or servants to warn off all unauthorised persons from the said roads of access and lands surrounding the said reservoirs:
- (18) 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 fish and for the prevention of persons trespassing on his lands or the lands or waters in or over which he has sporting or fishing rights or any part thereof near any of the works of the County Council during the construction and repair of the same:
- (19) If by reason of any operations of the County Council—
(a) 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 by the construction of the Glendevon reservoir; or

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—cont.

(b) the supply of water as existing at the commencement of this Order of any such tenant or vassal or resident is affected by the construction of the reservoir (Waterwork No. 1) authorised by this Part of this Order ;

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 or the said reservoir (Waterwork No. 1) as the case may be 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 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.

79. 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 four 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 supplied 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 boat-house 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 purposes 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 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.

80. 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:—

For protection
of trustees
of late James
Lawrence Boyd.

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

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—cont.

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.

81. For the protection of John Beveridge Arthur Beveridge and others proprietors of Craigfarg and West Blair and as such proprietors the successors of the trustees of the late Alexander Beveridge of Craigfarg (the said John Beveridge Arthur Beveridge and others and their successors proprietors of Craigfarg 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.

82. 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):—

PART III
—cont.

For protection
of Sir Robert
Spencer-Nairn.

- (1) The County Council shall implement the obligation 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 shall be calculated as if such pipes had been laid from the nearest suitable point of the said trunk main of the Kirkcaldy Corporation.

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

83. The following provisions for the protection of the trustees of 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 Cor-
poration.

(1) In this section—

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

PART III
—cont.

“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 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 were transferred to and vested in the County Council by virtue of the Order of 1940:

- (2) The said pipes and apparatus shall continue vested 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 “Supplemental water supply from Leven Corporation” shall be read and construed accordingly and as from the sixteenth day of May one thousand nine hundred and forty 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 ratepayers in the burgh of Leven:

(3) As from the sixteenth day of May one thousand nine hundred and forty 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 that date to afford a supply of water to them and of all obligations undertaken by the proprietors before that date 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 for the year ending the sixteenth day of May one thousand nine hundred and fifty exceed one shilling and sixpence in the pound:

Provided that if in the said year the domestic water rate 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) On and from the expiry of the year ending the sixteenth day of May one thousand nine hundred and fifty the domestic water rate shall be imposed and levied upon the said feuars in the same way as upon 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 sixteenth day of May one thousand nine hundred and forty 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.

PART III
—cont.For protection
of Alexander
Bonthron
and others.

84. 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):—

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 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 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.

85. 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):—

PART III
—cont.

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.

86. 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):—

For protection
of William
Lawson.

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.

87. 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):—

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

PART-III
—cont.

on the north-east of the village of Pitlessie together with the pipes leading to such troughs and relative connections and shall supply water to the said troughs free of charge ;

(2) The County Council shall in all time coming continue to maintain the water 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 shall supply water to such trough free of charge at all times when the water of the stream of the said march is diverted into the said reservoir.

For protection
of George
Cheape Leburn
and others.

88. 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 ;

(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) Notwithstanding anything contained in the Act of 1949 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 the fifteenth day of May one thousand nine hundred and forty.

PART III
—cont.

89. The following provisions for the protection of Maxwell Logan 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 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 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):—

For protection
of Maxwell
Logan Pattullo.

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 for 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.

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

For protection
of Lieutenant-
Colonel Philip
George
Moncrieff
Skene.

- (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.

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

91. 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):—

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.

For protection
of Newton of
Falkland
feuars.

92.—(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 Bonthronne 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 other 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.

(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 the Act of 1949 the domestic water rate to be imposed and levied upon the said feuars for each of the ten years following the year ending the sixteenth day of May one thousand nine hundred and fifty shall not exceed ninepence per pound.

(b) Thereafter the domestic water rate 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.

93. 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):—

For protection
of Colonel
Edward
William
Sturgis Balfour
of Balbirnie.

(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 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

PART III
—cont.

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:
- (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".

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

94. The following provisions for the protection of the Right Honourable Charles Cospatrick Archibald Earl of Home Baron Douglas of Douglas K.T. The Hirsell 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):—

- (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 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:
- (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".

95. 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 the Act of 1949 the domestic water rate shall not be imposed and levied on

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—cont.

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.

For protection
of Smith
Anderson
and Company
Limited.

96. 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 the Act of 1949 the domestic water rate shall not be imposed and levied on the said lands and heritages which at the sixteenth day of May one thousand nine hundred and forty belonged 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.

97. 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 the Act of 1949 the domestic water rate shall not be imposed and levied on the lands of Auchmuty and Rothes Paper Mills and Rothes Bleachfield belonging at the sixteenth day of May one thousand nine hundred and forty 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.

For protection
of Distillers
Company
Limited.

98. 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 of 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.

(1) For a period of sixteen years from the sixteenth day of May one thousand nine hundred and forty-nine 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 sixteenth day of May one thousand nine hundred and forty rated for domestic water purposes if and so long as during that period a satisfactory supply of water is afforded to the said lands and heritages from the private supply of the owner or 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 sixteen 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 sixteenth day of May one thousand nine hundred and forty:

(3) Nothing in this section shall relieve the owner from the obligation to pay the public water rate to the County Council in respect of their said lands and heritages:

(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.

1 Edw. 8. &
1 Geo. 6. c. 67.

99. The following provisions for the protection of the Transport Commission shall unless otherwise agreed in writing between the County Council and the Transport Commission apply and have effect (that is to say):—

For protection
of British
Transport
Commission.

(1) The County Council shall not without the consent of the Transport Commission previously obtained purchase or acquire any lands or property of the Transport Commission but the County Council may acquire and the Transport Commission shall grant such servitudes or rights in

PART III
—cont.

under over or upon the lands property and works of the Transport Commission as may be required for making and maintaining any works authorised by the Acts and Orders repealed by the Order of 1940 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 Transport Commission 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 Transport Commission shall be carried out in accordance with plans sections and specifications previously submitted to and reasonably approved by the engineer of the Transport Commission 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 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 Transport Commission so far as disturbed or interfered with by or in connection with the said works:
- (5) If the Transport Commission so elect they may themselves execute and maintain so much of the said works as will be situated on the property of the Transport Commission and may recover from the County Council the reasonable expenses incurred by the Transport Commission 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 Transport Commission 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 Transport Commission at the reasonable expense of the County Council and the County Council shall indemnify the Transport Commission 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 the said engineer or in case of emergency the Transport Commission 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 Transport Commission such reconstruction alteration strengthening or underpinning shall be carried out by the Transport Commission 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 Transport Commission the Transport Commission 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 Transport Commission the reasonable expense incurred by the Transport Commission 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 Transport Commission 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 Transport Commission of a sufficient number of inspectors watchmen and signalmen to be appointed by the Transport Commission for watching and protecting the railways of the Transport Commission 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 Transport Commission 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 Transport Commission so to do at the expense of the County Council and with all dispatch alter the position of the said works so far as may be necessary to enable the Transport Commission to carry out such

PART III
—cont.

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 Transport Commission 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 the Act of 1949 shall apply to the Transport Commission 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:
- (14) If any difference arises between the County Council and the Transport Commission under the preceding subsections (except subsection (2) hereof) the same shall be determined by an arbiter to be 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 not include sheriff substitute.

7 Edw. 7.
c. 103.

For protection
of North of
Scotland
Hydro-Electric
Board.
45 & 46 Vict.
c. 56.
62 & 63 Vict.
c. 19.
As to trunk
roads.

100. Nothing in this Part of this Order shall extend to or authorise any interference with any electric lines conduits or works of the North of Scotland Hydro-Electric Board 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 to the Electric Lighting (Clauses) Act 1899.

101. With respect to the execution of any works authorised or the exercise of any powers conferred by this Part of this Order in or affecting any trunk road or any bridge over which a trunk road passes the provisions of the section of this Order of which the marginal note is "For protection of county councils of Perth and Kinross and joint county council for combined counties of Perth and Kinross" shall have effect subject to the following modifications:—

- (a) for references to a highway or a county highway there shall be substituted references to a trunk road;
- (b) for references to a county bridge or culvert there shall be substituted references to a bridge or culvert over which a trunk road passes;
- (c) for references to the highway authority or their clerk or their surveyor there shall be substituted references to the Minister of Transport;
- (d) in subsection (1) the words "under the hand of their surveyor for the district" in subsection (3) (b) the words "by their own servants and workmen" and in subsection (4) the words "shall not be unreasonably withheld and" and the word "reasonably" shall be omitted.

PART IV

LIGHTING DISTRICT

102.—(1) As from the appointed day all the special lighting districts in the county in existence at that date shall be constituted and shall be a special lighting district within the meaning of the Local Government Acts and for the purposes of those Acts in relation to lighting the County Council shall subject to the provisions of this Order be deemed to be the local authority for such district and possess the same powers and be subject to the same obligations and restrictions as if such district had been formed into a special lighting district under section 146 of the Act of 1947 and the County Council were such local authority as aforesaid.

Constitution of special lighting district.

(2) Notwithstanding anything contained in subsection (1) of this section the County Council shall have power to provide a lighting service in any part of the county not included within such district where the County Council consider such service is necessary or desirable and the expenses of providing such service shall be defrayed in the manner provided by section 153 of the Act of 1947 subject to the proviso that all lands and heritages situated in whole or in part within one hundred yards of a lighting point or lamp standard provided by the County Council outwith such district shall be liable to be assessed for lighting in the same manner in all respects as if the said lands and heritages were situated within such district.

PART V

SCAVENGING

A. Scavenging district

103. Subject to the provisions of this Order the whole of the special scavenging districts in the county in existence at the appointed day shall be deemed as from the appointed day to have ceased to exist as special scavenging districts and shall cease to be assessed for the purposes of scavenging separately from other parts of the county.

Abolition of existing scavenging districts.

104. As from the appointed day the county shall be constituted and shall be a special scavenging district within the meaning of the Local Government Acts and for the purposes of those Acts in relation to scavenging within the county and the County Council shall subject to the provisions of this Order be deemed to be the local authority for such district and possess the same powers and be subject to the same obligations and restrictions as if the county had been formed into a special scavenging district under section 146 of the Act of 1947 and the County Council were such local authority as aforesaid.

Constitution of County as special scavenging district.

B. Scavenging rates

105.—(1) The County Council shall once in every year estimate the expenses incurred or to be incurred in connection with scavenging facilities provided under this Order or otherwise 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 scavenging.

County Council to estimate annual sums required for scavenging purposes.

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

PART V
—cont.Power to
levy domestic
scavenging rate.

106.—(1) Subject to the provisions of this Order the County Council shall annually impose and levy an assessment (to be called “the domestic scavenging rate”) upon the owners and occupiers of all lands and heritages in the county at such rate in the pound of the rateable value thereof respectively as entered in the valuation roll and adjusted in terms of the section of this Order of which the marginal note is “Adjustment of rateable value of properties as shown in valuation roll for purpose of rating” as shall be sufficient when supplemented by the public scavenging rate (if any) and any other scavenging revenues received to defray the expenses incurred or to be incurred in connection with scavenging under this Order or otherwise 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 scavenging.

(2) The domestic scavenging rate shall not in any year exceed one shilling and sixpence in the pound and if the produce of such rate is in any year not sufficient when supplemented by the public scavenging rate (if any) and scavenging revenues as aforesaid to meet the expenditure bona fide incurred or contemplated for the purposes of scavenging 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 scavenging rate shall not be assessed or levied in respect of any lands or premises within the county in respect of which the County Council are not for the time being affording or offering facilities for the removal of household refuse and in any case in which the annual value of such premises is not entered in the valuation roll separately from the remainder of the subjects of which they form part the county valuation assessor shall subject to a right of appeal to the County Valuation Appeal Committee by any person aggrieved determine the annual value of the said premises for the purpose of the domestic scavenging rate provided that the provisions of the Lands Valuation (Scotland) Act 1854 (including without prejudice to the foregoing generality the provisions with respect to notices to persons whose property is valued and with respect to appeals) shall apply with regard to any determination made under this section in like manner as those provisions apply with regard to the particulars required by any other enactment to be shown in the valuation roll.

Public
scavenging rate.

107. 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 scavenging rate”) upon the owners and occupiers of all lands and heritages in the county at such rate in the pound of the rateable value thereof respectively as entered in the valuation roll and adjusted in terms of the section of this Order of which the marginal note is “Adjustment of rateable value of properties as shown in valuation roll for purpose of rating” as the County Council may from time to time determine but not exceeding twopence in the pound when the domestic scavenging rate within the county does not exceed one shilling in the pound and not exceeding threepence in the pound when the domestic scavenging rate exceeds one shilling in the pound.

108. The County Council shall not be obliged to furnish scavenging facilities for other than domestic purposes to any person for any less sum than ten shillings in any one year.

PART V
—cont.
Minimum scavenging rate.
As to mode of levying and recovering scavenging assessments.

109. 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 Act of 1947.

110. The County Council shall after making provision for—

Application of scavenging rates.

(a) the expenses of collection ;

(b) the payment of interest on the money borrowed by them for the purposes of scavenging ;

(c) the repayment by instalments or otherwise of money from time to time borrowed for the purposes of scavenging or the setting apart of the sinking fund formed for the purposes of scavenging ;

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 scavenging.

PART VI

DRAINAGE

A. Drainage district

111.—(1) Subject to the provisions of this Order the whole of the special drainage districts in the county in existence at the appointed day shall be deemed as from the appointed day to have ceased to exist as special drainage districts and shall cease to be assessed for the purposes of drainage separately from other parts of the county.

Abolition of existing drainage districts.

(2) As from the appointed day the following provisions of the Order of 1940 shall be and are hereby repealed (namely):—

Section 166 (Sewer assessment) ;

Section 167 (Limitation of sewer assessment in special drainage districts).

112. As from the appointed day the county shall be constituted and shall be a special drainage district within the meaning of the Local Government Acts and for the purposes of those Acts in relation to drainage within the county and the County Council shall subject to the provisions of this Order be deemed to be the local authority for such district and possess the same powers and be subject to the same obligations and restrictions as if the county had been formed into a special drainage district under section 146 of the Act of 1947 and the County Council were such local authority as aforesaid.

Constitution of county as special drainage district.

B. Drainage rates

113.—(1) The County Council shall once in every year estimate the expenses incurred or to be incurred in connection with drainage facilities provided by the County Council 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 drainage.

County Council to estimate annual sums required for drainage purposes.

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

PART VI
—cont.Power to
levy domestic
drainage rate.

114.—(1) Subject to the provisions of this Order the County Council shall annually impose and levy an assessment (to be called “the domestic drainage rate”) upon the owners and occupiers of all lands and heritages in the county at such rate in the pound of the rateable value thereof respectively as entered in the valuation roll and adjusted in terms of the section of this Order of which the marginal note is “Adjustment of rateable value of properties as shown in valuation roll for purpose of rating” as shall be sufficient when supplemented by the public drainage rate (if any) and the other drainage revenues received under this Order to defray the expenses incurred or to be incurred in connection with drainage facilities provided by the County Council 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 drainage.

(2) The domestic drainage rate shall not in any year exceed three shillings in the pound and if the produce of such rate is in any year not sufficient when supplemented by the public drainage rate (if any) and drainage revenues as aforesaid to meet the expenditure bona fide incurred or contemplated in connection with the provision of such drainage facilities 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 drainage rate shall not be assessed or levied in respect of—

- (a) lands and heritages unless premises being lands and heritages are actually connected with or are in the opinion of the County Council having regard to the expenses involved in relation to the value of the premises reasonably capable of being connected with the drainage system of the County Council and in any case in which the annual value of such premises is not entered in the valuation roll separately from the remainder of the subjects of which they form part the county valuation assessor shall subject to a right of appeal by any person aggrieved to the County Valuation Appeal Committee determine the annual value of the said premises for the purposes of the domestic drainage rate and as regards shootings unless some dwelling-house or other building upon the same is actually connected to the County Council sewers or unless some sewer of the County Council is laid within one hundred yards from any such dwelling-house or other building and the said dwelling-house or other building is capable of being connected to a sewer belonging to the County Council and then only in respect of the gross annual value (as determined by adjusting the gross annual value to the nearest pound in the same manner as the rateable value is adjusted in terms of the section of this Order of which the marginal note is “Adjustment of rateable value of properties as shown in valuation roll for purpose of rating”) of such dwelling-house or other building and in any case in which the annual value of the said

dwelling-house or other building is not entered in the valuation roll separately from the shootings the county valuation assessor shall subject to a right of appeal by any person aggrieved to the County Valuation Appeal Committee determine the annual value of the said dwelling-house or other building for the purposes of the domestic drainage rate ;

PART VI
—cont.

- (b) agricultural lands unless some dwelling-house upon the same is actually connected to the County Council sewers or unless some sewer of the County Council is laid within one hundred yards from any such dwelling-house and the said dwelling-house is capable of being connected to a sewer belonging to the County Council and then only in respect of the gross annual value (as determined by adjusting the gross annual value to the nearest pound in the same manner as the rateable value is adjusted in terms of the section of this Order of which the marginal note is "Adjustment of rateable value of properties as shown in valuation roll for purpose of rating") of such dwelling-house and in any case in which the annual value of such dwelling-house is not entered in the valuation roll separately from the remainder of the subjects of which it forms part the county valuation assessor shall subject to a right of appeal to the County Valuation Appeal Committee by any person aggrieved determine the annual value of the said dwelling-house for the purposes of the domestic drainage 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 ;

For the purposes of paragraphs (a) and (b) the provisions of the Lands Valuation (Scotland) Act 1854 (including without prejudice to the foregoing generality the provisions with respect to notices to persons whose property is valued and with respect to appeals) shall apply with regard to any determination made by the County Valuation Appeal Committee under this subsection in like manner as those provisions apply with regard to the particulars required by any other enactment to be shown in the valuation roll :

- (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 which at the appointed day or subsequently with the consent in writing of the County Council are serviced by sewers other than those belonging to the County Council Provided that—
- (i) in the event of any such golf course putting course tennis court bowling green football field playing field

PART VI
—cont.

public park or bathing pool being after the appointed day connected with the County Council's sewers the exemption thereof from the domestic drainage rate shall cease and determine but the domestic drainage rate shall be assessed and levied on the gross annual value (adjusted in terms of the section of this Order of which the marginal note is "Adjustment of rateable value of properties as shown in valuation roll for purpose of rating") of the clubhouse pavilion or other buildings so serviced;

(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.

Public drainage rate.

115. 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 drainage rate") upon the owners and occupiers of all lands and heritages within the county of such rate in the pound of the rateable value thereof respectively as entered in the valuation roll and adjusted in terms of the section of this Order of which the marginal note is "Adjustment of rateable value of properties as shown in valuation roll for purpose of rating" as the County Council may from time to time determine but not exceeding threepence in the pound when the domestic drainage rate does not exceed two shillings and sixpence in the pound and not exceeding fourpence in the pound when the domestic drainage rate exceeds two shillings and sixpence in the pound.

Minimum drainage rate.

116. The County Council shall not be obliged to furnish drainage facilities for other than dwelling-houses to any person for any less sum than ten shillings in any one year.

As to mode of levying and recovering drainage rates.

117. 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 Act of 1947.

Traders to pay by capital payment or by special assessment.

118. Where the County Council grant to any trade or industry drainage facilities for the discharge of trade effluent the amount to be paid to the County Council in respect of such facilities may at the option of the County Council be recovered either by a capital payment or by special drainage assessment.

Application of drainage rates.

119. The County Council shall after making provision for—

- (a) the expenses of collection;
- (b) the payment of interest on the money borrowed by them for the purposes of drainage;
- (c) the repayment by instalments or otherwise of money from time to time borrowed for the purposes of drainage;

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 drainage.

PART VII

PURIFICATION OF RIVERS AND STREAMS

120. In this Part of this Order unless there be something in the subject or context repugnant to such construction:—

Definitions
for Part VII
of Order.

“oil” means oil of any description and includes spirit produced from oil and oil mixed with water;

“polluting liquid” means any liquid either with or without particles of matter in suspension therein which causes pollution but does not include innocuous discolouring liquid;

“pollution” shall be construed as including the addition to any stream of—

(i) poisonous or noxious liquid or matter injurious to the maintenance of fish or to the food of fish in streams; and

(ii) any liquid of such temperature as to cause the temperature of the water of any stream to be injurious to the life of fish or to the food of fish;

“River Leven Act 1827” means the Act 7 & 8 Geo. 4. c. cv. intituled “An Act for recovering draining and preserving certain lands in the parishes of Kinross and in the parishes of Ballingry Auchterderran and Kinglassie in the county of Fife and for the better supplying with water the mills manufactories bleachfields and other works situated on or near the river of Leven in the said county of Fife”;

“River Leven Trustees” means the trustees appointed by virtue of and acting under the River Leven Act 1827;

“solid matter” does not include particles of matter in suspension in water;

“stream” means any river (except the rivers Forth and Tay and also that part of the river Eden seaward of the bridge carrying the main highway between Cupar and St Andrews) stream brook watercourse canal canalised river loch channel culvert or other watercourse or part thereof now or at any time in the future within or passing through or by the county;

“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;

“traders” means owners and occupiers of trade premises.

PART VII

—cont.

Extension
of time for
completion
of sewers
authorised
by Order of
1940.

Establishment
and constitu-
tion of River
Leven Board.

A. River Leven

121. The time limited by section 152 (Period for completion of sewers) of the Order of 1940 as extended by the Order of 1947 for the completion of the sewers described in Part IV of the Order of 1940 is hereby further extended until the thirty-first day of December one thousand nine hundred and fifty-six.

122.—(1) A river board to be called “the River Leven Board” (in this Order referred to as “the board”) shall be and is hereby established for the purpose of exercising subject to the provisions of this Order the functions exercisable by the board under this Part of this Order and such functions shall be exercised by the board accordingly.

(2) The board shall consist of twenty members nominated as follows:—

- (a) Ten by the County Council of whom three shall be selected from the representatives of the burghs of Buckhaven and Methil Leslie Leven Lochgelly and Markinch;
- (b) Eight by the following owners or occupiers of falls on the river Leven as defined by the River Leven Act 1827 and their respective successors in the said falls (that is to say) one representative nominated by each of the following that is to say:—

- (1) John Fergus & Company Limited;
- (2) Smith Anderson & Company Limited;
- (3) Tullis Russell & Company Limited;
- (4) Fife Paper Mills Limited;
- (5) National Coal Board;
- (6) The Distillers Company Limited;
- (7) National Steel Foundry (1914) Limited; and
- (8) John Balfour & Company Limited;

as the owners or occupiers at the commencement of this Order of the principal falls on the river Leven.

The representatives nominated by the above named shall represent the owners and occupiers of falls on the river Leven on the board until such time as a re-allocation of falls on the said river (within the meaning of the River Leven Act 1827) shall take place. In the event of such a re-allocation of falls taking place then the right of representation on the board of the owners and occupiers of falls may be varied by agreement among the River Leven Trustees or failing such agreement then by a majority decision of the board;

- (c) One representative from Kinross County Council; and
- (d) One representative nominated by the Fife branch of the National Farmers Union who shall not be eligible to hold office as chairman or vice-chairman of the board.

(3) A chairman and vice-chairman of the board shall be appointed by and from the members of the board but shall not both be persons elected by the county councils.

(4) Subject to the provisions of this Order the provisions of the Third Schedule to this Order with respect to the election tenure of office and qualifications of members of the board and of the chairman and vice-chairman of the board and with respect to meetings and proceedings of the board shall have effect.

(5) The county clerk shall act as clerk to the board.

(6) The expenses of the board shall be payable as to one-half thereof by the County Council and as to the other half by the River Leven Trustees Provided that (a) in the event of the board incurring expenditure as a result of a dispute between traders concerning the use or distribution of the water of the river Leven no part of such expenditure shall be charged against the County Council (b) costs incurred in court or arbitration proceedings shall be dealt with in accordance with the findings of the court or arbiter.

123.—(1) The board shall—

Functions of
board.

- (a) keep under review the quantity of water abstracted from the river Leven or its tributaries by traders or others refer to arbitration as provided in paragraph (j) hereof any dispute or difficulty arising between or among the traders and others as to the equitable distribution of the water in the said river secure that the greatest amount of water available (saving however the water diverted into the sewers described in Part IV of the Order of 1940) is returned to the river with the least practicable delay and take all necessary steps including if so advised legal proceedings to enforce their directions and decisions ;
- (b) consider and report to the County Council upon all claims competently lodged by traders and others for compensation for loss of water power or loss of water for industrial purposes or damage consequent upon the construction of the sewers described in Part IV of the Order of 1940 and the use made by such traders and others of such sewers ;
- (c) consider and report to the County Council upon any suspected infringement by traders or others discharging effluent into the river Leven or into the said sewers which does not comply with the conditions laid down by this Order ;
- (d) obtain on behalf of the County Council information with regard to inlet and outlet of any drain pipe or channel by means of which trade effluent is discharged into the said river ;
- (e) afford facilities for any trader to be present or represented when any question directly affecting him is being considered by the board ;
- (f) advise the County Council with respect to the standards to be fixed by the County Council under the section of this Order of which the marginal note is " Purity of effluent " ;
- (g) for the purpose of maintaining an adequate flow of water in the said river have power to declare in time of drought or for any other reason which appears to them sufficient the existence of an emergency during the continuance of which all or any of the standards prescribed by the section

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—cont.

of this Order of which the marginal note is "Purity of effluent" shall not apply ;

- (h) report to the County Council any case where they have reason to believe that quantities of effluent in excess of the quantities specified in the Order of 1940 or this Order or agreed by the County Council have been or are being discharged into the said sewers ;
- (i) advise the County Council with respect to all matters arising from the allocation of the capacity of the said sewers among traders and others and make recommendations on questions arising from the additional use of the said sewers by reason of the introduction of new or the closing of existing works discharging effluent into the said sewers ;
- (j) have power to appoint a qualified engineer approved by the River Leven Trustees (whose approval shall be deemed to have been granted if such approval is not refused within two months of the date of application therefor) who shall advise the board with regard to the discharge of their functions and shall pay him suitable remuneration Any dispute between the traders or others arising under paragraph (a) of this subsection shall be referred to an independent engineer to be appointed by the board to act as arbiter ;
- (k) have the right to make representations to the committee of management appointed in pursuance of section LXXVII of the River Leven Act 1827 regarding any of the functions duties or operations of the said committee of management and the committee of management shall be obliged to give full consideration to any such representation before reaching any decision thereon.

(2) In the event of any five or more members of the board being dissatisfied with any finding of the board they shall have the right of appeal to the sheriff against such finding In such event the decision of the sheriff shall be final and until his decision has been issued the finding of the board shall not be acted upon The board shall meet the expenses of the proceedings before the sheriff as the same shall failing agreement be taxed by the auditor of the sheriff court as between solicitor and client.

(3) The river inspector appointed by the County Council shall furnish the board with such reports and particulars as may be required by the board to enable them to discharge their functions under this section and any other employee of the County Council whose services are available to the board shall carry out any instruction of the board relative to the exercise of their functions but without prejudice to the responsibility of such employee to the County Council.

Functions of
committee of
management.

124. The committee of management appointed in accordance with section LXXVII of the River Leven Act 1827 shall continue to function subject to the following adjustments :—

- (a) The County Council shall be entitled to appoint three representatives from their number who shall have full powers as members of the committee of management ;

(b) The County Council and each trader shall be entitled to nominate an engineer and other officials who shall attend in an advisory capacity at any meeting of the committee of management ;

(c) The five members to be appointed by the River Leven Trustees to the committee of management shall be selected as far as possible to ensure that at least one is representative of each of the upper middle and lower reaches of the river Leven.

125. Notwithstanding anything contained in the Order of 1940— Recovery of amount of compensation in respect of sewers authorised by Order of 1940.

(1) The amount of compensation (if any) payable by the County Council to traders and others in respect of any direct loss or damage which may be sustained by or expenditure which may be occasioned to such traders or others in respect of damage to their riparian rights or the diminution in 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 Part IV of the Order of 1940 which before being so discharged was discharged into the river shall be deemed to form part of the expenses incurred in the construction of such sewers and may without prejudice to the agreement with the Distillers Company Limited set forth in the Fourth Schedule to this Order be apportioned amongst and recovered by the County Council from the traders and others who contributed to the cost of the construction of such sewers on the same basis and in the same proportion as such traders and others contributed to such cost:

(2) It shall be competent for any person to claim compensation for loss of water for power or trade purposes arising out of the construction of the said sewers at any time before the expiry of a period of five years from—

(a) the date as certified by the county engineer on which the intercepting sewer was available to such person ; or

(b) the date as certified by the county engineer of the completion of the said intercepting sewer ;

whichever date shall be the later but subject to the provisions of the next succeeding subsection such claims shall not be competent after the expiry of the said period of five years:

(3) (a) It shall be competent to any person at any time within three months after the expiry of the said period of five years to represent to the board that the said period has not provided an adequate test of the effect on the river Leven of the use by traders and others of the said sewers ;

(b) In the event of such representation being refused by the board it shall be competent to such person within twenty-one days after such refusal to appeal to the sheriff against such refusal by the board ;

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—cont.

(c) In the event of the representations of such person being upheld by the board or by the sheriff on appeal the County Council shall extend the said period of five years by a further period of five years and should the second period of five years after similar procedure be held not to have provided an adequate test the County Council shall extend for a further period of five years the time for the lodging of representations and so on at the end of each five yearly period thereafter until in the opinion of the board or of the sheriff as aforesaid a period of adequate test has been experienced.

Confirmation of agreements with Distillers Company Limited.

126. The agreement made the twenty-sixth and twenty-ninth days of March and the supplementary agreement made the twenty-third and twenty-eighth days of June both in the year one thousand nine hundred and forty-nine between the County Council of the one part and the Distillers Company Limited of the other part as set forth in the Fourth Schedule to this Order are 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.

Confirmation of agreement with John Fergus and Company Limited.

127. The agreement made the twenty-eighth and twenty-ninth days of March one thousand nine hundred and forty-nine between the County Council of the one part and John Fergus and Company Limited of the other part as set forth in the Fifth 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.

B. River Eden

Power to construct sewer.

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

A main sewer conduit or line of pipes following generally the line of the river Eden and commencing in the parish of Strathmiglo at a point 8 yards measured in a north-easterly direction from the centre of the bridge in the village of Burnside which carries the public highway from Milnathort to Auchtermuchty over the river Eden passing generally in an easterly direction through the parishes of Strathmiglo Auchtermuchty Collessie Kettle Cults Ceres Cupar Kemback Dairsie and Leuchars and the burgh of Cupar and terminating in the parish of Leuchars at a point in the tidal channel of the river Eden 123 yards measured in a west-south-westerly direction from Coble House Point.

129. In the execution of the sewer 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 Transport.

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—cont.
Power to deviate in construction of sewer.

130. If the sewer described in this Part of this Order and shown on the deposited plans is not completed by the thirty-first day of December one thousand nine hundred and fifty-six or such extended time as the Secretary of State may upon the application of the County Council allow the powers granted by this Order for the execution of the same shall cease except as to so much thereof as is then completed.

Period for completion of sewer.

131. 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 sewer authorised by this Part of this Order 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 sewer.

132. For the purposes of and in constructing maintaining repairing renewing enlarging duplicating altering and improving the sewer 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 sewers drains watercourses gas pipes water pipes telegraphic telephonic electrical and other mains pipes wires 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:

Alteration of roads &c. temporarily.

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

- (a) any telegraphic lines or other property of His Majesty's Postmaster-General;
- (b) any works of the North of Scotland Hydro-Electric Board to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section;
- (c) any works of the Scottish Gas Board unless with the consent of that board;
- (d) any trunk road without the consent of the Minister of Transport.

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Discharge of
sewage.

133.—(1) The County Council may by means of the sewer authorised by this Part of this Order convey all sewage and trade effluent to and discharge or permit the same to flow into St. Andrews Bay from the point of termination of the said sewer.

(2) The County Council may discharge from any branch drain or connecting sewer and permit to flow or discharge into the river Eden 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 sewer 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 sewer 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 sewer authorised by this Part of this Order.

(b) In the event of any such local authority or person discharging domestic sewage into the sewer 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 on summary conviction to a penalty not exceeding thirty pounds and to a daily penalty not exceeding five pounds.

(5) Except as otherwise provided in this Order a claim for compensation or remedy whether by way of interdict or other legal process shall not be competent against any person in respect of the abstraction or diversion of water from the river Eden into the sewer and works authorised by this Part of this Order in terms of any agreement with the County Council.

Prohibition
against
pollution.

134.—(1) After the expiry of six months from the completion of the sewer authorised by this Part of this Order or such part thereof as it may be necessary to construct for carrying out the purposes of this Order it shall not be lawful for any person to do any of the following things namely:—

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

(2) Any person who does any act or thing in contravention of the provisions of this section shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding fifty pounds and to a daily penalty not exceeding ten pounds.

(3) Notwithstanding anything contained in this Order a person shall not be guilty of an offence against this section or be liable to any proceedings under this section 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 polluting liquid.

135.—(1) The County Council and any local authority public body trader or person may enter into and carry into effect agreements for and with respect to:—

Agreements
for reception
and disposal of
trade effluent.

- (i) the reception and disposal of trade effluent ; or
- (ii) the removal and disposal of sludge deposit or other substances produced in the course of the treatment of trade effluent ;

by means of the sewer 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 basis of use towards the cost of—

- (a) the construction of the said sewer and works ; and
- (b) the maintenance thereof including rates and taxes.

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(3) It shall be lawful for any local authority public body trader or person to contribute towards the cost of the construction and maintenance of the said sewer and works and for the County Council to accept and apply towards such cost any moneys which may be contributed for that purpose.

Notice to be given by County Council before constructing sewer.

136.—(1) Not less than six months before proceeding with the preparation of detailed plans sections and specifications for the construction of the sewer and works authorised by this Part of this Order or such part of such sewer 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 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 Eden or who are at the date of the said notice using water from the river Eden for power purposes.

(2) Such traders or any of them desiring to use the said sewer and 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 sewer and 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".

(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 sewer and 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 sewer and works or such part of such sewer and works 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.

For protection of Auchtermuchty Town Council.

137. For the protection of the provost magistrates and councillors of the royal burgh of Auchtermuchty (hereinafter in this section respectively referred to as "the Auchtermuchty Town Council" and

“the burgh”) the following provisions shall unless otherwise agreed upon in writing between the County Council and the Auchtermuchty Town Council apply and have effect (that is to say):—

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- (1) The County Council shall as from the appointed day take over the responsibility for the maintenance of the drainage and sewage works including sewers within the burgh:
- (2) All debts and sums of money of a capital nature which at the appointed day are due and owing by the Auchtermuchty Town Council in relation to drainage shall as from the appointed day be transferred to and shall be payable by the County Council who shall relieve the burgh thereof and of all interest due or accruing due thereon from time to time:
- (3) The County Council shall in constructing the sewer authorised by this Part of this Order make effective provision for the reception of the domestic sewage and trade effluent of the burgh at a rate up to but not exceeding three hundred and fifteen thousand gallons per day into the said sewer:
- (4) The standard of purity of the sewage and trade effluent to be discharged into the said sewer as aforesaid shall be in accordance with the standard fixed by the County Council from time to time under this Order and the County Council will relieve the burgh of any obligation to provide improve alter or renew any pipes or works necessary to arrive at or maintain said standard of purity:
- (5) All works necessary for connecting the drainage and sewage system of the Auchtermuchty Town Council with the said sewer shall be constructed by and at the expense of the County Council:
- (6) The staff employed by the Auchtermuchty Town Council in connection with their drainage and sewage system shall be made available to the County Council for work on the said system within the burgh on the basis of the County Council repaying to the burgh the cost of such staff as far as employed in the said work the sums payable to be agreed between the County Council and the Auchtermuchty Town Council:
- (7) If at any time it is necessary to enlarge repair or renew any existing sewers or to lay additional sewers in the burgh the works shall be executed by the County Council in the name and on behalf of the Auchtermuchty Town Council and free of cost to the burgh except in so far as the burgh contribute by way of requisition as hereinafter provided and also except in so far as the Auchtermuchty Town Council may be liable as owners of property within the burgh to provide connections to the said sewer:
- (8) In respect of the services agreed to be given by the County Council to the Auchtermuchty Town Council in terms of this section the Auchtermuchty Town Council shall pay to the County Council the sum of six hundred and sixty

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pounds fifteen shillings and sixpence for each of the five years from and after the appointed day until the fifteenth day of May one thousand nine hundred and fifty-four with an option to the Auchtermuchty Town Council at their sole discretion to continue the said fixed annual payment of six hundred and sixty pounds fifteen shillings and sixpence for a further three years until the fifteenth day of May one thousand nine hundred and fifty-seven. As from the sixteenth day of May one thousand nine hundred and fifty-four (or the sixteenth day of May one thousand nine hundred and fifty-seven in the event of the Auchtermuchty Town Council availing themselves of the option before mentioned) the provisions of sections 214 and 218 of the Act of 1947 shall apply and have effect (with the substitution of the fifteenth day of September for the fifteenth day of July mentioned in subsection (4) of the said section 214) for the purpose of ascertaining the sums payable by the Auchtermuchty Town Council in respect of the expenditure by the County Council in connection with drainage for which the burgh is under this section included in the county and of securing payment of such sums and the requisition shall be made up by the County Council on the basis of the yield of a rate per pound equal to the total drainage rate per pound (public domestic and excess) levied in the landward area of the county. Provided that as from the appointed day the Auchtermuchty Town Council shall for the period of its duration to eleventh day of November one thousand nine hundred and sixty pay over to the County Council the grant to which the Auchtermuchty Town Council are entitled under the Unemployment Grants Scheme in respect of sewers the amount received in the year to the fifteenth day of May one thousand nine hundred and forty-eight being two hundred and thirty-nine pounds four shillings and sixpence:

- (9) Notwithstanding anything contained in this section the Auchtermuchty Town Council shall remain the drainage authority and be liable to continue to pay the local rates leviable on the drainage undertaking within the burgh as now existing or as it may be extended at any time after the commencement of this Order:
- (10) The burgh surveyor for the time being shall subject to the directions of the Auchtermuchty Town Council have the local control of the said drainage and sewage system so far as within the burgh and so far as remaining the responsibility of the Auchtermuchty Town Council.

For further
protection
of Cupar
Corporation.

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

- (1) The Cupar Corporation shall contribute and pay to the County Council the sum of forty thousand pounds towards

the cost of the acquisition of the lands servitudes and other rights and the construction of the sewer and works authorised by this Part of this Order. The said sum shall be paid to the County Council in four instalments of ten thousand pounds each the first of such instalments to be paid on the date of the completion of the contract for the construction of such sewer and works the second and third of such instalments to be paid on such dates during such construction as may be required by the County Council and the final instalment to be paid so soon as facilities are available for the discharge into the said sewer of the sewage trade effluent subsoil and storm water of the burgh:

- (2) The contribution to be made by the Cupar Corporation as aforesaid shall be made out of the consolidated rate of the burgh and the assessment necessary for such contribution shall not be reckoned in any calculation as to the statutory limit of such rate. The money required to meet such contribution may be borrowed by the Cupar Corporation and any money so borrowed shall be repaid by the Cupar Corporation within such period and by such method as the Secretary of State may prescribe:
- (3) The County Council shall in constructing the said sewer make effective provision for the reception of the sewage trade effluent subsoil and storm water of the burgh at a rate up to but not exceeding one million one hundred and fifty one thousand gallons per day into the said sewer and for the disposal thereof and as soon as such provision is made the drainage system of the Cupar Corporation shall be connected with the said sewer at such point or points as may be agreed between the County Council and the Cupar Corporation:
- (4) All works necessary for connecting the drainage system of the Cupar Corporation with the said sewer shall be constructed and maintained by and at the expense of the Cupar Corporation and at the sight and to the satisfaction of the county engineer:
- (5) After the drainage system of the Cupar Corporation has been connected with the said sewer the Cupar Corporation shall so far as reasonably practicable receive into their drainage system the sewage trade effluent subsoil and storm water from the burgh and shall deliver the said sewage trade effluent subsoil and storm water at a rate up to but not exceeding one million one hundred and fifty-one thousand gallons per day from their drainage system into the said sewer and the County Council shall receive the same and dispose thereof by discharge at the point of termination of the said sewer:
- (6) The sum of forty thousand pounds to be contributed by the Cupar Corporation as provided by subsection (1) of this section shall be received by the County Council in full satisfaction for all claims for the facilities to be afforded by the County Council for the use of the said sewer by the

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Cupar Corporation up to but not exceeding the said rate of one million one hundred and fifty-one thousand gallons per day during the period of the continuance of the loan raised by the Cupar Corporation for said sum of forty thousand pounds but not exceeding sixty years from the commencement of such loan and the Cupar Corporation shall not be required during that period to contribute to the cost of the maintenance of the said sewer. As from the expiration of the said period the Cupar Corporation shall contribute and pay to the County Council in each year towards the annual cost of the maintenance of the said sewer (including rates and taxes) such sum as may from time to time be fixed by the County Council and agreed to by the Cupar Corporation on a user basis:

- (7) In the event of the said rate of one million one hundred and fifty-one thousand gallons per day at any time proving inadequate to meet the requirements of the Cupar Corporation the terms on which the County Council if able and willing to meet the additional requirements of the Cupar Corporation shall be such as may be agreed between the County Council and the Cupar Corporation:
- (8) (a) The Cupar Corporation shall at their own expense before their drainage system is connected with the said sewer construct on their drainage system at or near each point of connection if there is more than one connection a screening plant and a measuring chamber necessary for measuring all sewage trade effluent subsoil and storm water which may be discharged from the said drainage system into the said sewer;
- (b) The said screening plant and measuring chamber shall be of such design as may be approved by and shall be constructed and maintained to the satisfaction of the County Council:
- (9) If any difference arises between the County Council and the Cupar Corporation under this section such difference shall be referred to 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 Falkland
Town Council.

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

- (1) The County Council shall as from the appointed day take over the responsibility for the maintenance of the drainage works including sewers within the burgh:
- (2) All debts and sums of money of a capital nature which at the appointed day are due and owing by the Falkland Town Council in relation to drainage shall as from the

appointed day be transferred to and shall be payable by the County Council with all interest due or accruing due thereon from time to time:

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- (3) The County Council shall in constructing the sewer authorised by this Part of this Order make effective provision for the reception of the domestic sewage and trade effluent of the burgh at a rate up to but not exceeding two hundred and seventy thousand gallons per day into the said sewer:
- (4) The standard of purity of the sewage and trade effluent to be discharged into the said sewer as aforesaid shall be in accordance with the standard fixed by the County Council from time to time under this Order:
- (5) All works necessary for connecting the drainage system of the Falkland Town Council with the said sewer shall be constructed by and at the expense of the County Council;
- (6) The staff employed by the Falkland Town Council in connection with their drainage system shall be made available to the County Council on an agency basis to be agreed between the County Council and the Falkland Town Council:
- (7) If at any time it shall be necessary to renew any existing sewers or to lay additional sewers in the burgh the works shall be executed by the County Council in the name and on behalf of the Falkland Town Council and free of cost to the burgh except in so far as the burgh contribute by way of requisition as hereinafter provided and also except in so far as the Falkland Town Council may be liable as owners of property within the burgh to provide connections to the said sewer:
- (8) The provisions of sections 214 and 218 of the Act of 1947 shall apply and have effect (with the substitution of the fifteenth day of September for the fifteenth day of July mentioned in subsection (4) of the said section 214) for the purpose of ascertaining the sums payable by the Falkland Town Council in respect of the expenditure by the County Council in connection with drainage for which the burgh is under this section included in the county and of securing payment of such sums and the requisition shall be made up by the County Council on the basis of the yield of a rate equal to the total drainage assessments (public domestic and excess) levied in the landward area of the county Provided that the requisition shall be on the basis of the yield of a rate equal to ninepence and eighty-eight one-hundredth parts of a penny in the pound in the burgh until such time as the drainage assessments (public domestic and excess rate) estimated to be required in the landward area of the county exceed that rate:
- (9) Notwithstanding anything contained in this section the Falkland Town Council shall remain the drainage authority and be liable to continue to pay the local rates leviable on the drainage undertaking within the burgh as now existing or as it may be extended at any time after the commencement of this Order.

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—cont.
For protection
of Ladybank
Town Council.

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

- (1) The County Council shall as from the appointed day take over the responsibility for the maintenance of the drainage works including sewers within the burgh:
- (2) All debts and sums of money of a capital nature which at the appointed day are due and owing by the Ladybank Town Council in relation to drainage shall as from the appointed day be transferred to and shall be payable by the County Council with all interest due or accruing due thereon from time to time:
- (3) The County Council shall in constructing the sewer authorised by this Part of this Order make effective provision for the reception of the domestic sewage and trade effluent of the burgh at a rate up to but not exceeding three hundred and two thousand five hundred gallons per day into the said sewer:
- (4) The standard of purity of the sewage and trade effluent to be discharged into the said sewer as aforesaid shall be in accordance with the standard fixed by the County Council from time to time under this Order:
- (5) All works necessary for connecting the drainage system of the Ladybank Town Council with the said sewer shall be constructed by and at the expense of the County Council:
- (6) The staff employed by the Ladybank Town Council in connection with their drainage system shall be made available to the County Council on an agency basis to be agreed between the County Council and the Ladybank Town Council:
- (7) If at any time it is necessary to renew any existing sewers or to lay additional sewers in the burgh the works shall be executed by the County Council in the name and on behalf of the Ladybank Town Council and free of cost to the burgh except in so far as the burgh contribute by way of requisition as hereinafter provided and also except in so far as the Ladybank Town Council may be liable as owners of property within the burgh to provide connections to the said sewer:
- (8) The provisions of sections 214 and 218 of the Act of 1947 shall apply and have effect (with the substitution of the fifteenth day of September for the fifteenth day of July mentioned in subsection (4) of the said section 214) for the purpose of ascertaining the sums payable by the Ladybank Town Council in respect of the expenditure by the County Council in connection with drainage for which the burgh is under this section included in the county and of securing payment of such sums and the requisition shall be made up

by the County Council on the basis of the yield of a rate equal to the total drainage assessments (public domestic and excess) levied in the landward area of the county. Provided that the requisition shall be on the basis of the yield of a rate equal to one shilling in the pound in the burgh until such time as the drainage assessments (public domestic and excess rate) estimated to be required in the landward area of the county exceed that rate:

- (9) Notwithstanding anything contained in this section the Ladybank Town Council shall remain the drainage authority and be liable to continue to pay the local rates leviable on the drainage undertaking within the burgh as now existing or as it may be extended at any time after the commencement of this Order.

141. If after the construction of the sewer authorised by this Part of this Order the operations of the County Council in connection with the said sewer result in such contamination of the shores of the river Eden estuary or St. Andrews Bay adjoining the links belonging to St. Andrews Town Council as to cause a nuisance the County Council shall on such nuisance being certified by the county medical officer take all possible measures to obviate the nuisance.

For protection
of St. Andrews
Town Council.

142. For the protection of British Sugar Corporation Limited (in this section referred to as "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 protection
of British Sugar
Corporation
Limited.

- (1) The County Council shall in constructing the sewer authorised by this Part of this Order make effective provision for the reception of the trade effluent from the existing factory of the owners at Prestonhall Cupar at a rate up to but not exceeding two million gallons per day and as soon as such provision is made the owners shall discharge such trade effluent into the said sewer at such point as may be agreed between the County Council and the owners:
- (2) The standard of purity of the trade effluent to be discharged into the said sewer as aforesaid shall be in accordance with the standard fixed by the County Council from time to time in accordance with the provisions of this Order:
- (3) All necessary works of connection between the said existing factory and the said sewer shall be constructed and maintained by and at the expense of the owners and at the sight and to the satisfaction of the county engineer and in respect that the owners are required to construct the said works to connect to the said sewer on the south bank of the river the County Council shall contribute the sum of four hundred pounds towards the cost of the said works:
- (4) The owners shall at their own expense construct and maintain at or near the point of connection screening plant and a measuring chamber for measuring all trade effluent which may be discharged from the said existing factory into the said sewer. The said screening plant and measuring chamber

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—cont.

shall be of such design as may be approved by and shall be constructed and maintained to the satisfaction of the County Council:

- (5) In respect of the facilities to be afforded by the County Council for the use of the said sewer by the owners up to but not exceeding the rate of two million gallons per day the owners shall in addition to the public and domestic drainage assessments contribute and pay to the County Council by means of a special sewerage assessment the sum of two thousand pounds per annum for a period of fifteen years the first of such sums to be payable not later than six months after the date of the contract for the construction of the said sewer by the County Council:
- (6) (a) In the event of any other factory adjoining the river Eden being erected between the site of the said existing factory of the owners and the burgh of Cupar and such other factory abstracting water from the said river and by agreement with the County Council and without the consent of the owners discharging trade effluent into the said sewer and thereby adversely affecting the flow of the said river to an extent which would handicap or embarrass the operations of the owners at the said existing factory the owners shall be entitled to recover from the County Council compensation for any direct loss which may be sustained by the owners by reason of such diminution of the flow of the said river;
- (b) Any claim to compensation under this subsection (which shall specify the nature of the loss alleged and the amount claimed) shall be made within a period of five years from the discharge of the trade effluent of such other factory into the said sewer and if a claim is not made within the said period the owners shall forfeit any right to claim compensation from the County Council under this subsection:
- (7) If any difference arises between the County Council and the owners under this section such difference shall be referred to 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.

Confirmation
of agreement
with Guard
Bridge Paper
Company
Limited.

143. The agreement made the twenty-sixth and twenty-ninth days of March one thousand nine hundred and forty-nine between the County Council of the one part and the Guard Bridge Paper Company Limited of the other part as set forth in the Sixth 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.

C. Protection of rivers and streams

Purity of
effluent.

144. For the purposes of paragraph (iii) of subsection (1) of section 157 (Prohibition against pollution from mills and works) of the Order of 1940 and paragraph (iii) of subsection (1) of the section of this Order of which the marginal note is "Prohibition against

pollution" polluting liquid or any sewage or other offensive or injurious matter shall not include any effluent which shall conform to the following standards of purity (that is to say):—

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- (a) the effluent shall not contain as discharged more than eight parts of suspended matter per one hundred thousand parts and (including the suspended matters) it shall not take up more than three parts of dissolved oxygen per one hundred thousand parts in five days at a temperature of sixty-five degrees fahrenheit;
- (b) the effluent shall not contain any acid or alkali or bleach;
- (c) discolouring liquid shall not show colour beyond a distance of one-half of a mile from the point of discharge.

In order to secure as high a standard of purity as possible for the river records shall be kept with a view to ascertaining at the end of the period of five years hereinafter referred to the biological oxygen demand of the river water:

Provided as follows:—

- (1) During a period of five years from the completion of the sewers authorised by Part IV of the Order of 1940 as certified under subsection (2) of the section of this Order of which the marginal note is "Recovery of amount of compensation in respect of sewers authorised by Order of 1940" and until the County Council have prescribed a standard of purity under the next succeeding paragraph of this proviso the standards of purity aforesaid shall be regarded as targets to be aimed at and shall not be enforceable against any person if the County Council are reasonably satisfied on the advice of the board that such person has made every effort consistent with economic circumstances and taken all reasonable means to conform to such standards:
- (2) The County Council may (on the advice of the board and in the light of experience gained during the period of five years hereinbefore referred to) from time to time after the expiry of the said period of five years from the completion of the said sewers or of the sewer authorised by this Part of this Order prescribe a revised standard of purity and may prescribe a different standard of purity in relation to the river Leven or the river Eden (as the case may be) or different parts of these rivers to which the said effluent shall be required to conform:
- (3) (a) The County Council shall give notice of their intention to prescribe a revised standard of purity by advertisement in a newspaper published or circulating in the county and forward a copy of such notice to all traders who in the knowledge of the County Council are at the date of such notice discharging effluent into the river Leven or the river Eden (as the case may be);
(b) Any such person may within twenty-eight days after the receipt of such notice appeal to the Secretary of State against the prescription of such revised standard of purity

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and his decision shall be final. Provided that the Secretary of State in giving his decision shall have regard to the industrial interests involved in the case and to the circumstances and requirements of the locality:

- (4) Compliance with all or any of the standards of purity hereinbefore referred to or to be prescribed by the County Council from time to time shall not apply during the continuance of a state of emergency which has been declared under the section of this Order of which the marginal note is "Functions of board".

Certain matters not to be passed into sewers.

145.—(1) Without prejudice to the terms of the agreements set forth in the Fourth Fifth and Sixth Schedules to this Order a person shall not throw empty or turn or suffer or permit to be thrown or emptied or to pass into any sewer or purification works of the County Council or into any drain pipe or channel communicating with any such sewer or purification works any matter having a hydrogen ion concentration (PH value) of less than six or more than thirteen.

(2) A person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Establishment of advisory boards for other rivers.

146. The Secretary of State may on the application of the County Council by order establish an advisory board to advise the County Council on matters in respect of any river in the county other than the river Leven and may by such order define the functions to be exercised by such advisory board. Provided that in establishing an advisory board as before mentioned the Secretary of State shall make provision for the representation thereon of riparian proprietors.

Appointment of river inspectors and other officers.

147. The County Council may appoint and remunerate river inspectors and such other officers and servants as they from time to time think requisite 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 sewers and works authorised by Part IV of the Order of 1940 and by this Part of this Order.

Application of provisions of Order of 1940.

148. The sections of the Order of 1940 of which the numbers and marginal notes are as follows shall extend and apply to all sewage and drainage works that may from time to time be carried out by the County Council (namely):—

- Section 158 (Disposal of sludge &c.);
- Section 160 (Arrangements with other authorities);
- Section 161 (County Council to make general regulations);
- Section 162 (Regulating discharge into sewers);
- Section 163 (Power to enter and inspect);
- Section 164 (Penalties).

Experiments in treatment of sewage and trade effluents.

149.—(1) 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 experiments in the treatment of trade effluent and

to pay the expenses of conducting such experiments out of the county rate.

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(2) Nothing in this section shall exempt the County Council from any complaint or action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them in pursuance of this section.

150. 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. Power of Secretary of State in case of nuisance.

151.—(1) Subject to the provisions of this Part of this Order the County Council for the purpose of improving and maintaining the purity and improving and freeing or keeping free from obstruction the flow of any stream may— Power to improve flow &c.

- (a) alter deepen restrict enlarge widen diminish lengthen shorten straighten and improve the bed and channel of any stream;
- (b) shorten any bend and remove any angle in the course of a stream;
- (c) reduce or remove any shoals shelves banks or other accumulations in any stream;
- (d) remove weirs from and construct and maintain weirs in a stream;
- (e) abate or remove or cause to be abated or removed all impediments obstructions and annoyances and all nuisances and abuses whatsoever in any stream or on the banks thereof;
- (f) enter into agreements with the owners of land adjoining or in or near to any stream for the purchase of land or otherwise to enable them to effect any of the purposes aforesaid.

(2) The County Council may enter upon any lands for the purpose of exercising the powers of this section but before entering or inspecting they shall (except in cases of emergency) give not less than fourteen days' notice to the owner or occupier thereof and if before the expiration of fourteen days after the service of any such notice any such owner or occupier give notice to the County Council objecting to the exercise of such powers in reference to the land owned or occupied by him such powers shall not be exercised except with the consent of the Secretary of State.

(3) Where any person sustains any damage by reason of the exercise of any of the powers contained in this section in relation to any matter as to which he is not himself in default compensation shall be made to such person by the County Council and if any dispute arises as to the fact of damage or the amount of compensation (if any) the matter in dispute shall in default of agreement be determined by the sheriff.

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—cont.

(4) Nothing contained in this section shall interfere with the functions which the River Leven Trustees are entitled to exercise under the River Leven Act 1827.

For prevention
of floods.

152.—(1) For the purpose of preventing floods in the county the County Council may—

- (a) by agreement purchase and hold lands forming the bed or banks or situated in the neighbourhood of the banks of any stream ;
- (b) form invert pitch widen deepen straighten strengthen cover in fence and otherwise improve the waterway bed and banks of any stream ;
- (c) construct and reconstruct walls embankments culverts fences and other works upon or in the neighbourhood of the banks of any stream.

(2) For the purposes of any work under the provisions of this section the County Council may excavate material in the neighbourhood of the banks of any stream and deposit on the banks of such stream materials so excavated or excavated from such stream.

(3) (a) Before executing any work under the provisions of this section the County Council shall cause to be prepared and deposited at the office of the county clerk for inspection by or on behalf of any owner affected by such work a plan section and specification thereof together with an estimate of the probable cost of such work (including the expense of purchasing any lands for the purposes thereof) and a provisional apportionment of such estimated cost and shall give notice in writing of such deposit to every riparian owner and occupier on the portion of the stream forming the site of such work and to every owner proposed to be charged in accordance with the provisions of this section with any part of such cost.

(b) If any such owner within twenty-eight days after the receipt of any such notice delivers to the county clerk a statement in writing signed by him—

- (i) that he objects to the proposed work such work shall not be executed unless such notice of objection is withdrawn or unless the proposals of the County Council under this section are approved by the sheriff as after mentioned or are approved with such modifications as he may deem necessary and until the Secretary of State has given his approval of the work and such approval may require such modification of the work as the Secretary of State may deem necessary ;
- (ii) that he objects to the provisional apportionment of the cost of the proposed work such objection shall be determined by the sheriff on the application of either party and the sheriff may quash in whole or in part or may amend such provisional apportionment :

Provided that all the provisions of section 147 of the Act of 1947 in regard to an appeal to the sheriff against a resolution of a local authority shall with the necessary modification apply to an appeal to the sheriff against the proposals of the County Council under this section.

(4) (a) Any expenses incurred by the County Council under the provisions of this section (including the expense of purchasing any lands for the purposes thereof) may be apportioned amongst and recovered by the County Council from the owners of property within the county benefited by the execution of any work by the County Council thereunder:

Provided that in the event of any such apportionment being so made and of any property of the County Council being so benefited a due proportion of such expenses shall be apportioned to them and shall be borne and paid by them out of the county fund or out of moneys borrowed by them for the purpose.

(b) Any expense incurred by the County Council and authorised to be so apportioned and recovered may be apportioned and recovered by the County Council from the owners chargeable therewith and any sum due by any such owner may if the County Council so decides be levied on and recovered from such owners in like manner in all respects as if it were a rate leviable by the County Council. Any question as to the manner in which such expenses should be apportioned and recovered and as to whether the County Council have complied with the requirements of this subsection shall be determined on the application of the County Council or any such owner by the sheriff who shall issue such directions or make such order as he may in the circumstances consider proper.

(5) The County Council may if they think fit at any time resolve to contribute the whole or a portion of any expenses incurred by them under the provisions of this section and in the event of their so resolving may pay the same out of the county fund or out of moneys borrowed by them for the purpose.

(6) For the purposes of this section the officers servants contractors and workmen of the County Council with or without carts or other vehicles may from time to time on giving seven days' notice in writing enter upon the bed and banks of any stream and any lands or premises adjoining the same and any person who obstructs the officers servants contractors or workmen of the County Council in the exercise of the powers of this section shall be guilty of an offence and shall on summary conviction be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(7) Nothing in subsections (1) (2) or (4) of this section shall deprive any owner except with his consent of any legal rights in the soil or bed of any stream or of using in a manner not inconsistent with the provisions of this section the water of any stream or of any legal remedies if such legal rights or legal remedies were vested in or exercisable by him or by his predecessors in title at the commencement of this Order or give any owner any rights as against the public which he did not possess before the commencement of this Order.

(8) The powers conferred upon the County Council by this section are in addition to and not in derogation of the powers conferred or duties imposed upon them by or under the provisions of any other Act or Order.

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(9) The County Council shall be bound to make good any damage caused by them in carrying out works in exercise of their powers under this section and to pay compensation in respect of loss injury or damage suffered by the owners and occupiers of property affected by the exercise of such powers and any payments made by the County Council in pursuance of this subsection shall for the purposes of paragraph (a) of subsection (4) of this section be regarded as expenses incurred by the County Council under the provisions of this section.

For preventing obstruction to streams by culverts &c.

153. Where any obstruction is or may be caused to any stream by any inadequate or insufficient culvert channel or other work the County Council may reconstruct or remove such culvert channel or work or may construct and maintain a proper and sufficient culvert channel or other work.

Clearing of streams.

154.—(1) If any part of any stream is or becomes in such a state that the proper flow of water along the same is obstructed or impeded the County Council may by notice in writing require any owner or occupier of any lands abutting on that part of the stream or any person by whose act or default the proper flow of water in that part of the stream is obstructed or impeded to clear or put in proper order that part of the stream so as to allow the proper flow of water along the same.

(2) If any person to whom any such notice is lawfully given by the County Council neglects to comply with the requirements of the notice within the period (not being less than one month) stated in the notice or (if an appeal is entered against the notice) within one month from the order of the court or within such other period as may be specified in the said order the County Council may if they think fit carry out the work required by the notice and recover the expense thereof from the person in default.

(3) Any person aggrieved by any requirement contained in any notice given to him by the County Council under this section may appeal to the sheriff and the sheriff shall make such order and on such terms and conditions as to him seem just.

For protection of Caldwell's Paper Mill Company Limited.

155. The following provisions for the protection of Caldwell's Paper Mill Company Limited (who and their successors in title 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) Before exercising any of the powers conferred by the sections of this Order of which the respective marginal notes are "Power to improve flow &c." "For prevention of floods" "For preventing obstruction to streams by culverts &c." and "Clearing of streams" in relation to the Keithing Burn or its tributaries or feeders (including without prejudice to the said generality the Fordell Burn the Pinkerton Burn the Brankholm Burn and the Whinney Burn) or any other source of supply of water which may be utilised by the proprietors for industrial purposes the County Council shall give written notice to the proprietors stating the nature and place of their proposed operations:

- (2) If within twenty-eight days from the date of the receipt by them of such notice the proprietors do not intimate in writing to the County Council any objections to the proposed operations the County Council shall be entitled to proceed with such operations:
- (3) If the proprietors within the said period of twenty-eight days give written intimation to the County Council objecting to the proposed operations the difference in question shall be referred to and determined by an arbiter to be mutually chosen or failing agreement to be appointed by the sheriff on the application of either party Without prejudice to the generality of the foregoing provisions of this section it shall be a good ground of objection on the part of the proprietors that the effect of the proposed operations may be to diminish or detrimentally affect the quantity or quality of their water supplies.

156.—(1) A person shall not erect construct or place or cause or permit to be erected constructed or placed in or directly over the waterway or bed of any stream any building structure erection bridge arch culvert pipe or other work or thing (in this section referred to collectively as "works" or "work") which will or may have the effect of reducing the waterway or bed of such stream or of interfering with the free passage of water along such stream or reconstruct or alter any work erected constructed or placed in or directly over the waterway or bed of any stream before or after the commencement of this Order in such manner that such reconstruction or alteration will have any such effect except in each case in accordance with plans sections and particulars previously approved by the County Council or by an arbiter.

Restrictions as to buildings &c. over streams.

(2) If the County Council do not within six weeks after the delivery of the plans sections and particulars signify in writing their approval or disapproval of any intended work or of the reconstruction or alteration of any existing work (as the case may be) to the person who has delivered such plans sections and particulars with in the case of disapproval their reasons for such disapproval they shall be deemed to have approved the said plans sections and particulars.

(3) The County Council may attach to their approval any condition which they may deem proper.

(4) If the County Council disapprove of the plans sections and particulars or if any difference arises as to the reasonableness of any condition which the County Council may attach to their approval of the plans sections and particulars such difference shall be referred to an arbiter and such arbiter shall determine such difference and may approve the said plans sections and particulars with or without modifications or disapprove the same as he shall determine.

(5) If any such work or the reconstruction or alteration of any such existing work is commenced or completed without such approval of the County Council or of an arbiter as is required by this section or in any respect otherwise than in conformity therewith or with any condition attached to such approval the person who commenced or completed such work or reconstruction or alteration or caused or permitted the same to be commenced or completed shall be guilty

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of an offence and shall on summary conviction be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding forty shillings and on the summary conviction of any person under this section the court may make such order with regard to the removal or reinstatement or modification of the work as in the circumstances of the case the court may think fit and in default of compliance with such order by the person to whom the same is directed the County Council may (without prejudice to the liability to any such penalties or to any other remedy or proceeding) cause such work to be pulled down and removed or reinstated (as the case may be) and any expense incurred by them in connection with the pulling down and removal or reinstatement of the work may be recovered from the person to whom the said order of the court is directed.

(6) The County Council may require any person proposing to erect construct or place any work in or over the waterway or bed of any stream to provide a greater waterway therein or headway thereover than can be required under the foregoing provisions of this section but in that case the County Council shall pay any additional expense that may reasonably be incurred in pursuance of this subsection.

Weeds &c.
in streams.

157.—(1) Any person who—

- (a) cuts ; or
- (b) employs others to cut ; or
- (c) knowingly suffers persons in his employment to cut ;

weeds grass or other vegetation in any stream shall remove or cause to be removed such weeds grass or other vegetation from such stream immediately after the cutting thereof so as to prevent such weeds grass or other vegetation decaying in and contaminating the water of the stream.

(2) Any person who fails to comply with this section shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds.

Prohibition of
throwing &c.
gravel offensive
matter &c.
into streams.

158. Any person who without lawful excuse does any of the following things in the county namely:—

- (a) unloads throws or puts or causes or knowingly suffers to fall or pass into any stream any gravel stones earth mud ashes dirt soil rubbish tree branches bushes scrub or any other thing so as to tend either directly or in combination with similar acts of the same or other persons to impede the proper flow or be detrimental to the purity of the water of the stream ;
- (b) unloads throws or puts or causes or knowingly suffers to fall or pass into any stream any substance liable to putrefaction ;
- (c) throws or sweeps or employs any other person to throw or sweep or knowingly suffers any person in his employment to throw or sweep into any stream any weeds grass or other vegetation ;
- (d) causes or knowingly suffers to flow or pass into any stream any oil or tar ;

- (e) unloads throws or puts any gravel substance matter or thing in any place where the same is likely to be carried by floods into any stream ;
- (f) puts and allows to remain for more than forty-eight hours any heap or collection of manure ashes or other offensive matter (whether solid or fluid) upon any bank of any stream or puts and allows to remain for more than forty-eight hours any such heap or collection near to any stream at any point so that the same will or may be likely to drain be blown or pass into any stream ;

shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

159.—(1) It shall not be lawful for any riparian proprietor other than the County Council to dredge or raise any gravel sand ballast or other substance from the bed of any stream so as to interfere with or prejudice the flow of the stream except under and in accordance with a licence granted by the County Council.

Prohibition
against
dredging
without
licence.

(2) Any person who acts in contravention of the provisions of this section shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding twenty pounds without prejudice to any other remedy or proceeding against him.

160. Any person who—

- (i) throws casts or deposits or causes or permits to be thrown cast deposited or to pass into any stream—
 - (a) any trade waste or refuse or effluents from gas-works ; or
 - (b) any polluting liquid or any refuse (whether solid or fluid) which causes pollution ; or
- (ii) throws casts or deposits or by any other means conveys or causes to be conveyed any solid matter whatsoever into any stream so as to impede or obstruct the free passage of water along such stream ;

Prohibition
of throwing
refuse &c.
into streams.

shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding one pound Provided that nothing herein contained shall extend or amend the provisions of clause 32 of the Third Schedule to the Gas Act 1948.

11 & 12 Geo. 6.
c. 67.
Prohibiting
pollution from
factories.

161.—(1) Any person who—

- (a) causes to fall ; or
- (b) causes to flow ; or
- (c) knowingly permits to fall or flow or to be carried ;

into any stream any polluting liquid or any liquid of a temperature of more than one hundred and ten degrees fahrenheit from any factory or manufacturing process shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding ten pounds.

(2) Where any such polluting or heated liquid falls or flows or is carried into any stream along a channel used constructed or in

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process of construction on or before the commencement of this Order or along any new channel constructed in substitution therefor and having its outfall at the same spot for the purpose of conveying such liquid the person causing or knowingly permitting the polluting or heated liquid so to fall or flow or to be carried shall not be deemed to have committed an offence against this section 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 polluting or heated liquid so falling or flowing or being carried into the stream.

(3) The County Council shall be entitled to call upon any person referred to in subsection (1) of this section to indicate the outlet or inlet of any drain pipe or channel by means of which such polluting or heated liquid is or can be discharged into any such stream as aforesaid.

(4) Any person who fails to disclose such information within one month from the date on which written application is made to him by or on behalf of the County Council or who knowingly furnishes in reply to the said application information which is incorrect shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding fifty pounds.

Discontinuance
of existing
sources of
pollution by
sewage &c.

162.—(1) Whenever any sewage or any offensive or injurious matter (not being trade effluent) is caused or suffered to flow or pass from any land works or other premises in the county into any stream then and in every such case even though such sewage or matter had been lawfully so caused or suffered to flow or pass before the commencement of this Order the County Council may give notice to the person causing or suffering the same so to flow or pass requiring him within a time to be specified in such notice (but not being less than three months) to discontinue such flow or passage.

(2) The County Council may in like manner if they think fit at any time extend the time specified in such notice by another notice.

(3) If a person to whom any such notice is given thinks that the time allowed either by the original or by any subsequent notice is not sufficient he may not later than one month before the expiration of the time or extended time so allowed by writing delivered to the county clerk demand an extension of such time and if the County Council refuse to comply with such demand the question of such extension shall be referred to an arbiter appointed by agreement or failing agreement by the Secretary of State on the application of either party and such arbiter shall have power to extend the time so allowed.

(4) A person to whom any notice is given by the County Council under this section shall notwithstanding anything in any other Order or Act within the time allowed by such notice (subject to any extension of such time as in this section provided) discontinue the flow or passage of the sewage or matter to which the notice refers and in default of so doing shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding one hundred pounds and to a daily penalty not exceeding fifty pounds.

163.—(1) (a) Upon the conviction of any person (other than a local authority) of an offence against the provisions of the section of this Order of which the marginal note is "Discontinuance of existing sources of pollution by sewage &c." the court may if it thinks fit make an order for the stopping up of the inlet or outlet of any sewer drain pipe or channel (not being a sewer drain pipe or channel vested in a local authority) in respect of which the conviction was obtained.

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—cont.

Power to stop
up outlets of
sewers &c.

(b) Such order shall not be made unless a statement is contained in the summons upon which the conviction was obtained of the intention to apply for such an order.

(c) In the event of the court making any such order the County Council may stop up the inlet or outlet of the sewer drain pipe or channel to which the order relates and for that purpose may enter upon any lands and may do all works that appear to them requisite and the County Council may recover from the person so offending all expenses incurred by them in so doing including the expenses of any legal proceedings and such expenses shall be recoverable as a civil debt.

(2) Where a person other than the person against whom the conviction has been obtained sustains any damage by reason of the exercise of any of the powers of this section compensation shall be made to such person by the County Council and any dispute as to the fact of damage or the amount of compensation shall in default of agreement be determined by the sheriff.

164.—(1) The County Council may acquire by agreement any land which they require for any purpose connected with the exercise of their functions under this Part of this Order:

Acquisition
and disposal
of land.

Provided that land not immediately required for such a purpose shall not be acquired under this subsection except with the approval of and subject to any conditions imposed by the Secretary of State.

(2) The Secretary of State may authorise the County Council to purchase compulsorily any land which they require for the purposes of the sections of this Order whereof the marginal notes are "Power to improve flow &c." and "For prevention of floods" and the Acquisition of Land (Authorisation Procedure) (Scotland) Act 1947 (except section 2 thereof) shall apply in relation to any such compulsory purchase as if this Order had been in force immediately before the commencement of that Act.

10 & 11 Geo. 6.
c. 42.

165.—(1) It shall be lawful for any officer of or other person authorised by the County Council under the hand of the county clerk and producing if required written authority to do so at any time to enter upon and inspect any land factory or other work building or premises and to lay open any land factory or other work building or premises not belonging to a local authority and such officer or other person may take and carry away samples of any effluent at the point where it passes into any stream and also at any point from which such effluent flows into any stream through across or under other lands or premises:

Power of entry
on lands &c.

Provided that the County Council shall forthwith at their own expense make good and restore to its former condition any land

PART VII
—cont.

factory or other work building or premises laid open by their authority as aforesaid.

(2) Such samples shall be taken by such officer or other person in triplicate and shall before they are taken from the premises be respectively sealed up and marked by him.

(3) Of such triplicate samples one shall be left by such officer or other person with the occupier of the premises whence the effluent flows or other person responsible for or causing or permitting the passing of the effluent into the stream another shall be submitted by the County Council (if they think fit) for analysis and the third shall be retained by the County Council for future comparison.

(4) Where a person sustains any damage by reason of the exercise of any of the powers of this section compensation shall be made to such person by the County Council and any dispute as to the fact of damage or the amount of compensation shall in default of agreement be determined by the sheriff but such compensation shall not be made to such person if the sheriff decides that the exercise by the County Council of the powers of this section was caused by such person having committed a breach of the provisions of this Part of this Order.

Notice to affect
successive
owners.

166.—(1) A notice given under the provisions of this Part of this Order by the County Council to the owner or occupier of any land or premises shall continue in force notwithstanding any temporary or partial suspension of the flow or passage of sewage or matter aforesaid from such land or premises and notwithstanding any change in the ownership or occupation of such land or premises and shall affect the owners and occupiers of such land or premises in succession to the owner or occupier upon whom such notice was served in like manner in every respect and with the same obligations and consequences as though such successive owners or occupiers were the owner or occupier upon whom such notice was served.

(2) The County Council shall maintain a register with sufficient particulars of all notices given by them under this Part of this Order and the register shall be available to the inspection without charge of all persons interested and such persons shall be entitled to take extracts therefrom.

Power to local
authorities
to contribute
to expenditure.

167.—(1) The local authority of any burgh in the county may contribute towards the expenditure incurred by the County Council in carrying into execution any of the provisions of this Part of this Order such sums as may be agreed between any such authority and the County Council.

(2) Any such authority may with the sanction of the Secretary of State borrow money for the purposes of this section and any money so borrowed shall be repaid by the authority so borrowing within such period and by such method as the Secretary of State may prescribe.

(3) The Secretary of State shall have and may exercise in relation to any such sanction as aforesaid all the powers of section 355 (Provision as to local inquiries) of the Act of 1947 and such sanction shall be subject to such conditions (if any) as the Secretary of State may consider proper.

168. A person making default in complying with any requirement of a notice under this Part of this Order shall be guilty of an offence and shall be liable on summary conviction to such a penalty not exceeding fifty pounds a day for every day during which he is in default.

PART VII
—cont.
Penalties for offences against Part VII.

169. A person shall not be deemed to have committed an offence against this Part of this Order for doing or causing to be done any of the following acts (that is to say):—

Saving for certain acts.

(1) constructing improving or maintaining in or across any stream any building bridge weir dam sluice or other permanent work with necessary temporary coffer-dams and other works which but for the passing of the Act confirming this Order he would have a legal right to construct improve or maintain ;

(2) pitching or depositing stones or any other suitable or solid materials (not likely to be washed or carried away by the stream or current rising to the line of an ordinary flood) at the side or on the bank of any stream for the express and bona fide purpose of reclaiming land washed away by the action of any stream or of supporting or protecting or repairing the side or bank of any stream or of erecting or repairing any bridge or any building drain sewer or water-course upon or within the banks of any stream or the slopes or walls thereof at or convenient to the point at which the same are so pitched or deposited ;

(3) putting back or permitting to be carried into any stream any sand or gravel or other natural deposit which has flowed from or been deposited by the current of the stream provided that the sand or gravel or other natural deposit so put back or carried does not interfere with the due flow of the waters of the stream.

170. 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.

Saving for Rivers Pollution Acts.
39 & 40 Vict. c. 75.
56 & 57 Vict. c. 31.

171. Where the County Council propose to carry out works which may affect the drainage of agricultural lands under this Part of this Order they shall obtain the prior approval thereto of the Secretary of State.

Secretary of State to approve major works.

172. Nothing in this Part of this Order shall be deemed to legalise or permit any nuisance or shall take away or prejudicially affect any remedy or right which any person would or might have had or exercised if the Act confirming this Part of this Order had not been passed as against any person for the time being causing or suffering the flow or passage of any sewage or matter aforesaid.

Part VII not to legalise nuisances or affect remedies.

173.—(1) The provisions of the section of this Order of which the marginal note is "For protection of British Transport Commission" shall extend and apply mutatis mutandis for the protection

For further protection of British Transport Commission.

PART VII
—cont.

of the Transport Commission in regard to the powers conferred upon the County Council by this Part of this Order and by Part II of this Order in relation thereto.

(2) The provisions of the sections of this Order of which the respective marginal notes are "Clearing of streams" "Restrictions as to buildings &c. over streams" and "Power of entry on lands &c." shall not extend or apply to railways works buildings or land belonging to the Transport Commission and held or used by them for railway purposes.

PART VIII

ROADS PLANNING AND AMENITIES

Damage to
footways.

174. The owner of any cattle or horses or any person for the time being in charge thereof who wilfully and habitually creates an avoidable nuisance by permitting the same to use any footway on the side of a public highway so that the said footway is damaged or littered with excremental matter shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds.

Prohibition
of vehicles
on grass
verges &c.

175.—(1) A person shall not habitually drive a horse-drawn or mechanically propelled vehicle across any kerbed gravelled or formed path or footway or across any grass verge or similar work on or abutting on a county road unless and until a communication for this purpose has been made to the carriageway of such road in accordance with permission granted under the Town and Country Planning (Scotland) Act 1947.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds for each such offence:

Provided that proceedings shall not be instituted under this section unless—

(a) the County Council have given notice to such person requiring him to execute the works necessary for making such communication as is referred to in subsection (1) of this section and offering to execute the same on his behalf and at his cost ; and

(b) such person within one month after the service of such notice upon him fails—

(i) to execute such works ; or

(ii) to accept the offer of the County Council to do the works on his behalf and to produce to the satisfaction of the County Council proof of his ability to pay therefor.

(3) (a) The provisions of this section shall come into operation on but not until such date as may be fixed by a resolution of the County Council of which date public notice shall be given by the County Council by advertisement in one or more local newspapers circulating in the county.

(b) Every such advertisement shall state the effect of the provisions of this section and the date on which those provisions shall come into operation which shall be not less than one month after the date of the publication of the advertisement or if the advertisement is published in more than one newspaper on different dates after the date of the first publication of the advertisement.

(c) A copy of the newspaper containing such advertisement shall be sufficient evidence of the publication of the advertisement.

(4) The County Council shall obtain the consent of the Minister of Transport before requiring the construction of any carriage-crossing across the footway of a trunk road or allowing the use of such a footway subject to any condition.

(5) This section shall not apply to communications or accesses in existence at the appointed day.

176.—(1) The County Council may erect and maintain on any road or on any land belonging to or maintained by them at suitable stopping places on any of the routes along which any person is for the time being authorised to run public service vehicles in the county shelters and other accommodation for passengers on such vehicles and rails for the regulation of queues of persons intending to enter such vehicles. Power to provide shelters &c.

(2) The County Council shall not in pursuance of this section erect—

(i) any shelter or other accommodation or rail so as to obstruct or render less convenient the access to or exit from any railway station depot yard or other property belonging to the Transport Commission ; or

(ii) any shelter or other accommodation or rail on any road belonging to or repairable by the Transport Commission without their consent which consent shall not be unreasonably withheld and any question whether any such consent has been unreasonably withheld shall be referred to and determined by the Minister of Transport ; or

(iii) any shelter or other accommodation or rail on any bridge carrying any road over the property of the Transport Commission without their consent ; or

(iv) any shelter or rail on any part of a road (not being part of a trunk road) which is not vested in the County Council without the consent of the highway authority but such consent shall not be unreasonably withheld and may be given subject to conditions or be revocable or granted for a period and any question whether any such consent has been unreasonably withheld or unreasonably revoked or whether any such condition or period is unreasonable shall be referred to and determined by the Minister of Transport ; or

(v) any shelter or rail on any part of any trunk road without the consent of the Minister of Transport :

Provided that any such consent may be given subject to conditions or be revocable or granted for a period and if in any case the said

PART VIII
—cont.

Minister withholds or revokes his consent or attaches conditions thereto or grants it for a period and the County Council give notice in writing that they are aggrieved the matter shall be referred to and determined by an arbiter to be appointed (in default of agreement) by the President of the Institution of Civil Engineers.

(3) The County Council may enter into and carry into effect agreements with any person including the Transport Commission for and in relation to the erection maintenance and use of any such shelters and other accommodation or rails and as to the contributions to be made by any such person towards the cost of the provision and maintenance thereof.

(4) In this section "public service vehicle" has the same meaning as in the Road Traffic Acts 1930 to 1947.

Damage to
trees &c. on
highways and
in open spaces.

177.—(1) A person (except in the execution of some act which he has lawful authority to perform) shall not within the county on any highway or in any open space to which the public have access—

- (a) remove or cut any turf ; or
- (b) pluck any bud blossom flower or leaf of any tree shrub or plant or remove cut or displace any tree shrub or plant if the tree shrub or plant has been planted by the County Council.

(2) Any person who contravenes any of the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to the payment of such further amount as appears to the court reasonable compensation for any damage so committed which last-mentioned amount shall be paid to the person having control of the highway or open space.

Lopping of
trees over-
hanging road.

178.—(1) Without prejudice to any existing rights held by the County Council where any tree or hedge or shrub overhangs any road or street so as—

- (a) to obstruct or interfere with the light from any public lamp ;
or
- (b) to come in contact with any existing or proposed overhead public lighting electric cable ; or
- (c) to interfere with vehicular traffic or with the free passage or comfort of foot passengers ;

the County Council may by notice under the hand of the county clerk require the owner of the tree or hedge or shrub or the occupier of the premises on which such tree or hedge or shrub is growing within seven days to lop the tree or hedge or shrub so as to prevent such obstruction or contact or interference and in default of compliance the County Council may themselves at the expense of such owner or occupier as the case may be carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the County Council under this section may appeal to the sheriff within seven clear days after the service of such notice provided that such person gives written notice of such appeal and the grounds thereof to the county clerk and the sheriff shall have power to make such order as he may think fit and to award expenses such expenses to be

recoverable as a civil debt. Notice of the right to appeal shall be endorsed on every requirement of the County Council under this section.

PART VIII
—cont.

179.—(1) The County Council may provide and place and maintain on any road or on any open space park or recreation ground belonging to or maintained by them and with the consent of the owner thereof on any other land within the county to which the public have access bins or other receptacles for the reception or deposit of litter and may from time to time empty and cleanse any such bins or receptacles.

County Council
may provide
bins for litter.

(2) Any person who without lawful authority removes or otherwise interferes with or damages any such bin or receptacle shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

180.—(1) The County Council may by notice require the owner of any land fronting or abutting on any road within a built-up area being a trunk road within the meaning of the Trunk Roads Acts 1936 and 1946 or being a road classified by the Minister of Transport under section 17 of the Ministry of Transport Act 1919 to erect so far as not already done a suitable fence along such land so far as fronting or abutting on such road and to repair alter or renew any fence along such land so far as fronting or abutting on such road or street.

Owners to fence
property.
1 Edw. 8. &
1 Geo. 6. c. 5.
9 & 10 Geo. 6.
c. 30.
9 & 10 Geo. 5.
c. 50.

(2) This section shall not apply to any land requiring to be fenced in pursuance of the Railways Clauses Consolidation (Scotland) Act 1845 so long as such land is used for railway purposes nor to any land the fencing of which requires to be done by the County Council at their own expense under any existing enactment.

PART IX

VALUATION OF LANDS AND HERITAGES

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

Definitions for
Part IX of
Order.

“county” means the county of Fife inclusive of the burghs therein other than any large burgh as defined by the Act of 1947 ;

“lands and heritages” has the same meaning as in the Valuation Acts.

182.—(1) In its application to the county section 9 (Persons entitled to appeal) of the Lands Valuation (Scotland) Act 1854 shall be read and have effect as if the words “not later than the fourth day of September lodge an appeal in writing with the assessor” were substituted for the words “six days at least before such appeal is heard intimate in writing to the assessor that he is to maintain such appeal” occurring therein.

Lodging of
appeals.

(2) In its application to the county section 7 (Time for lodging appeals against assessor’s entries in valuation roll) of the Valuation of Lands (Scotland) Amendment Act 1867 shall be read and have

30 & 31 Vict.
c. 80.

PART IX
—cont.

effect as if the words "fourth day of September" were substituted for the words "tenth day of September" occurring therein.

Supplementary
valuation roll.

183.—(1) The County Council acting under the Valuation Acts in addition to the ordinary valuation roll made up under the said Acts in each year shall between the first day of January and the first day of March in each year cause to be made up by the assessor under the said Acts a supplementary valuation roll showing for the year or the portion of the year to Whitsunday then next in the form prescribed for the said ordinary valuation roll the rent or value of all lands and heritages within the county—

- (a) which were in existence before the term of Whitsunday immediately preceding and which owing to error were not included in or were omitted from the said ordinary valuation roll last made up ;
- (b) which have come into existence after the term of Whitsunday immediately preceding and which were not included in the said ordinary valuation roll ;
- (c) which by reason of structural alteration or improvement have a greater rent or value than that appearing in the said ordinary valuation roll.

(2) The provisions of the Valuation Acts as to notices appeals and courts for hearing the same as modified by this Order shall *mutatis mutandis* be applicable to such supplementary valuation roll as if it were therein referred to.

(3) The County Council and any other assessing authority in the county imposing any assessment upon the basis of the said ordinary valuation roll may impose in respect of all lands and heritages entered in such supplementary valuation roll supplementary assessments which shall be made so far as possible in the same manner under the same conditions and with the same powers of recovery as are applicable to the corresponding assessments imposed upon the basis of the said ordinary valuation roll. Provided that such lands and heritages shall not be liable to be assessed more than once in any one year for the same rate of assessment in respect of the same rent or value.

(4) All expenses incurred by the County Council in giving effect to the provisions of this section shall be defrayed in the same manner as the costs and expenses of and in connection with the said ordinary valuation roll.

184. Any factor agent or person acting for or in the name of a proprietor or tenant or occupier of lands and heritages who without reasonable excuse fails to furnish to the assessor for the county under the Valuation Acts within fourteen days after he has been called upon in writing to do so a written statement of the yearly rent or value and all other particulars required by the Valuation Acts of all lands and heritages within the county belonging to or occupied by the proprietor or tenant or occupier for or in the name of or on behalf of whom he acts and any such factor agent or person who knowingly or wilfully presents or causes to be presented to the said assessor a false statement of the yearly rent

Penalty on
agents or
factors failing
to make return
or making
false return for
valuation
purposes.

or value of any such lands and heritages shall be liable to the like penalties as are imposed by the Valuation Acts upon proprietors tenants or occupiers of lands and heritages who fail to present statements or who present or cause to be presented false statements to the said assessor and such penalties shall be recoverable and applied in the manner provided by the Valuation Acts.

PART IX
—cont.

185. Nothing in this Part of this Order shall extend or apply to the Assessor of Public Undertakings (Scotland) under the Valuation Acts or to the valuation roll made up by him under those Acts.

Saving for Assessor of Public Undertakings (Scotland).

186. Notwithstanding anything contained in this Order or any Act in ascertaining the net annual value or rateable value of any subject for the purpose of the valuation roll or supplementary valuation roll for the landward part of the county the annual value shall be increased or reduced as the case may be to the nearest pound and if the fraction is ten shillings the fraction shall be disregarded.

Adjustment of rateable value of properties as shown in valuation roll for purpose of rating.

187. For the purpose of ascertaining the annual value of the lands and heritages acquired by the County Council for the purposes of the waterworks and sewer authorised by this Order and of the sewers authorised by the Order of 1940 to be entered in the valuation roll or rolls made up in terms of the Valuation Acts for the counties or burghs in which such lands and heritages are situated the following provisions shall apply and have effect during the period of the construction of the said waterworks and sewers (namely):—

Valuation of lands and heritages during construction of waterworks and sewers.

- (1) The lands and heritages occupied by those works shall be valued as if the Act confirming this Order had not been passed:
- (2) The capital expenditure and the loan charges applicable in respect of those works shall not be taken into account in ascertaining the cumulo value of the undertaking comprising those works.

PART X

WEIGHTS AND MEASURES

188.—(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 by Part IX of the Order of 1940 and of any byelaws made by the County Council thereunder shall also apply to the sale of wood fuel within the county.

Wood fuel.
52 & 53 Vict.
c. 21.
26 Geo. 5. &
1 Edw. 8.
c. 54.

(2) As from the commencement of this Order any seller of wood fuel or any person in charge of any vehicle from which wood fuel is being sold delivered or offered or exposed for sale who wilfully makes any false statement as to the weight of the wood fuel or any part thereof or wilfully does any other act by which the purchaser may be defrauded shall be guilty of an offence and shall be liable on summary conviction on the first occasion to a penalty not exceeding five pounds and on the second or any subsequent occasion to a penalty not exceeding ten pounds.

PART X
—cont.Adoption by
burghs.

189. It shall be lawful for the town council of any burgh in the county to adopt by resolution the provisions of Part IX of the Order of 1940 and this Part of this Order and on the coming into force of such resolution the said provisions shall apply in such burgh and shall have effect as if the expressions "town council" and "burgh" with the name of the burgh concerned had been used in those Parts of the said Orders in lieu of the expressions "County Council" and "county" occurring therein.

PART XI

SEASHORE

Definitions
for Part XI
of Order.

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

"seashore" means the bed and shore of the sea and of every channel creek bay or estuary and of every river as far up that river as the tide flows and any cliff bank barrier dune beach flat or other land adjacent to the shore to which the public have access but excluding land used for purposes of agriculture or industry or for golf courses or for other similar purposes ;

"bathing machine" includes any tent van hut shed or other erection of whatever nature (whether movable or collapsible or not) used or intended to be used for or in connection with bathing or let or intended to be let for hire for any period to bathers.

Jurisdiction of
County Council
over seashore. ■

191. Subject to the provisions of this Order and to any existing rights of property—

(1) The County Council shall have jurisdiction over the seashore within the county for the purposes following viz.:—

(a) preventing nuisance ;

(b) regulating the use of the seashore by pleasure boats or vessels or aircraft let for hire ;

(c) regulating the use of the seashore for riding and driving and the hiring of ponies and donkeys for pleasure riding thereon ;

(d) regulating the use of the seashore for bathing recreation and general purposes ; and

(e) granting authority on such terms and conditions as they think fit to any person to provide chairs or seats and allowing such person to make reasonable charges for the use of the same ;

and shall have power to make byelaws for the said purposes or any of them and such byelaws may relate to the whole or any part of the county Provided that such byelaws in so far as affecting the foreshore below high-water mark of ordinary spring tides shall not come into operation until the consent of the Minister of Transport thereto has been obtained ;

(2) A person shall not on the seashore within the county—

(a) erect or use or occupy any booth or stall or tent or shed or stand or any other structure ; or

(b) use any motor car or any vehicle for the sale of goods or wares or merchandise of any kind ; or

(c) sell any goods or wares or merchandise except newspapers or periodicals ; or

(d) let out the use of any chair or seat ; or

(e) enclose or fence any part ;

except under authority from the County Council and only at such places thereon and on such terms and subject to such conditions as the County Council may appoint and any person who contravenes this enactment shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings ;

(3) The County Council on any part of the seashore belonging to them or which they may acquire or on any other part of the seashore with the consent of any person having right thereto may erect and maintain retaining walls or embankments or carry out works for the purpose of improving the amenity of the seashore and may also construct maintain or protect footpaths roads or promenades ;

(4) The provisions of this section shall not apply with respect to any advertisement as defined in the Town and Country Planning (Scotland) Act 1947 and the powers conferred on the County Council by this section shall not be exercised with respect to any such advertisement.

192.—(1) Subject to the provisions of this Order it shall not be lawful for any person having or claiming right to the foreshore to remove or carry away or authorise or permit the removal or carrying away of sand or other matter from any part of the seashore within the county to such an extent as will affect the amenity thereof and the County Council shall have power to make byelaws in relation to the whole or any part of the county for regulating and where necessary for preserving amenity prohibiting the removal of sand or other matter from the seashore. Provided that such byelaws in so far as affecting the foreshore below high-water mark of ordinary spring tides shall not come into operation until the consent of the Minister of Transport thereto has been obtained.

Protection
of seashore.

(2) Any dispute as to whether any sand or other matter is being or may be removed to such an extent as will affect the amenity of the seashore shall be settled by an arbiter to be nominated by the sheriff on the application of either party to such dispute.

193. Subject to the provisions of this Order and to any existing rights of property—

Bathing
machines.

(a) The County Council may grant licences for such number of bathing machines on any part of the seashore within the county as they may think fit ;

PART XI
—cont.

- (b) A person shall not let any bathing machine unless it is licensed by the County Council and any person acting in contravention of this provision shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding one pound and to a daily penalty not exceeding ten shillings ;
- (c) The person having control of any bathing machine licensed as aforesaid shall affix to or mark upon and keep affixed to or marked upon the same such number or other identification mark as the County Council may require Any person acting in contravention of this provision shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Byelaws as
to bathing
machines and
bathing.

194. Subject to any existing rights of property—

- (1) The County Council may make such byelaws in relation to the whole or any part of the seashore within the county as they think fit for all or any of the following purposes (that is to say):—

(a) for fixing the stands of bathing machines on the seashore and the limits within which persons shall bathe ;

(b) for regulating the occupation of such stands by bathing machines and apportioning the same temporarily among the owners of bathing machines ;

(c) for preventing any indecent exposure of the persons of the bathers ;

(d) for regulating the manner in which and the times at which the bathing machines shall be used and the charges to be made for the same ;

(e) for regulating the distance at which boats and vessels let for hire for the purpose of sailing or rowing for pleasure shall be kept from persons bathing within the prescribed limits ;

(f) for regulating the manner in which the persons in charge of the bathing machines shall conduct themselves in their employment ;

(g) for regulating the manner in which the bathing machines shall be furnished provided kept and numbered or marked ;

(h) for regulating the hours during which the persons in charge of the bathing machines may exercise their calling ;

(i) for punishing the misconduct or misbehaviour of persons in charge of the bathing machines ;

- (2) The County Council shall have power to make byelaws in relation to the whole or any part of the seashore within the county regulating bathing from the seashore when bathing machines are not used fixing the places at which persons of each sex shall bathe and the times for bathing and for preventing any indecent exposure of the persons of the bathers.

195.—(1) The County Council may grant upon such terms and conditions as they may think fit licences for pleasure boats to be let for hire or to be used for carrying passengers for hire.

PART XI
—cont.

Power to
license pleasure
boats.

(2) A licence under this section shall not be required for any boat duly licensed by or under any regulations of the Minister of Transport.

(3) A person shall not carry or permit to be carried for hire in any pleasure boat a greater number of passengers than is specified in the licence applying to such boat and the owner of any pleasure boat shall before permitting the boat to be used for carrying passengers for hire paint or cause to be painted in letters and figures not less than one inch in height and three-quarters of an inch in breadth on a conspicuous part of the boat (a) his own name and (b) the number of persons which the boat is licensed to carry in the form "Licensed to carry persons".

(4) Any person who acts in contravention of the provisions of subsection (3) of this section shall be guilty of an offence and for each offence shall be liable on summary conviction to a penalty not exceeding forty shillings.

196.—(1) The County Council may from time to time as they think fit by agreement acquire by purchase or feu or lease any part of the seashore and any lands adjacent or near to the seashore within the county or any interest therein for the purpose of preserving or improving the amenities of the county or forming footpaths roads or promenades along across or adjoining any such part of the seashore or lands adjacent or near thereto.

Acquisition of
lands by
agreement.

(2) Subject to the terms of any agreement under which any part of the seashore or such lands have been or may be so acquired by or leased to the County Council the County Council may on any part or parts thereof construct erect or provide and maintain bathing machines shelters chairs seats book-stalls stances lavatories cloak-rooms and other erections and conveniences and provide facilities for the playing of games or for recreation and may demand and recover rents or charges for the use thereof or admission thereto and the County Council may let any part or parts of such lands for any of such purposes at such rent and for such period and upon and subject to such terms and conditions as they may think fit.

(3) The County Council may make byelaws for regulating the use of any such lands or any part or parts thereof and for preventing nuisance and preserving or improving the amenities thereof.

197. Without prejudice to any powers of delegation of the County Council the County Council may if they think fit by resolution upon and subject to such terms and conditions as may be specified therein appoint a committee consisting partly of members of the County Council and partly of members of a district council to act as the agents of the County Council to carry out any of their powers or duties under this Part of this Order.

Delegation
of powers.

PART XI
—cont.Saving rights
of proprietors.

198. Nothing in the sections of this Order of which the marginal notes are "Jurisdiction of County Council over seashore" "Protection of seashore" "Bathing machines" and "Byelaws as to bathing machines and bathing" respectively shall take away prejudice or affect any existing estate right or privilege of any proprietor of lands and heritages adjacent to any part of the seashore within the county in or over the seashore ex adverso of such lands and heritages.

Saving for
minerals.

199. Nothing in this Part of this Order shall restrict the taking of minerals by underground workings from under the seashore by any person entitled thereto.

PART XII

PUBLIC HEALTH

A.—Sanitary

Byelaws as
to buildings.9 & 10 Geo. 5.
c. 60.
25 & 26 Geo. 5.
c. 41.

200.—(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 section 43 (Additional byelaws as to buildings in districts other than burghs) of the Housing Town Planning &c. (Scotland) Act 1919 and section 70 (Byelaws) of the Housing (Scotland) Act 1935 shall extend where applicable to the erection re-erection extension or structural alteration of all buildings irrespective of the use to which they are put or intended to be put and without prejudice to said generality the County Council may in such byelaws require any person proposing to erect or extend on his own land a building the nearest point of which new building or extension is not more 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 or extension with the County Council and may confer on such adjoining proprietor or proprietors the right to appear before the County Council and be heard by them in support of any competent objection which such proprietor or proprietors may have to set against the proposed erection or extension of such building and may regulate 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 or held by the National Coal Board for the purposes of their undertaking without the consent of the National Coal Board.

(3) Nothing contained in this section shall apply to any building or property (other than dwelling-houses) belonging to the Transport Commission and held or used by them for railway or dock purposes or affect the exercise of any powers conferred upon the Transport Commission by any special Act of Parliament for such purposes.

As to cleansing
of certain
dwelling-houses.

201. When the county medical officer certifies in writing that any dwelling-house is in an insanitary condition and that the occupier thereof is unable through infirmity or mental incapacity to remedy such condition and that his health is thereby endangered the sheriff may on the application of the County Council (who shall give the occupier seven days' notice of their intention to make such application) make an order for the removal of such occupier to an institution

or other dwelling maintained by the County Council for such period as the sheriff may by such order direct as being necessary to enable the County Council to cleanse and disinfect the dwelling-house and the County Council may remove such occupier and may carry out such cleansing and disinfection of the dwelling-house as may be necessary. Provided that upon the completion of such cleansing and disinfection of the dwelling-house the County Council shall make provision for the return of such occupier to the dwelling-house.

PART XII
—cont.

202.—(1) The County Council may by notice require the owner of any dwelling-house containing an enclosed bed or bed recess which is not open in front for three-fourths of its length and from floor to ceiling (with the exception only of carrying beams) to cause such enclosed bed or bed recess to be opened up to the satisfaction of the county medical officer and a county sanitary inspector within a reasonable time to be prescribed in such notice.

Opening up
of enclosed
beds &c.

(2) Any such owner who fails to comply with a notice given under the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

203. It shall not be lawful for any owner or the factor or agent of any owner to let or for any person to take on lease or to use or suffer to be used as a sleeping apartment any apartment unless at least one of the following conditions obtains namely:—

Apartments
not to be let
or used for
sleeping in
unless they
have one or
more windows
of a propor-
tionate size.

- (1) There is at least one window (not being a sky-light or roof-light); or
- (2) Each window (be there one or more) is not so constructed or hung as that at least one-third of it may be conveniently and easily opened; or
- (3) The sash of the window or the sashes of the several windows together are of the dimensions hereinafter provided (that is to say):—

If the said apartment contains two thousand five hundred cubic feet or less than that amount of space unless the said sashes give a superficial area in the proportion of one foot for every hundred of such cubic feet;

If the said apartment contains more than two thousand five hundred cubic feet of space unless the said sashes give a superficial area in the proportion of one foot for every hundred and fifty of such cubic feet.

204.—(1) Where it appears to the County Council upon a report from the county medical officer or from a county sanitary inspector that any person or the clothing of any person is verminous then if that person consents to be removed to a cleansing station they may cause him to be removed to such a station and if he does not so consent they may apply to the sheriff and the sheriff if satisfied that it is necessary that such person or his clothing should be cleansed may make an order for his removal to such a station and for his detention therein for such period and subject to such conditions as may be specified in the order.

Cleansing of
verminous
persons and
their clothing.

PART XII
—cont.

(2) Where a person has been removed to a cleansing station in pursuance of the last preceding subsection the County Council shall take such measures as may in their opinion be necessary to free him and his clothing from vermin.

(3) The cleansing of females under this section shall be carried out only by a registered medical practitioner or by a woman duly authorised by the county medical officer.

(4) Any consent required to be given for the purposes of this section may in the case of a person under the age of sixteen years be given on his behalf by his parent or guardian.

Verminous
articles to be
purified.

205.—(1) Where it appears to the county medical officer that—

(a) any dwelling-house or part thereof or any thing therein is in such a verminous condition that the health of any person is affected or endangered thereby ; or

(b) the cleansing or purifying of any such dwelling-house or part thereof or thing therein would tend to prevent or check infectious disease ;

he shall by notice in writing to the owner or occupier as the case may be of such house or part thereof or the owner of such thing require such owner or occupier as the case may be to cleanse or purify such dwelling-house or part thereof or such thing.

(2) Any person to whom notice is so given who fails to comply therewith within the time therein specified shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding ten shillings for every day during which he continues to be in default and the county medical officer may if he thinks fit cause such article or thing to be cleansed or purified and may recover in a summary manner the expenses incurred by him in so doing from the person in default.

Prohibition
of sale of
verminous
furniture &c.

206.—(1) A dealer shall not sell or expose for sale any second-hand furniture mattress bed-linen or similar articles if the same are to his knowledge infested with bed bugs or if by taking reasonable precautions he could have known the same to be so infested.

(2) A dealer offending against the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(3) (a) Any officer of or other person duly authorised by the County Council in that behalf and producing his authority if and when required to do so may enter any premises in which second-hand furniture mattresses bed-linen or similar articles are sold or exposed for sale for the purpose of examining whether there be any contravention of the provisions of this section.

(b) Any person who refuses to permit any officer or authorised representative of the County Council to enter any premises or make any inspection which such officer or authorised representative is authorised under the provisions of this section to enter or make or obstructs any such officer or representative in the execution of his duty under such provisions shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(4) In and for the purposes of this section "dealer" means any person who in the course of his business trades or deals in any of the articles referred to in this section.

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—cont.

207.—(1) In any case where it is certified to the County Council by the county medical officer or a county sanitary inspector that any building or part of a building (other than a dwelling-house) is unfit for human occupation the County Council may by an order affixed conspicuously to the building or part of the building declare that such building or part of a building is not fit for human occupation and such building or part of a building shall not after a date to be specified in such order be so occupied. Buildings unfit for occupation.

(2) The County Council shall fourteen days before the coming into operation of the said order deliver to the owner (if known) and to the tenant or occupier a copy of the order declaring that such building or part of a building is not fit for human occupation.

(3) Any person who after the date specified in such order lets or continues to let or knowingly occupies or suffers to be occupied such building or part of a building shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty shillings for every day during which such building or part of a building is so let or occupied. Provided that if at any time after such order is made the County Council are satisfied that such building has become or been rendered fit for occupation they may revoke such order and such order shall thereupon cease to operate.

(4) Any person aggrieved by any order of the County Council under the provisions of this section may appeal to the sheriff in the manner provided by section 20 of the Housing (Scotland) Act 1930 and the provisions of that section so far as applicable shall extend and apply with respect to any such appeal. 20 & 21 Geo. 5.
c. 40.

208.—(1) The County Council may make byelaws for all or any of the following purposes (that is to say):— Byelaws as to fuel burning installations.

(a) For requiring in the case of new fuel burning installations and in the case of substantial alterations to existing fuel burning installations the provision of such arrangements as are calculated to prevent or reduce to a minimum the emission of visible smoke or other waste from such fuel burning installations to the satisfaction of the County Council;

(b) For requiring the maintenance and operation of fuel burning installations in a manner calculated to prevent or reduce to a minimum the emission of visible smoke or other waste as far as practicable:

Provided that byelaws made under this section shall not apply with respect to any private dwelling-house or any fuel burning installations therein.

(2) Nothing contained in this section or in any byelaws made thereunder shall affect prejudicially the operation of the Smoke Nuisance (Scotland) Act 1857 or the Smoke Nuisance (Scotland) Act 1865 or the provisions of the Public Health (Scotland) Act 1897 or of the Burgh Police (Scotland) Act 1892 relating to the prevention of nuisance arising from smoke or apply to the railways stations or 20 & 21 Vict.
c. 73.
28 & 29 Vict.
c. 102.
55 & 56 Vict.
c. 55.

PART XII
—cont.9 & 10 Geo. 6.
c. 59.

depots of the Transport Commission or buildings connected therewith or without prejudice to the provisions of section 3 (1) of the Coal Industry Nationalisation Act 1946 to the colliery undertakings of the National Coal Board.

Noise
nuisance.

209.—(1) A noise nuisance shall be liable to be dealt with summarily in the manner provided in Part II of the Public Health (Scotland) Act 1897 in the same way and to the same effect as in cases under subsection (6) of section 16 of that Act and the County Council shall have all the powers and duties with reference to a noise nuisance which a local authority has with reference to a nuisance under the said Act.

(2) For the purposes of this section a noise nuisance shall be deemed to exist where any person makes or continues or causes to be made or continued any excessive or unreasonable or unnecessary noise and where such noise (a) is injurious or prejudicial to health and (b) is capable of being prevented or mitigated having due regard to all the circumstances of the case:

Provided that if the noise is occasioned in the course of any trade business or occupation it shall be a good defence that the best practicable means of preventing or mitigating it having regard to the cost affecting each individual subject have been adopted.

(3) Nothing contained in this section shall apply to the Transport Commission or their servants exercising statutory powers on railway or dock premises.

Byelaws as to
hairdressers'
and barbers'
premises.

210.—(1) The County Council may make byelaws for the purpose of securing that any premises used or to be used for the purpose of carrying on the business of a hairdresser barber manicurist or chiropodist are suitable and adequate for such purpose and of securing the cleanliness of such premises and of the instruments towels and materials used by hairdressers barbers manicurists and chiropodists in such premises or elsewhere where a charge is made for attendance or service.

(2) Any person using any such premises shall keep exhibited in a suitable place a copy of the byelaws made by the County Council under this section.

(3) Any person who acts or offends against any byelaw made under this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

B.—Human food

Byelaws with
respect to
handling
wrapping &c.
of food and
sale of food
in open air.

211.—(1) The County Council may make byelaws for securing the observance of sanitary and cleanly conditions and practices in connection with the handling wrapping and delivery of food sold or intended for sale for human consumption and in connection with the sale or exposure for sale in the open air of food intended for human consumption.

(2) The county medical officer or any other officer duly authorised by the County Council in that behalf and showing his authority if required shall be entitled at all reasonable times to enter into and inspect any premises or vehicle in or on which food is offered or intended for sale for human consumption where he suspects that there is any contravention of a byelaw made under this section.

(3) Any person refusing such entry or inspection or obstructing any such officer in the execution of his duty shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings.

212.—(1) Subject to the provisions of this section the following provisions shall have effect in relation to every room in which any food intended for human consumption (other than milk) is prepared for sale or sold or offered or exposed for sale or deposited for the purpose of sale or of preparation for sale (that is to say):—

Provisions as to rooms where food intended for sale is prepared or stored &c.

- (a) Sanitary conveniences dustbins or ashpits shall not be within or communicate directly with the room or be so placed that offensive odours therefrom can penetrate into the room ;
- (b) A cistern for the supply of water to the room shall not be in direct communication with or discharge directly into a sanitary convenience and there shall not be within the room any outlet for the ventilation of a drain or except with the approval of the County Council an inlet into any drain conveying sewage or foul water ;
- (c) The walls floor doors windows and ceiling of the room shall be kept in a proper state of repair ;
- (d) The walls ceiling and doors of the room shall be painted whitewashed cleansed or purified as often as the county medical officer may consider necessary to keep them clean and the windows of the room shall be kept clean ;
- (e) The room shall not be used as a sleeping place and so far as may be necessary to prevent risk of infection or contamination of food in the room a sleeping place adjoining the room shall not communicate therewith except through the open air or through an intervening ventilated space ;
- (f) Except in the case of an artificially refrigerated room suitable and sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained ;
- (g) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in the room except so far as may be necessary for the proper carrying on of the trade or business for which the room is used and the floor of the room shall be cleansed as often as may be necessary to keep it clean ;
- (h) Cleanliness shall be observed by persons employed in the room both in regard to the room and all articles apparatus and utensils therein and in regard to themselves and their clothing ; and
- (i) There shall be provided in or within reasonable distance of the room suitable washing basins and a sufficient supply

PART XII
—cont.

of soap clean towels and clean water both hot and cold for the use of persons employed in the room:

Provided that paragraph (i) of this subsection shall not apply in relation to a room which is used for the sale or storage or for the sale and storage of food contained in containers of such materials and so closed as to exclude all risk of contamination but is not otherwise used for any purpose in connection with the preparation storage or sale of food.

(2) If in the case of a room to which the preceding subsection applies—

- (a) any of the requirements of that subsection are not complied with ; or
- (b) any person does or permits any act or thing in contravention of that subsection or fails to take all such steps as may be reasonably necessary to prevent risk of contamination of food in the room ; or
- (c) any person prevents the owner of the room from executing any work necessary to make the room comply with the said requirements ;

then in the first-mentioned case the occupier of the room and in the other cases mentioned the person in question whether he be the occupier or not shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

(3) If in the case of a room to which subsection (1) of this section applies any of the requirements specified in paragraphs (a) (b) (c) or (f) of that subsection is not complied with then in so far as that requirement is of a structural character the owner of the room—

- (a) if he let it for the purpose of being used for the preparation sale or storage of food ; or
- (b) if not having so let it he permits it to be so used after receiving notice from the County Council ;

shall be guilty of an offence and shall be liable on summary conviction to the same penalty as the occupier of the room but without prejudice to the liability of the occupier under the foregoing subsection.

(4) Where the owner of a room who did not let it for the purpose of being used for the preparation sale or storage of food executes any work necessary to make the room comply with the requirements of subsection (1) of this section he may recover the expenses incurred by him in so doing from the occupier of the room as a civil debt.

(5) In this section the expression "room" includes a shop or cellar or any other part of a building and shed store or outbuilding or any part thereof and the provisions of this section except paragraphs (e) and (f) of subsection (1) thereof shall so far as applicable apply in relation to a forecourt (that is to say any recess yard or area or enclosed space in front of and contiguous or adjacent to any building) as they apply in relation to a room.

213.—(1) The following provisions shall apply and have effect in relation to every vehicle in which any food intended for human consumption (other than milk) is prepared for sale or sold or offered or exposed for sale or deposited for the purpose of sale or of preparation for sale (that is to say):—

PART XII
—cont.
Provisions as to
vehicles used
in connection
with sale &c.
of food.

(a) Every part of such vehicle adjacent to or liable to come in contact with any food as aforesaid shall be kept in a proper state of repair ;

(b) The inside of the floor sides ends roof and doors of such vehicle shall be painted washed cleaned or purified as often as may be necessary to keep them clean ;

(c) Sufficient means of ventilation shall be provided and suitable and sufficient ventilation shall be maintained in such vehicle ;

(d) Refuse or filth either liquid or solid shall not be deposited or allowed to accumulate in such vehicle except so far as may be reasonably necessary for the proper carrying on of the trade or business for which the vehicle is used ;

(e) Due cleanliness shall be observed by persons employed in or about such vehicle and in the carrying of food to or from the vehicle.

(2) If in the case of a vehicle to which the preceding subsection applies—

(a) any of the requirements of that subsection are not complied with ; or

(b) any person does or permits any act or thing in contravention of that subsection or fails to take such steps as may be reasonably necessary to prevent risk of contamination of food in the vehicle ;

the owner of or any person in charge of such vehicle shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

214.—(1) If the county medical officer certifies that any person is suffering from tuberculosis of the respiratory tract and is in an infectious state and that he is employed within the county in the cooking preparation or handling of food intended for consumption by persons other than himself or members of his household and that his continuance in such employment would in the judgment of the county medical officer be detrimental to the public health the County Council may request such person to stop his employment and on such request being made the County Council may if they think fit make compensation to him in respect of any loss which he may sustain by reason of such stoppage.

Power to
prohibit
persons in
advanced
state of
tuberculosis
from selling
&c. food.

(2) If any such person fails to comply with such request the County Council may apply to the sheriff for an order requiring him to stop his employment and the sheriff shall have power to make such an order if after consideration of all the circumstances he thinks fit to do so and may direct that such compensation as he deems equitable shall be paid by the County Council to such person.

PART XII
—cont.

(3) If any such person fails to comply with any such order he shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

Medical practitioners to notify cases of food poisoning.

215.—(1) Every registered medical practitioner attending on a person in the county or any small burgh in the county who is or is suspected to be suffering from food poisoning shall forthwith on becoming aware that such person is or is suspected to be so suffering send to the county medical officer a notification of the case stating the name of such person and the place at which such person is.

(2) The County Council shall pay to every registered medical practitioner for each notification duly sent by him in accordance with this section a fee of two shillings and sixpence if the case occurs in his private practice and of one shilling if the case occurs in his practice as medical officer of any public body or institution.

Provisions as to suspected food.

216.—(1) If the county medical officer or any other officer duly authorised by the County Council in that behalf has reasonable ground for suspecting that any food of which he has procured a sample is likely to cause food poisoning he may give notice to the person in charge of the food that until his investigations are completed the food or any specified portion thereof is not to be removed or is not to be removed except to some place specified in the notice.

(2) If as a result of his investigations the county medical officer or such other officer is satisfied that the food in question may safely be used for human consumption he shall forthwith withdraw his notice but if he is satisfied that such food or any portion thereof is likely to cause food poisoning he may seize and remove it in order to have it dealt with by the sheriff and shall inform the person in whose possession it was found of his intention to have it dealt with by the sheriff and such person shall be entitled to appear before the sheriff and to be heard and to call witnesses.

(3) If it appears to the sheriff that any food brought before him whether seized under the provisions of this section or not is unfit for human consumption he shall condemn it and order it to be destroyed or to be so disposed of as to prevent it from being used for human consumption.

(4) A person who removes any food in contravention of the requirements of a notice given under subsection (1) of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds.

(5) If a notice given under subsection (1) of this section is withdrawn by the county medical officer or such other officer or if the sheriff before whom any food is brought under this section refuses to condemn it the County Council shall compensate the owner of the food to which the notice related for any depreciation in its value resulting from the action taken by the county medical officer or such other officer.

C.—Expenditure under Part XII

Expenditure of County Council under Part XII of Order.

217. All expenses incurred by the County Council in carrying out the powers conferred on them by this Part of this Order shall be paid out of the county fund in the same manner as expenditure incurred by the County Council under the Public Health Acts.

PART XIII

PUBLIC PARKS AND BURIAL GROUNDS

A.—Public Parks

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

Definition for Part XIII of Order.

“park” means and includes any land whether situated within or beyond the county provided owned leased or occupied by the County Council and used for the purpose of recreation games sports or amusement or as a public playground public open space public walk and ornamental or pleasure ground and all buildings works apparatus appliances machinery plant servitudes rights powers and privileges connected therewith.

219. Subject to the provisions of this head of this Part of this Order the estate known as Craigtoun Park situated in the parish of Cameron within the county shall unless otherwise determined by the County Council at any time be held and maintained by the County Council as a park.

Craigtoun Park.

220. The County Council may from time to time as they think fit by agreement purchase feu or lease any lands situated either within or beyond the county for the purposes of this head of this Part of this Order.

Acquisition of land for parks.

221. Subject to the provisions of this head of this Part of this Order the County Council shall have and may exercise all or any of the following powers in connection with the parks (that is to say):—

Powers as to parks.

(1) They may reclaim drain and improve the surface of the parks or any part thereof and execute construct and maintain all necessary works for that purpose:

(2) They may form improve and maintain roads drives footpaths riding tracks and walks in the parks and do such other things as from time to time may appear to the County Council to be expedient for the use and enjoyment of the parks by the public:

(3) They may—

(a) lay out and maintain or set apart in any part of the parks golf courses tennis courts bowling greens putting greens polo grounds football pitches cricket pitches and hockey pitches and grounds for other outdoor games and places for dancing;

(b) form and maintain therein yachting ponds swimming pools boating ponds curling and skating ponds; and

(c) regulate the playing of games in the parks and the use of such places for dancing:

(4) They may provide and maintain in any of the parks any apparatus and facilities for games recreation and amusement and may make reasonable charges for the use of such apparatus and facilities:

PART XIII
—cont.

- (5) They may appoint and employ park-keepers and other officers and servants:
- (6) They may engage the services of bands concert parties and other artistes:
- (7) They may let any part of the parks for grazing:
- (8) They may provide erect maintain manage and carry on in the parks or authorise other persons to provide erect maintain and carry on therein museums collections of natural history or science or art refreshment rooms (other than for the sale of excisable liquor) pavilions waiting-rooms shelters stores club-houses baths lavatories and other conveniences band-stands conservatories gardens greenhouses tool-houses dwelling-houses for park-keepers and other similar officers of the County Council and other such erections:
- (9) They may charge and take such rents rates or charges as they think fit in respect of the use of the parks and of such golf courses tennis courts bowling greens putting greens polo grounds football pitches cricket pitches hockey pitches grounds yachting ponds swimming pools boating ponds curling and skating ponds places for dancing refreshment rooms pavilions waiting-rooms shelters stores club-houses baths lavatories and other conveniences band-stands and other erections as they think fit:
- (10) They may from time to time on such terms and subject to such conditions and for such periods as they think fit—
 - (a) let or permit to be used for any special or temporary purpose portions of the parks; and
 - (b) let the right to provide apparatus for the purposes of games recreation or amusement:
- (11) They may set apart any portion of the parks as a playground for children and provide gymnastic or other apparatus therefor and may fix the age above which persons shall not be permitted to play therein:
- (12) They may levy reasonable charges for admission into any museum collection of works or specimens of natural history or science or art conservatory winter garden and other similar places and buildings under their control.

Byelaws as
to parks.

222. The County Council may make byelaws for all or any of the following purposes (that is to say):—

- (1) for the general management regulation control and better preservation of the parks and for regulating and ensuring good order in the use of parks and the regulation and control of golf or any other games now played or which may hereafter be played in the parks and the regulation and control of dancing in the parks;
- (2) for licensing appointing and regulating golf caddies and professional golfers and golf experts and all other persons who may be employed in the parks for remuneration or reward and for fixing and regulating the charges for their services;

- (3) for the prevention of unlicensed persons being employed or taking employment in the parks ;
- (4) for the orderly conduct of persons frequenting or using the parks or playing golf or any other games therein ;
- (5) for excluding and removing from the parks gipsies hawkers and beggars and all persons committing a breach of the peace or infringing any byelaw ;
- (6) for regulating and prescribing the days on which games may be played and the hours at which games shall be permitted in the parks or in any part thereof ;
- (7) for preventing or regulating the admission to the parks of vehicles and of horses and other animals ;
- (8) for protecting from injury any golf courses and turf and greens and all tee boxes guide posts bunkers golf holes pins flags and other fittings connected therewith and any tennis courts bowling greens putting greens polo grounds football pitches cricket pitches and hockey pitches yachting ponds swimming pools boating ponds curling and skating ponds or ground set apart for any other games or any places for dancing or any apparatus or implements used for or in connection with any games established or provided in any part of the parks ;
- (9) for regulating and varying from time to time any charges to be exacted from persons using any place for the playing of games or for dancing in the parks and the recovery thereof and the exclusion and removal of persons refusing or evading payment thereof.

223. Subject to the provisions of this Order the County Council may use or permit the use of the whole or any part of any of the parks for any periods not exceeding in the whole one month in any one year for any special purpose other than a purpose for which such park may ordinarily be used and may when the park is being so used close the same or any part thereof against the public and may demand and take or permit to be demanded and taken such reasonable sums for the exclusive occupation of or for the admission of persons to such park or portion thereof as they may fix.

As to temporary use of parks for other purposes.

224. Any park which is provided or administered by the County Council outside the county shall be deemed to be within the county for the purpose of the control regulation and management of the same and the provisions of this head of this Part of this Order as to the making of rules regulations and byelaws shall extend and apply to every such park. Provided that nothing in this section shall affect or interfere with the area of jurisdiction of any justices of the peace or any court of competent jurisdiction or any police force.

As to parks outside county.

225. All expenses incurred by the County Council in the exercise of the powers conferred on them by this head of this Part of this Order shall in so far as not met by income from the parks be defrayed by the County Council out of such rate payable by owners and occupiers in equal proportions as the County Council may determine.

Expenditure in respect of parks.

PART XIII

—cont.

Consent for
formation of
cemeteries and
crematoria.18 & 19 Vict.
c. 68.Byelaws for
cemeteries and
crematoria.Burial register
to be kept.

Interments.

B.—Burial grounds

226. It shall not be lawful for any person except with the consent in writing of the County Council to make or construct any burial ground or cemetery or crematorium or to extend or enlarge any existing burial ground or cemetery or crematorium within the county. Provided that in the event of any dispute arising between the County Council and any other local authority as to the granting of consent hereunder in respect of a burial ground or cemetery it shall be in the power of the sheriff upon application being made to him under the Burial Grounds (Scotland) Act 1855 to dispense with the aforesaid consent.

227. The County Council may for the protection of the public health and amenity and the maintenance of public decency make byelaws for the regulation and preservation of burial grounds, cemeteries and crematoria. Provided that nothing therein contained shall apply to any burial ground, cemetery or crematorium belonging to any local authority other than the County Council.

228.—(1) Every interment in any burial ground or cemetery shall be registered in register books to be provided and kept for that purpose in such manner as may be approved by the County Council by the person to whom such burial ground or cemetery belongs.

(2) Such register books shall specify the place of each interment within such burial ground or cemetery with reference to a plan which shall also be provided and kept for such purpose by the person to whom the burial ground or cemetery belongs and on which plan every lair or burying-place shall be numbered and the register books and plan shall at all reasonable times be open to inspection by the county medical officer or a county sanitary inspector without fee or payment.

(3) Any person failing to comply with the provisions of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding fifty pounds.

(4) The provisions of this section shall not apply to burial grounds and cemeteries of any local authority or to any private family burial ground or mausoleum not being part of a public burial ground or churchyard.

229.—(1) It shall not be lawful except with the consent of the County Council to inter or cause or permit to be interred any human remains in any place within the county other than in a public burial ground or cemetery:

Provided that the consent of the County Council shall not be required in respect of the interment of cremated human remains.

(2) Any person who does or causes or wilfully permits to be done any act in contravention of this section shall be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding fifty pounds and to a daily penalty not exceeding five pounds.

PART XIV

FINANCE

230.—(1) The County Council may from time to time borrow for **Borrowing** and in connection with the purposes mentioned in the first column of **powers.** 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.	18,000	Sixty years from the date or dates of borrowing.
(ii) For the construction of impounding reservoirs.	1,340,800	Sixty years from the date or dates of borrowing.
(iii) For the construction of conduits and lines of pipes.	111,800	Fifty years from the date or dates of borrowing.
(iv) For the construction of intakes wells and other works.	8,800	Forty years from the date or dates of borrowing.
(v) For filtration plant.	165,000	Twenty-five years from the date or dates of borrowing.
(b) Sewer—		
(i) For the purchase of lands and servitudes.	4,500	Sixty years from the date or dates of borrowing.
(ii) For the construction of sewer conduit or lines of pipes.	395,000	Fifty years from the date or dates of borrowing.
(iii) For pumps and pumping station.	14,000	Twenty years from the date or dates of borrowing.
(iv) For subsidiary works.	3,000	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.

(2) (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 Crail and Markinch Town Councils for the purposes of their water undertakings 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.

PART XIV
—cont.

(c) The Secretary of State shall have and may exercise in relation to any such sanction as aforesaid all the powers of section 355 (Provisions as to local inquiries) of the Act of 1947 and such sanction shall be subject to such conditions (if any) as the Secretary of State may consider proper.

Saving for
emergency
restriction on
borrowing.

8 & 9 Geo. 6.
c. 18.

9 Geo. 6. c. 10.
9 & 10 Geo. 6.
c. 58.

231. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any defence regulation within the meaning of the Supplies and Services (Transitional Powers) Act 1945 for the time being having effect by virtue of that Act or of any order for the time being in force made under section 1 of the Borrowing (Control and Guarantees) Act 1946.

Application
of financial
provisions of
Order of 1940.

232. The provisions as to re-borrowing mortgages sinking and other funds and the other provisions of Part XI of the Order of 1940 with reference to the sums therein authorised to be borrowed shall so far as they are not inconsistent with this Part of this Order apply to the money authorised to be borrowed under this Part of this Order as if it were borrowed under Part XI of the Order of 1940 and the prescribed period for the repayment of any money borrowed under this Part of this Order shall as respects that money be the prescribed period for the purposes of the said Part XI.

Creation of
reserve or
renewal funds.

233. Subject to the provisions of this Order the County Council may establish and administer such reserve depreciation or renewal funds for such of their departments or undertakings as from time to time shall seem to the County Council to be necessary or desirable Provided that the amount from time to time standing to the credit of any reserve depreciation or renewal fund shall not exceed one-tenth of the aggregate capital expenditure of the particular department or undertaking.

Investment of
reserve funds
&c.

234. The County Council may invest in government securities or in any other securities in which trustees are by the law of Scotland for the time being authorised to invest including stock or securities of the County Council any reserve depreciation renewal superannuation or other funds belonging to or held by them on account of or in connection with any of the departments or undertakings administered by them or under their control.

Insurance fund.

235.—(1) The County Council may establish a fund to be called "the insurance fund" with a view to providing a sum of money which shall be available for making good all losses damages costs and expenses to which the County Council may be subjected in consequence of the whole or any part of all or any of the following risks:—

(a) risk of fire in respect of building works premises and the contents thereof and other property whether belonging or on loan to or under the care custody or control of the County Council;

- (b) risk of accident and claims by third parties in respect of any vehicles whether belonging to or hired by or under the control of the County Council and whether drawn or propelled by man or horse or mechanical or other means of power ;
- (c) risk of explosion in respect of boilers ;
- (d) risks under the common law the Employers' Liability Act 1880 the National Insurance (Industrial Injuries) Act 1946 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of accidents to the officers servants employees or workmen of the County Council or to third parties ;
- (e) risks of injuries to pupils and students through accident caused by the negligence of a teacher attendant or other person or defect in any premises provided or maintained by the County Council ;
- (f) risks of mechanical or electrical breakdown at or in connection with any of the works of the County Council ;
- (g) any other risks against which in the absence of such an insurance fund the County Council would ordinarily insure.
- (2) The establishment of an insurance fund under this section shall not prevent the County Council from insuring in one or more insurance offices against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide.
- (3) In each year after the establishment of the insurance fund the County Council shall pay into that fund either—
- (a) such a sum as shall in their opinion be not less than the aggregate amount of the premiums which would be payable if the County Council insured in some insurance office of good repute against the several risks for which the insurance fund is intended to provide ; or
- (b) if the County Council insure in some insurance office against the whole or any part of all or any of the several risks for which the insurance fund is intended to provide such sum as will together with the premiums paid for the last-mentioned insurance be not less than the aggregate amount aforesaid.
- (4) When the insurance fund shall amount to the prescribed amount the County Council may discontinue the yearly payments to the fund but if the fund is at any time reduced below the prescribed amount the County Council shall re-commence and continue the yearly payments to that fund in accordance with subsection (3) of this section until the fund be restored to the prescribed amount.
- (5) The County Council shall provide the yearly payments aforesaid by contributions from the county fund and shall show the same in their accounts under the separate heading or division in respect of the particular undertaking department or service of the County Council which if the risks were insured against in an insurance office would be properly chargeable with the payment of the premium of such insurance.

43 & 44 Vict.
c. 42.
9 & 10 Geo. 6.
c. 62.

PART XIV
—cont.

(6) (a) Except so far as the insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses damages costs and expenses in consequence of risks for which the fund is intended to provide all moneys for the time being standing to the credit of the fund shall (unless applied in any manner authorised by any enactment) be invested in government securities or in any other securities in which trustees are by the law of Scotland authorised to invest including stock or securities of the County Council and the interest and other annual proceeds received by the County Council in respect of such investments shall be carried to the county fund as receipts for general county purposes.

(b) In addition to the sum required to be paid into the insurance fund by subsection (3) of this section the County Council shall in every year so long as the fund is less than the prescribed amount carry to the credit of that fund out of the county fund an amount equal to the interest and other annual proceeds carried to the county fund in pursuance of the last preceding paragraph.

(c) If and so long as the insurance fund amounts to the prescribed amount the interest and other annual proceeds received by the County Council in respect of or on investments forming part of the insurance fund and carried to the county fund may be apportioned in the accounts of the County Council between the several undertakings departments or services liable to contribute to the insurance fund in such shares or proportions as may be equitable.

(7) The insurance fund shall be applied to meet any losses damages costs or expenses sustained by the County Council in consequence of risks for which it is intended to provide in the order of the dates on which such losses damages costs or expenses become ascertained and if at any time and from time to time the insurance fund shall be insufficient to make good any such losses damages costs or expenses the County Council may with the consent of the Secretary of State borrow at interest under and subject to the provisions of Part XII of the Act of 1947 such sums of money as will be necessary to make up the deficiency. The amounts of the annual charges in respect of interest on and repayment of principal of any sums so borrowed and the amounts of any such deficiencies as aforesaid not made up by borrowing shall be paid out of the county fund and charged in the accounts of the County Council under the separate headings or divisions in respect of such undertakings departments or services of the County Council and in such proportions as the Secretary of State may direct having regard to the risks through which such deficiencies arise.

(8) In this section "the prescribed amount" means such sums as may from time to time be prescribed by the County Council.

As to payments
due to
deceased
employees.

236.—(1) On the death of an employee (which expression in this section includes a former employee or pensioner) of the County Council to whom or to whose legal personal representative a sum not exceeding one hundred pounds is due on account of salary wages superannuation allowance gratuity grant or repayment of contributions to any superannuation or other fund with or without interest if confirmation of the estate of the employee is not being obtained

or is not produced within such time (not being less than one month after his death) as the County Council may think reasonable then at the expiration of that time the County Council may pay the sum to the person or persons entitled in the opinion of the County Council to succeed to the residuary estate of the employee:

PART XIV
—cont.

Provided that—

(a) the County Council may (notwithstanding the receipt of a notice under paragraph (b) of this subsection) pay to any person who has paid the funeral expenses of the deceased employee such amount (not exceeding the total amount of such expenses) as the County Council shall deem it reasonable to allow having regard to any death grant which has been or is to be paid under section 22 of the National Insurance Act 1946 ;

9 & 10 Geo. 6.
c. 67.

(b) if the County Council receive notice in writing of any claim against the estate of the deceased employee at any time before they have paid the whole of such sum in accordance with the provisions of this subsection they shall not pay such sum or the balance thereof in their hands to any person other than to the personal representative of the deceased employee unless and until such claim has been satisfied disproved or withdrawn.

(2) The County Council before paying or distributing any moneys under this section to or among any person or persons other than the legal personal representative of the deceased employee shall require—

(a) a statutory declaration or (when payment is made to the Crown) a statement by the person or one of the persons to whom the County Council may pay and propose to pay such sum or any part thereof to the effect that the total estate of the deceased employee (including such sum but after deduction of debts and funeral expenses) does not exceed four hundred pounds ; or

(b) the production of a certificate from the Commissioners of Inland Revenue to the effect that death duties are not payable in respect of such moneys or that any duties so payable have been paid.

PART XV

MISCELLANEOUS

237.—(1) The County Council may subject as hereinafter provided at a meeting called after due notice by resolution adopt within 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 Provided that sections 107 122 124 125 and 126 of the said Act of 1892 and section 63 of the said Act of 1903 shall if adopted apply only to built-up areas.

Adoption of sections of Burgh Police (Scotland) Acts. 3 Edw. 7. c. 33.

PART XV
—cont.

(2) 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 first column of Part II of the said Seventh Schedule the words and expressions set forth in the second column of the said Part II.

(3) The sections of the said Acts of 1892 and 1903 enumerated in the said Seventh Schedule if and when the said sections or any of them or parts thereof are adopted by the County Council shall apply to the Transport Commission in respect of their railway and dock premises subject to the provisions of section 517 of the said Act of 1892 and of subsection (9) of section 98 of the said Act of 1903.

Compensation
to existing
officers.

238.—(1) In this section—

“the specified provisions” means Part IV (Lighting district) Part V (Scavenging) and Part VI (Drainage) of this Order and any provision contained in any of those Parts ;

“existing officer” means any officer who immediately before the coming into operation of the specified provisions was in the employment of the County Council.

(2) Every existing officer who by virtue of the specified provisions or of anything done in pursuance or in consequence thereof suffers any direct pecuniary loss by abolition of office or by determination of his appointment (otherwise than for misconduct) or by diminution or loss of emoluments (and for whose compensation for that loss other provision is not made by any enactment for the time being in force) shall be entitled to compensation for that loss from the County Council.

(3) An existing officer who at any time within five years after the coming into operation of the specified provisions relinquishes office by reason of his having been required to perform duties which are not analagous to or which are an unreasonable addition to those which he was required to perform immediately before the coming into operation of the specified provisions shall be deemed for the purposes of this section to have had his office determined in consequence of the specified provisions and unless the contrary is shown to have suffered direct pecuniary loss in consequence thereof by reason of such determination.

(4) An existing officer whose appointment is determined or whose emoluments are reduced within five years after the coming into operation of the specified provisions because his services are not required or his duties are diminished (misconduct not being established) shall be deemed unless the contrary is shown to have suffered direct pecuniary loss in consequence of the specified provisions.

(5) The provisions set out in the Eleventh Schedule to the Act of 1947 shall with any necessary modifications apply for the purposes of this section.

(6) For the purposes of this section and the enactments thereby applied “officer” and “office” have the same meanings respectively as in section 318 of the Act of 1947 and “emoluments” has the same meaning as in that Act.

(7) The payment of compensation by way of a lump sum shall be a purpose for which the County Council may borrow so however that any sum so borrowed shall be repaid within a period of five years from the date on which the payment of the lump sum is made.

239. The confirming authority for the purposes of section 301 (Procedure &c. for making byelaws) of the Act of 1947 shall as respects byelaws made under the powers of the sections of this Order of which the marginal notes are respectively set out in the first column of the Eighth Schedule to this Order be the authority designated in the second column of the said schedule opposite such sections respectively.

Confirming
authority for
byelaws.

240. Any penalty under this Order or under any byelaws or regulations made under this Order unless otherwise specially provided for may be recovered in manner provided by the Summary Jurisdiction (Scotland) Acts.

Recovery of
penalties.

241. Nothing contained in this Order shall exempt any person guilty of an offence under the provisions of the Public Health Acts so far as relating to nuisances or any other Act for the time being in force for the removal or prevention of nuisances from prosecution or action in respect thereof in the same manner as if the Act confirming this Order had not been passed and nothing contained in this Order and no proceedings taken under the same shall in any way prevent any proceedings authorised by and taken or to be taken under the said Acts or any of them.

Proceedings
under Public
Health Acts.

242. The following provisions of the Order of 1940 are hereby repealed (namely):—

Repeal of
certain
provisions
of Order of
1940.

Section 156 (Appointment of river inspector);

Section 165 (Experiments in treatment of sewage);

Section 171 (For protection of Balgonie Colliery Company and others);

Section 176 (Confirmation of agreement with Distillers Company Limited);

Section 183 (Byelaws as to buildings);

Section 208 (Notice of Part VIII of Order);

The Third Schedule.

243. Nothing in this Order shall affect the rights of the British Electricity Authority and the South East Scotland Electricity Board or extend to or authorise any interference with any of their respective electric lines conduits works or property (whether such lines conduits works or property be situated above or below the ground) 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 to the Electric Lighting (Clauses) Act 1899 as amended by the Electricity Act 1947.

For protection
of British
Electricity
Authority and
South East
Scotland
Electricity
Board.

10 & 11 Geo. 6.
c. 54.

244. Nothing in this Order or in any byelaws or regulations made thereunder shall prejudice affect or interfere with the powers vested in the Forth Road Bridge Joint Board (in this section referred to as

For protection
of Forth Road
Bridge Joint
Board.

PART XV
—cont.

“the board”) under the Forth Road Bridge Order 1947 or the carrying out of any works or operations thereunder and nothing in this Order shall authorise the County Council to acquire otherwise than by agreement any land acquired by the board for the purposes of their statutory undertaking.

Works below high-water mark not to be constructed without consent of Minister of Transport.

245.—(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 Transport and then only according to such plan and under such restrictions and regulations as the Minister of Transport may approve 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.

(2) If any work is commenced altered extended or completed contrary to the provisions of this section the Minister of Transport 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.

Lights on works.

246.—(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.

(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.

Abatement of work abandoned or decayed.

247.—(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 Transport 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 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 Transport 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 Transport 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.

PART XV
—cont.

248. This Order shall be deemed to be an enactment passed before and in force at the time of the passing of the Town and Country Planning (Scotland) Act 1947 for the purposes of subsection (4) of section 11 and subsection (1) of section 112 of that Act.

Saving for town and country planning.

249. This Order shall be deemed to be an enactment passed before and in force at the time of the passing of the Act of 1949 and any obligation contained in this Order (whether such obligation is in force before or comes into operation after the appointed day as defined by that Act) to which the provisions of sections 28 and 29 of that Act apply shall be deemed to have come into operation before the appointed day as defined by that Act.

Saving for Water (Scotland) Act 1949.

250. Nothing contained in this Order shall authorise the County Council to impose or levy any rate or assessment upon any lands and heritages which by Part V (Rating of Transport and Electricity Authorities) of the Local Government Act 1948 are not liable to be rated or be included in any valuation roll or in any rate except for the purposes of subsection (2) of section 85 of that Act.

Saving for Local Government Act 1948.
11 & 12 Geo. 6.
c. 26.

251. The County Council may enter into arrangements with any traders or others for the carrying out by them on behalf of the County Council of lighting and scavenging services.

As to arrangements for carrying out lighting and scavenging services.

252. 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 Transport respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Transport as the case may be on behalf of His Majesty first had and obtained for that purpose.

Crown rights.

253. 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.

Costs of Order.

The SCHEDULES referred to in the foregoing Order
FIRST SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Repeal of Part III of Order of 1940")

PROVISIONS OF PART III (WATER) OF THE FIFE COUNTY COUNCIL
ORDER 1940 SAVED FROM REPEAL

- Section 12 (Commencement of Part III of Order).
Section 14 (Water undertakings of County Council to continue vested in County Council).
Section 15 (Transfer of undertaking of Wemyss Trustees to County Council).
Section 16 (Dissolution of Wemyss Trustees).
Section 17 (Officers in employment of Wemyss Trustees continued until removed).
Section 18 (Compensation to treasurer and superintendent of Wemyss Trustees).
Section 19 (Abolition of existing water districts).
Section 20 (Vesting of property transferred to County Council).
Section 21 (Proceedings not to abate).
Section 22 (Books &c. to be evidence).
Section 23 (Water rates arrears and grants).
Section 24 (Transfer of debts).
Section 25 (Existing mortgages).
Section 26 (Proceedings saved).
Section 27 (Saving existing agreements &c.).
Section 28 (Byelaws &c.).
Section 81 (Power to supply water by agreement).
Section 82 (Agreements with Admiralty).
Section 120 (Domestic water rate in former water supply district of Kettle).

SECOND SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Domestic water rate in districts enumerated in Second Schedule.")

PREFERENTIAL DOMESTIC WATER RATES LEVIABLE IN THE FORMER
WATER SUPPLY DISTRICTS UNDERMENTIONED IN THE YEAR ENDING
15TH MAY 1950

	Former special water supply district	Preferential rate
1	Auchtermuchty	2/6
2	Ceres	3/6
3	Cupar Muir	3/6
4	Falkland	2/6
5	Pitlessie	3/6
6	Springfield	3/6
7	Colinsburgh	3/6
8	Lower Largo }	3/6
9	Upper Largo }	
10	Dunino	2/-
11	Guardbridge	3/6
12	Leuchars	2/-
13	Wemyss Water District	1/4
14	Dunfermline District	3/6

THIRD SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Establishment and constitution of River Leven Board")

PART I

PROVISIONS WITH RESPECT TO THE ELECTION TENURE OF OFFICE AND QUALIFICATIONS OF MEMBERS OF THE BOARD &C.

1.—(1) Subject to the provisions of this Order the term of office of a member of the board nominated by a county council shall be three years commencing on the first day of June and ending on the thirty-first day of May and not later than the month of May in every year in which a member of the board nominated as aforesaid falls to retire in ordinary course the body by which such member was nominated shall elect a member to hold office for the three years next following the expiry of the period of the retiring member. Election and term of office of members.

(2) If a county council fails to elect members of the board at the proper time for their election the members of the board elected by such council who then fall to retire shall continue in office until their successors are appointed so long always as they are qualified to be members of the board.

(3) A person representing a county council shall be qualified to be a member of the board if he is a member of the county council and if a member of the board representing a county council ceases to be a member of the county council he shall cease to be a member of the board.

2.—(1) The first election of members of the board to be made by a county council shall be made by the council at a meeting of the council to be held within two months after the commencement of this Order. First election of members.

(2) The first election of members of the board to be made by the owners and occupiers mentioned in the section of this Order of which the marginal note is "Establishment and constitution of River Leven Board" (hereinafter referred to as "the Traders") and by the Fife Branch of the National Farmers Union (hereinafter referred to as "the Union") shall be made by them within two months after the commencement of this Order and subject to the provisions of this Order a member so elected shall hold office during the pleasure of the Traders and of the Union respectively.

3. When an election of a member of the board has been made the clerk or secretary of the nominating body by which the election was made shall forthwith intimate the election to the county clerk. Intimation of election of members.

4. The County Council appointing a member or members of the board may appoint a substitute member or members who may attend any meetings of the board in the absence of an appointed member. Similarly the Traders and the Union may also appoint substitute members on the board who may attend any meetings of the board in the absence of an appointed member. Any substitute member so attending a meeting of the board shall have full voting powers in every respect in room and in place of the member of the Substitute members.

3RD SCH.
—cont.

board for whom he is substituting. The nominating bodies shall furnish to the county clerk a list of persons who are to act as substitute members.

Resignation of
members.

5. A member of the board may resign his office by notifying in writing his intention so to do to the county clerk.

Failure of
member to
attend
meetings.

6. If a member of the board fails to attend any meeting of the board for twelve consecutive months (counting from the date of the meeting from which he first absented himself) he shall be deemed to have resigned his office as a member of the board at the expiration of that period unless the nominating body by which he was elected otherwise determine.

Casual
vacancies.

7. If a member of the board dies or resigns or ceases to be qualified to be a member of the board the nominating body by which he was elected may at any time after the happening of such event elect another person to be a member of the board in his place and the person so elected shall continue in office so long as the person in whose place he is elected would have been entitled to continue in office.

Eligibility for
re-election.

8. A person ceasing to hold office to which he is elected by virtue of the provisions of this Order shall if otherwise qualified be eligible for re-election.

Tenure of
office &c. of
chairman and
vice-chairman.

9. The chairman and vice-chairman of the board shall be elected annually and the persons elected to these offices shall if otherwise qualified respectively hold office until their successors shall have been elected.

PART II

PROVISIONS AS TO MEETINGS AND PROCEEDINGS

Place and time
of meeting.

1.—(1) The board shall hold their first meeting at Cupar on a date to be fixed by the convener of the county notice of which shall be given by the county clerk to the members.

(2) Subsequent meetings of the board shall be held at such places and on such days and at such times as the board may from time to time appoint.

Special
meetings.

2. The county clerk shall call a meeting of the board at any time on being required so to do by the chairman or on receiving a requisition in writing for that purpose specifying the business proposed to be transacted at the meeting and signed by at least four members of the board.

Convening
meetings.

3.—(1) Meetings of the board shall be convened by the county clerk.

(2) Every meeting shall be convened by circular delivered to each member of the board or sent by post to his residence five clear days at least before the day of the meeting:

Provided that—

(a) Where it appears to the chairman that an item of business demands special urgency he may instruct that a special meeting be convened so however that any resolution passed

at such a meeting shall not be valid and binding on the board unless either a majority of the whole members of the board are present at the meeting or the resolution is confirmed by a subsequent meeting called in the manner hereinbefore provided in this paragraph ;

(b) Want of notice to any member of the board shall not affect the validity of a meeting.

4. To constitute a meeting of the board there shall be present Quorum. not less than five members of the board.

5. At every meeting of the board the chairman of the board Chairman of shall preside but if he is not present at the time appointed for the meetings. meeting the vice-chairman if present shall preside and if neither the chairman nor the vice-chairman is present the members then present shall choose one of their number to preside at that meeting.

6.—(1) All acts and all questions coming and arising before the board or any committee or sub-committee of the board shall be done and decided by a majority of the members of the board or committee or sub-committee as the case may be present and voting at a meeting of the board or committee or sub-committee as the case may be. Decisions on questions.

(2) In the case of an equality of votes the person presiding at the meeting shall have a casting vote as well as a deliberative vote :

Provided that if at any meeting neither the chairman nor the vice-chairman be present and there be an equality of votes in choosing the member to preside at such meeting it shall be decided by lot which of the members having an equal number of votes shall so preside.

7.—(1) Minutes of the proceedings of a meeting of the board shall be drawn up by or on behalf of the county clerk and shall be submitted to the next ensuing ordinary meeting of the board for approval as a record of the meeting and signed by the person presiding at that next ensuing meeting. Minutes.

(2) Subject to any standing orders of or other directions by the board the provisions of the preceding sub-paragraph shall apply with respect to any committee or sub-committee of the board in like manner as they apply with respect to the board.

(3) Until the contrary is proved a meeting of the board or of any committee or sub-committee thereof in respect of the proceedings whereof a minute has been made and signed in manner hereinbefore provided shall be deemed to have been duly convened and held and all the members present at the meeting shall be deemed to have been duly qualified and where the proceedings are proceedings of a committee or sub-committee the committee or sub-committee as the case may be shall be deemed to have been duly constituted and to have had power to deal with the matters referred to in the minutes.

8. The standing orders of the County Council at the time shall be used for the regulation of the proceedings and business of the board. Standing orders.

3RD SCH.
—cont.Committees
and sub-
committees.

9. The board may appoint from among their own number such and so many committees either of a general or special nature consisting of such number of persons as they think fit for the purpose of any of the functions exercisable by the board and may delegate with or without restrictions or conditions as they think fit any of their powers or duties to any such committee.

Vacancies
&c. not to
invalidate
proceedings.

10. The proceedings of the board or of a committee or sub-committee thereof shall not be invalidated by any vacancy among their number or by any defect in the election or qualification of any member thereof or by any member voting on or taking part in the consideration or discussion of any question when he is not entitled to do so.

FOURTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Confirmation of agreements with Distillers Company Limited")

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 CAMERONBRIDGE DISTILLERY SUBJECTS AFTER MENTIONED BEING HEREINAFTER REFERRED TO AS "THE SECOND PARTIES") OF THE SECOND PART

Whereas a minute of agreement was entered into between the first parties and the second parties dated 18th and 26th March 1940 prescribing inter alia the conditions under which the trade effluent from the distillery at Cameronbridge in the parish of Markinch belonging to the second parties would be taken into the intercepting sewer provided for in the Fife County Council Order of 1940:

And whereas the construction of the said intercepting sewer is now being proceeded with and for various good and sufficient reasons it is expedient to vary the conditions laid down in the said minute of agreement:

And whereas the County Council have entered into these presents under the provisions of the Public Health (Scotland) Act 1897:

Now therefore the parties have agreed and do hereby agree as follows (videlicet):—

(First) The said minute of agreement entered into between the parties dated 18th and 26th March 1940 is hereby cancelled.

(Second) The second parties shall maintain the necessary pipes for conveying the trade effluent sewage and drainage as aftermentioned from the said distillery to the said intercepting sewer. No connection with the said sewer shall be made without consent of the county engineer or other person to be appointed by the first parties but such consent shall not be withheld without some good and adequate reason being given therefor. It is agreed that the said sewer shall

Cancellation of
existing Minute of
Agreement between
the First and
Second Parties.
Connecting
pipes.

be laid by the first parties at such level as the second parties' trade effluent sewage and drainage can be discharged therein by gravitation without alteration of the second parties' existing tanks and ponds or if any alteration is required on the second parties' existing pipes tanks and ponds the cost of such alterations will form part of the cost of the construction of the said intercepting sewer and will be paid by the first parties.

4TH SCH.
—cont.

(Third) On the construction of the said intercepting sewer being completed to the extent that the first parties are prepared to receive therein the trade effluent sewage and drainage of the second parties the first parties shall intimate this in writing to the second parties. Within one month of receipt of the said intimation the second parties shall pay the sum of £6,774 to the first parties in full satisfaction of the first parties' share of the capital cost (including all claims for compensation competent and made by riparian owners or industrialists or by any other party claiming to use the river water of the river Leven and its tributaries for power purposes or otherwise) of the said sewer. The said capital contribution will entitle the second parties to a right in perpetuity to the use of the said sewer to the measure of the second parties' estimated user namely 5,000 gallons per hour. If the second parties should at any time in the future find that the capacity allowed to them on said user basis in the sewer for trade effluent is inadequate for their industrial needs they shall have the right to acquire a further right by purchase if this can be arranged with other interested parties but should it be that the capacity allowed is greater than the industrial needs aforesaid the second parties shall not be entitled to any rebate on the capital contribution now to be paid by them.

Contribution
by second
parties to
capital cost
of sewer.

(Fourth) In respect of the payment by the second parties to the first parties of the said capital contribution it is agreed that the second parties will have no obligation to contribute other than by way of payment of the public and special drainage assessments levied in terms of the Fife County Council Order of nineteen hundred and forty-nine for the rates and taxes on and maintenance of the said intercepting sewer.

Maintenance
of sewer.

(Fifth) 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 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

Quantity of
effluent.

4TH SCH.
—cont.

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 time 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.

(Sixth) The second parties bind and oblige themselves to continue the existing arrangements 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 it being subjected to prior treatment of any kind whatsoever.

Inspection of
works.

(Seventh) 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.

Rebate of
interest on
capital con-
tribution paid
by the second
parties in
lieu of a
rebate on
special
drainage rate.

(Eighth) At the 15th day of May immediately following the date on which the second parties shall pay the said capital contribution of £6,774 to the first parties in terms of clause third of this agreement the first parties shall pay to the second parties such sum as will be equivalent to 3 per cent. per annum of the said £6,774 for the period from the date of their payment of said sum until the said 15th day of May. Further on the 15th day of May in the following and in each succeeding year for a period of in all thirty years commencing as from the date of payment of the said capital contribution of £6,774 the first parties shall pay to the second parties the sum of £203 4s. 4d. being a sum equivalent to the full year's interest at 3 per cent. per annum on said capital sum of £6,774. Such annual payments will be payable to the second parties in lieu of a restriction in their liability for payment in respect of said distillery premises of the special drainage rate for the county of Fife declaring however that the liability of the first parties hereunder shall at no time exceed the amount recovered by them from the special drainage rate on the said distillery premises.

Expenses.

(Ninth) The parties will share equally the stamp duty and registration fees applicable to this agreement.

(Tenth) 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.

4TH SCH.
—cont.

Arbitration.

(Eleventh) The parties hereto consent to the registration hereof for preservation and execution.

Consent to
registration.

IN WITNESS WHEREOF these presents typewritten on this and the preceding five pages are executed as follows (videlicet) They are sealed with the Common Seal of the said The Distillers Company Limited and signed on their behalf by Henry James Ross and Leonard Alsager Elgood two directors and Alexander Forbes McDonald their secretary all at Edinburgh on the twenty-sixth day of March nineteen hundred and forty-nine and they are sealed with the Common Seal of the said County Council and signed on their behalf by Colonel Noel Edward Baxter and David Fraser two members and Ian Forrest Noble County Clerk Depute all at Cupar on the twenty-ninth day of the month and year last mentioned before these witnesses Herries Howatson Administrative Assistant and Kenneth Robertson Normand Law Apprentice both of County Buildings Cupar.

(Signed) NOEL E. BAXTER Member.

(„) D. FRASER Member.

(„) IAN F. NOBLE County Clerk Depute.

(Signed) H. HOWATSON Witness.

(„) KENNETH R. NORMAND Witness.

(Signed) HENRY J. ROSS Director.

(„) L. A. ELGOOD Director.

(„) A. F. McDONALD Secretary.

SUPPLEMENTARY 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 (HEREINAFTER REFERRED TO AS “THE SECOND PARTIES”) OF THE SECOND PART.

Whereas a minute of agreement was entered into between the First Parties and the Second Parties dated twenty-sixth and twenty-ninth March nineteen hundred and forty-nine prescribing inter alia

4TH SCH.
— cont.

the conditions under which the trade effluent from the distillery at Cameronbridge in the parish of Markinch would be taken into the intercepting sewer provided for in the Fife County Council Order of 1940:

And whereas it is expedient that the said minute of agreement be appended as a schedule to the Fife County Council Order 1949:

Now therefore the parties have agreed and do hereby agree that the said minute of agreement is subject to such alteration as may be made therein by Parliament or the Secretary of State during the progress of the said last-mentioned 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 on this and the preceding page are executed as follows (videlicet) They are sealed with the Common Seal of the said Distillers Company Limited and signed on their behalf by Henry James Ross and Leonard Alsager Elgood two directors and Alexander Forbes McDonald their Secretary all at Edinburgh on the twenty-third day of June Nineteen hundred and forty-nine and they are sealed with the Common Seal of the said County Council and signed on their behalf by James Colville Henderson and David Fraser two members and John Methven Mitchell County Clerk all at Cupar on the twenty-eighth day of the month and year last above mentioned before these witnesses Norman George Blackstock Law Apprentice and Davina Lawson Pow Secretary both of County Buildings Cupar.

(Signed) HENRY J. ROSS Director.

(..) L. A. ELGOOD Director.

(..) A. F. McDONALD Secretary.

(..) J. C. HENDERSON }
(..) D. FRASER } Members.

(..) J. M. MITCHELL County Clerk.

(Signed) NORMAN G. BLACKSTOCK Witness.

(..) DAVINA L. POW Witness.

FIFTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Confirmation of agreement with John Fergus and Company Limited")

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 & 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 AFTER MENTIONED BEING HEREINAFTER REFERRED TO AS THE "SECOND PARTIES") OF THE SECOND PART

Whereas by clause 177 of the Fife County Council Order 1940 (hereinafter referred to as the "Order of 1940") it was provided that the agreement made the ninth day of April 1940 between the parties hereto as amended and set forth in the Fourth Schedule of the Order of 1940 was confirmed and made binding on the said parties and might be carried into effect by the said parties subject to such modifications (if any) as might be agreed:

And whereas the first parties have promoted a Provisional Order (hereinafter referred to as "the 1949 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 Orders for prohibiting pollution of the said river Leven from mills works and factories situated thereon:

And whereas the standard of purity of effluent to be discharged from the said mills works and factories as defined by the Order of 1940 has been amended by the 1949 Order thereby imposing upon the second parties a greater degree of purification of their effluent than was contemplated by the Order of 1940 or the agreement referred to:

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 after treatment 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 works and factories:

And whereas provision has been made in the Order of 1940 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:

5TH SCH.
—cont.

And whereas the second parties have incurred in terms of the said agreement expenditure in provision of plant to enable them to comply with the terms of the Order of 1940 and the said agreement and have made application to the first parties for the reservation of the right to discharge their trade effluent into the regional sewer being provided by the first parties as authorised by the Order of 1940:

And whereas the first parties have indicated their willingness in view of the previous arrangements made between them and the second parties to concede the application of the second parties on the special terms hereinafter indicated.

Now therefore the parties have agreed and do hereby agree as follows:—

(First) Whereas the second parties have in terms of the said 1940 agreement constructed a settling tank to deal with their trade effluent in such a way that no unpurified effluent is discharged into the river it is hereby agreed that so long as no unpurified sewage or effluent is discharged into the river above the lands of Prinlaws other than that which is at present being so discharged the standards in accordance with the provisions of the section of the 1949 Order of which the marginal note is "Purity of effluent" shall apply Provided that the trade effluent shall be discharged at a uniform rate over twenty-four hours the first parties undertake that so long as such standards of purification are 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 trade premises mills factories and works.

(Second) In order that the first parties may be satisfied that the said standards of purification are 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 as aforesaid 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.

(Third) Notwithstanding the terms of clauses (first) and (second) hereof the second parties shall be entitled within a period of one year from 16th May 1949 but not at any time after the expiry of said period of one year 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 from the said mills and lands of Prinlaws and the heritable subjects situated on such lands into the sewer to be provided under the said Order In the event of the second parties giving intimation as aforesaid the first parties shall make effective provision in the river Leven sewer for the reception of trade effluent from the said mills belonging to the second parties at a rate up to but not exceeding one hundred and twenty thousand gallons per day into the said sewer In respect of such provision the second parties

shall pay to the first parties on the construction of the said sewer being completed and facilities being afforded to the second parties by the said sewer for the disposal of their trade effluent a sum of £5,000. In the event aforesaid and on payment of the sum of £5,000 as aforesaid the second parties shall be entitled to recover from the first parties a sum of £150 per annum on the expiry of one year from the date of payment of the said sum of £5,000 and payment of similar sums of £150 for a period of 30 years thereafter as a deduction from the domestic drainage assessment levied in respect of aforesaid premises provided that if the aforesaid £150 is greater than the amount paid by way of domestic drainage assessment the amount to be recovered by the second parties aforesaid over the said period of 30 years shall be equal in each year to the amount of the domestic drainage assessment only. Provided also that nothing contained herein shall relieve the second parties of their liability to pay the public drainage assessment or domestic drainage assessment in respect of all dwelling-house property belonging to them and that the first parties *ex proprio motu* may afford a connection to the said sewer at the time and on such terms as may be agreed in the circumstances then applicable it being understood and agreed that the second parties shall bear no part of any capital costs of the construction of the sewer.

5TH SCH.
—cont.

(Fourth) In respect that the second parties carry out at their own cost (a) the lighting by electricity of the streets at Prinlaws and (b) the scavenging services at their own cost for Prinlaws village it is hereby provided and agreed (one) that the special services of lighting and scavenging shall be carried out to the entire satisfaction of the first parties and (two) that so long as this is done the first parties shall pay to the second parties (a) the sum of £350 or such other sum as may be fixed by the parties hereto from time to time in respect of scavenging services aforesaid and (b) the sum of £120 or such other sum as may be fixed by the parties hereto from time to time in respect of the lighting services aforesaid. Should either of said sums in any year exceed (a) the yield of the domestic scavenging rate levied by the first parties on the second parties and their tenants the excess over the yield of the said rate shall be refunded by the first parties to the second parties and (b) the yield of the lighting rate levied by the first parties on the second parties and their tenants the excess over the yield of the said rate shall be refunded by the first parties to the second parties.

(Fifth) Nothing in the said Orders 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 Orders unless the first parties shall give to the second parties not less than seven days' notice in writing accompanied by plans and (as 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.

(Sixth) 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

5TH SCH.
—cont.

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.

(Seventh) The first parties agree to schedule this agreement to the said Order of 1949.

(Eighth) 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 last-mentioned 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 on this and the preceding five pages are executed as follows (videlicet) They are Sealed with the Common Seal of the said John Fergus and Company Limited and signed on their behalf by William Porter and Edward John Jobson two Directors and Christopher Kinnaird their Secretary all at Leslie on the twenty-eighth day of March nineteen hundred and forty-nine before these witnesses Alexander Wallace and James Peggie both clerks in the employment of the said John Fergus and Company Limited And they are Sealed with the Common Seal of the said County Council of the county of Fife and signed on their behalf by Colonel Noel Edward Baxter and David Fraser two members and Ian Forrest Noble County Clerk Depute all at Cupar on the twenty-ninth day of said month and year last mentioned before these witnesses Herries Howatson Administrative Assistant and Kenneth Robertson Normand Law Apprentice both of County Buildings Cupar.

(Signed) WILLIAM PORTER Director.

(..) EDWARD J. JOBSON Director.

(..) CHRISTOPHER KINNAIRD Secretary.

(Signed) ALEXANDER WALLACE Witness.

(..) JAMES PEGGIE Witness.

(Signed) NOEL E. BAXTER Member.

(..) D. FRASER Member.

(..) IAN F. NOBLE County Clerk Depute.

(Signed) H. HOWATSON Witness.

(..) KENNETH R. NORMAND Witness.

SIXTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Confirmation of agreement with Guard Bridge Paper Company Limited")

MINUTE OF AGREEMENT BETWEEN THE COUNTY COUNCIL OF THE COUNTY OF FIFE (HEREINAFTER REFERRED TO AS THE "FIRST PARTIES") OF THE ONE PART AND GUARD BRIDGE PAPER COMPANY LIMITED INCORPORATED UNDER THE COMPANIES ACTS AND HAVING THEIR REGISTERED OFFICE AT GUARDBRIDGE IN THE COUNTY OF FIFE (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 1949 Order") with a view inter alia to securing the purification of the river Eden in the county of Fife:

And whereas to this end provision has been made in the said Order for prohibiting pollution of the said river Eden from mills works and factories situated thereon:

And whereas the mills at Guardbridge and relative works belonging to the second parties are situated on the river Eden and are at present discharging trade effluent into the river Eden and the second parties are desirous of making provision for discharging the aforesaid trade effluent into the sewer to be constructed by the first parties for the purification of the river Eden:

And whereas the first parties have agreed to make provision for the said trade effluent being discharged into the said sewer which sewer beyond the point of connection they undertake shall have a diameter of not less than forty-two inches and the rate of flow of sewage and trade effluent reaching the point of connection by means of the said sewer will not exceed six hundred cubic feet per minute on the terms and conditions hereinafter mentioned:

And whereas the parties hereto have been advised by their engineers that a connection to the first parties intended river Eden sewer permitting discharge into the said sewer of the trade effluent from the industrial premises of the second parties must in order to prevent during period of high tide flooding of the equipment of the said industrial premises have associated with it arrangements for pumping the said effluent:

And whereas the parties hereto have entered into an understanding relative to the payment of water rates on the mills and other works at Guardbridge belonging to the second parties and that it is desired that the terms thereof be incorporated in this agreement:

And whereas the Order of 1949 makes provision for the abolition of special lighting districts at the expiry of five years from sixteenth May nineteen hundred and forty-nine:

And whereas the second parties supply and maintain the current and all equipment for the provision of street lighting in Guardbridge and they are prepared to continue to do so after the aforesaid period of five years has expired:

6TH SCH.
—cont.

And whereas the County Council have entered into these presents under the provisions of the Public Health (Scotland) Act, 1897.

Now therefore the parties have agreed and hereby agree as follows:—

Connection to
river Eden
sewer.

(First) It is agreed that the first parties shall permit the second parties to discharge into the said sewer the whole trade effluent sewage and drainage at a rate up to but not exceeding six million three hundred thousand gallons per day from their said industrial premises without any prior treatment of any kind of said trade effluent sewage and drainage notwithstanding the provisions of the Order of 1949. In order to permit of such discharge the second parties shall construct and maintain at their own expense all connections required for conveying said trade effluent sewage and drainage to the said sewer but the first parties shall provide electrically operated pumping plant in duplicate and automatically controlled installed at the mouth of the existing main drainage conduit serving the industrial premises of the second parties the arrangements to be such that the pumping plant will come into action whenever the hydraulic condition in the sewer shall threaten to flood the equipment of the said industrial premises. Each unit of the pumping plant shall be capable of producing a lift of not less than four feet at the maximum rate of flow of effluent. Details of the pumping plant and relative arrangements including pump-house shall be adjusted between the parties' engineers and shall include a protective overflow. While the capital cost of providing and installing the said pumping plant and relative arrangements including pump-house will be borne by the first parties the expense of subsequently maintaining and operating will be borne by the second parties. In the event of the first parties at any time extending the said sewer sea-ward from the presently intended point of outfall they shall in order to meet the altered hydraulic condition in the sewer provide in substitution for the pumping plant and relative arrangements herein agreed to be provided by them pumping plant and relative arrangements capable of producing such increased lift as may be required to continue prevention during periods of high tide of flooding of the equipment of the said industrial premises. The provisions of subsection (3) (a) and (3) (b) of the section of the Fife County Council Order 1949 whereof the marginal note is "Discharge of sewage" shall not apply to the premises of the second parties but in lieu thereof the second parties shall cause to be constructed on the second parties' connecting sewer such measuring arrangements as are reasonably practicable having regard to the special conditions of the second parties' connections to the said sewer these measuring arrangements to be adjusted between the parties' engineers and failing agreement by them any difference to be remitted for settlement to an arbiter being an engineer to be appointed by the president for the time being of the Institution of Civil Engineers London. The cost of the said measuring arrangements shall be met equally by the parties hereto but the maximum liability of the first parties in respect thereof shall not exceed two hundred pounds. The second parties shall meet the whole costs of maintenance and upkeep and representatives of the first parties shall be entitled to enter the said premises at any time for

the purpose of making observations and measurements in order to assure the first parties that the agreed maximum rate of discharge from the said premises into their sewer is not being exceeded. The arrangement for receiving the said effluent into the said sewer shall take effect on the date as certified by the county engineer on which the said sewer was available to the second parties for this purpose.

6TH SCH.
—cont.

(Second) In respect of the facilities to be afforded by the first parties for the use of the said sewer by the second parties the second parties shall in addition to the public and domestic drainage assessment contribute and pay to the first parties from and after the said date by means of a special sewerage assessment the sum of one thousand pounds per annum for a period of fifteen years. Interest at the rate of five per centum per annum shall be payable in the event of any annual rate being more than one month in arrears. Nothing herein contained shall free or relieve the second parties from their liability to meet domestic and public drainage rates but the second parties shall have no further obligation to contribute to the maintenance of the said sewer. Further the second parties shall have no obligation to contribute to the cost of an extension sea-ward of the present proposed outfall of the said sewer if such an extension is required at any time hereafter.

(Third) It is hereby expressly provided and declared that if the operation of the said sewer by the first parties including the abstraction of water from the river Eden by the owners or occupiers of premises situated on the upper reaches of the river and the discharging of trade effluent into the said sewer results in a diminution of flow in the river Eden so as to prejudice the second parties in relation to any rights to the water in the said river at present vested in the second parties the second parties shall notwithstanding anything contained in the Order of 1949 be entitled to submit a claim for compensation to the first parties in respect of any loss which they may thereby sustain provided however that the operations conducted by the second parties at the date of making the claim do not involve the use of water from the river to an extent greater than twice the volume used by them from the river and the river Moutray as at the date of these presents.

Compensation
for loss of
water.

(Fourth) It is hereby agreed that if called upon by the second parties within one year from sixteenth May nineteen hundred and forty-nine the first parties shall purchase at a price of one thousand pounds the mussel scalps at present belonging to the second parties in the estuary of the river Eden.

Mussel scalps.

(Fifth) In the event of the first parties making application for consent to set up an advisory board for the river Eden under the Order of 1949 the second parties shall be represented on the said board.

River Eden
Advisory
Board.

(Sixth) In respect (a) that the second parties use a quantity of water for non-domestic purposes in excess of twenty million gallons per annum (b) that the first parties are unable from the resources at present available to them to supply the quantity of water so required by the second parties (c) that the first parties have agreed to make

Levy of
domestic water
assessment.

6TH SCH.
—cont.

payment to the second parties at the rate of sixpence per thousand gallons for all non-domestic water consumed by the second parties from their private water supply subject to the county engineer of the first parties being given all facilities to check the quantity of water so used by the second parties and (d) that in return for this payment the first parties are entitled to payment in full from the second parties of the domestic water assessment levied on their industrial premises as shown in the assessment roll provided that the payment to be made by the first parties to the second parties hereunder shall in no year exceed three fourths of the amount of the yield of the said domestic water assessment—the foregoing arrangement is hereby confirmed entirely without prejudice however to the rights and liabilities of the parties hereto with reference to water rates in the event of the Water (Scotland) Bill which is at present before Parliament being passed into law declaring that the said Act shall as from the date when it comes into operation regulate the position as to water rates between the parties hereto subject to the undertaking by the first parties that the liability of the second parties for the domestic water rate on their industrial premises shall for the year nineteen hundred and forty-nine/nineteen hundred and fifty be restricted to one-quarter of the gross value thereof in virtue of the power of restriction conferred upon the first parties by section 4 (1) of the said Bill and in the absence of any change of circumstances it is anticipated by the parties hereto that a like exercise of the first parties' said power of restriction will be made in future years.

Guardbridge
lighting.

(Seventh) In respect that the second parties carry out at their own cost the lighting by electricity of the street at Guardbridge it is hereby provided and agreed that so long as the said service is carried out to the reasonable satisfaction of the first parties the first parties shall pay to the second parties the sum of one hundred pounds (or such other sum as may be fixed by the parties hereto from time to time) per annum in respect of the lighting service as aforesaid. Should the said sum in any year be less than the amount of the yield of the lighting rate levied by the first parties on the second parties and their tenants the difference shall be paid by the first parties to the second parties it being provided and declared (a) that the said sum is to be fixed having regard to the yield of the said rate and (b) that in accordance with the provisions of the Order of 1949 the foregoing arrangement will not come into operation until the expiry of five years from sixteenth May nineteen hundred and forty-nine.

Arbitration.

(Eighth) 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.

Scheduling of
agreement.

(Ninth) The first parties agree to schedule this agreement to the Order of 1949.

(Lastly) This agreement is subject to such alterations as may be made therein by Parliament or the Secretary of State during the progress of the Order of 1949 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 from this agreement:

6TH SCH.
—cont.
Effect of
amendment of
Provisional
Order.

IN WITNESS WHEREOF these presents typewritten on this and the preceding six pages are executed as follows (videlicet) They are sealed with the Common Seal of the said Guard Bridge Paper Company Limited and signed on their behalf by Gordon Purvis Adam Director and Joseph Sanders Millan their Secretary all at Guard-bridge on the twenty-sixth day of March nineteen hundred and forty-nine and they are sealed with the Common Seal of the said county council of the county of Fife and signed on their behalf by Colonel Noel Edward Baxter and David Fraser two members and Ian Forrest Noble County Clerk Depute all at Cupar on the twenty-ninth day of the month and year last mentioned before these witnesses Herries Howatson Administrative Assistant and Kenneth Robertson Normand Law Apprentice both of County Buildings Cupar.

(Signed) NOËL E. BAXTER Member.

(..) D. FRASER Member.

(..) IAN F. NOBLE County Clerk Depute.

(Signed) H. HOWATSON Witness.

(..) KENNETH R. NORMAND Witness.

(Signed) GORDON P. ADAM Director.

(..) J. S. MILLAN Secretary.

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 99 (Streets to be lighted);

Section 100 (Penalty for wilfully breaking lamps);

Section 101 (Persons accidentally breaking lamps to repair the damage);

Section 104 (Lighting of common stairs &c.);

Section 105 (Power to commissioners to supply light and charge owner);

Section 106 (Commissioners may remove &c. lamp posts &c. where not lighted according to regulations);

7TH SCH.
—cont.

- Section 107 (Dust &c. collected to be vested in commissioners) ;
 Section 108 (Commissioners may provide lands &c. for deposit of soil and materials) ;
 Section 110 (Public conveniences) ;
 Section 111 (Streets to be watered and wells pumps &c. provided) ;
 Section 112 (Scavenging) ;
 Section 113 (Penalty for obstructing scavengers) ;
 Section 114 (Penalty on persons other than scavengers removing dirt) ;
 Section 115 (Sweeping and washing of common stairs) ;
 Section 116 (Foot pavements to be swept by occupier) ;
 Section 117 (Common stairs and houses let for short periods to be cleansed by owners) ;
 Section 118 (Surveyor medical officer or inspector may enter and cleanse dwelling-houses &c. at expense of owners) ;
 Section 119 (Penalty on keeping dwelling-houses in dirty condition) ;
 Section 120 (Areas &c. to be cleansed by occupiers) ;
 Section 121 (Stables and byres to be kept clean) ;
 Section 122 (Horse and cow dung to be kept off the streets) ;
 Section 123 (Dungsteads &c. to be cleaned out) ;
 Section 124 (As to removal of dung) ;
 Section 125 (Penalty for conveying offensive matter at improper times) ;
 Section 126 (As to laying down dung on fields nursery or garden ground) ;
 Section 127 (Commissioners may make byelaws) ;
 Section 130 (Commissioners may place fences to footways) ;
 Section 131 (Penalty on altering pavements without consent of commissioners) ;
 Section 144 (Houses to be numbered and streets named) ;
 Section 145 (Numbers of houses to be marked and renewed by owners) ;
 Section 149 (Situation of gas and water pipes to be altered if required by commissioners) ;
 Section 156 (Commissioners may require dangerous openings in streets and courts to be built up) ;
 Section 160 (Commissioners may cause existing projections to be removed and compensation to be made) ;
 Section 161 (Doors in future to be made to open inwards) ;
 Section 162 (Doors opening outwards may be altered) ;
 Section 163 (Coverings for cellar doors to be made by owner) ;
 Section 174 (Common stairs to be kept in repair) ;

- Section 175 (Lighting &c. of public buildings);
- Section 186 (Bars to be erected across streets during repairs or alterations and lights placed at night);
- Section 187 (Hoarding to be set up during repairs);
- Section 189 (Penalty for continuing deposits of building materials or excavations in unreasonable time);
- Section 190 (Dangerous buildings to be repaired or enclosed);
- Section 191 (Ruinous or dangerous buildings to be taken down or secured);
- Section 192 (Expenses to be levied on owner);
- Section 193 (If owner cannot be found commissioners may take the house or ground making compensation);
- Section 194 (Commissioners may sell materials restoring to the owner surplus arising from sale);
- Section 195 (Ruinous buildings belonging to two or more owners may be sold);
- Section 196 (How sale to be carried through);
- Section 197 (Completion of purchaser's title);
- Section 198 (If purchaser do not fulfil conditions of sale tenement may be resold);
- Section 199 (Apportionment of price);
- Section 200 (Ruinous tenements may be sold);
- Section 225 (Commissioners not to destroy existing sewers &c. without providing others);
- Section 230 (Ventilation of sewers);
- Section 231 (Commissioners may arrange with the occupier of any manufactory &c.);
- Section 232 (Costs and charges);
- Section 233 (Distillers and others to construct reservoirs to deposit refuse);
- Section 241 (Ventilation of house drainage);
- Section 242 (Drains and cesspools to be kept in good order by owners);
- Section 243 (Inspection of drains and cesspools);
- Section 244 (Penalty on persons making or altering drains &c. contrary to orders of commissioners);
- Section 245 (Persons aggrieved may appeal to sheriff);
- Section 248 (Soil-pipes may be carried through the different houses);
- Section 250 (Owners of flats of houses may erect waste-pipes to communicate with drains);
- Section 253 (Construction of ash pits &c. and use of same);
- Section 254 (To remove cesspools after notice);
- Section 255 (Power to enforce conversion of privies to water-closets);

7TH SCH.
—cont.

- Section 277 (Commissioners' powers as to markets &c.);
 Section 288 (Power to commissioners to provide public clocks);
 Section 380 (Penalty for offences);
 Section 383 (Power to remove articles placed in streets);
 Section 384 (Prevention of nuisance arising from smoke);
 Section 386 (Power to impound stray cattle);
 Section 387 (Power to sell stray cattle for penalty and expenses);
 Section 389 (Dogs or other animals if a nuisance or annoyance to be removed &c.);
 Section 391 (Street musicians);
 Section 393 (Penalty for betting in streets);
 Section 404 (Remedy where room used for meetings becomes a nuisance);
 Section 405 (Penalty on persons keeping places for baiting animals and on persons found therein);
 Section 428 (Power to seize diseased cattle);
 Section 431 (Offences under Weights and Measures Acts or Criminal Law Amendment Act);
 Section 467 (Officers or owners of property on which offences are committed may take offenders into custody);
 Section 468 (Horse-cart &c. of persons taken into custody may be secured);
 Section 470 (Watchman may be placed in charge of shops &c. left open):

The Burgh Police (Scotland) Act 1903—

- Section 14 (Shrubbery in centre of street);
 Section 25 (Connections with substituted sewer);
 Section 27 (Temporary occupation of street by builders);
 Section 28 (Barricades on streets);
 Section 29 (Penalty on unauthorised occupation of street);
 Section 31 (Safety of roofs and platforms);
 Section 32 (Scaffolds);
 Section 33 (Burgh surveyor may inspect buildings);
 Section 34 (Testing strengths);
 Section 35 (Burgh surveyor may stop infringements);
 Section 44 (Power to erect buildings in public parks);
 Section 51 (Prohibition of betting in streets);
 Section 52 (Penalty on allowing loose paper to lie on streets);
 Section 53 (Prevention of unnecessary noises during illness);
 Section 59 (Byelaws for commons &c. beyond burgh boundaries);
 Section 63 (Area to be attached to dwelling-houses);
 Section 64 (Space in front of sleeping apartments);
 Paragraph (1) of section 104 (Portions of principal Act repealed or amended).

PART II

7TH SCH.
 —cont.

FOR THE PURPOSES OF THE ADOPTION OF THE ABOVE SECTIONS AND PARTS OF SECTIONS BY THE COUNTY COUNCIL THE WORDS AND EXPRESSIONS IN THE SECOND COLUMN OF THE FOLLOWING TABLE TO BE SUBSTITUTED FOR THE WORDS AND EXPRESSIONS IN THE FIRST COLUMN WHERE OCCURRING IN THE SAID SECTIONS AND PARTS OF SECTIONS

Words and expressions occurring in the said sections and parts of sections	Words and expressions to be substituted in application of sections and parts of sections
"commissioners" "burgh" "magistrate" "any magistrate" or "any of the magistrates" "magistrates" "surveyor" or "burgh surveyor" "medical officer" or "medical officer of health" "sanitary inspector" "Dean of Guild Court"	"County Council" "county" "sheriff or any two or more justices of the peace" "sheriff or any justice of the peace" "County Council" "county engineer" or "sanitary inspector" "county medical officer" "a county sanitary inspector" "County Council"

EIGHTH SCHEDULE

(Referred to in the section of this Order of which the marginal note is "Confirming authority for byelaws")

<i>Number and marginal note of section</i>	<i>Confirming authority</i>
57 Cleansing of cisterns	The Secretary of State.
191 Jurisdiction of County Council over seashore	The Secretary of State.
192 Protection of seashore	The Secretary of State.
194 Byelaws as to bathing machines and bathing	The sheriff.
200 Byelaws as to buildings	The Secretary of State.
208 Byelaws as to fuel burning installations	The Secretary of State.
210 Byelaws as to hairdressers' and barbers' premises	The Secretary of State.
211 Byelaws with respect to handling wrapping &c. of food and sale of food in open air	The Secretary of State.
222 Byelaws as to parks	The Secretary of State.
227 Byelaws for cemeteries and crematoria.	The Secretary of State.

Ch. Ivii.

Fife County Council 12, 13 & 14 GEO. 6
Order Confirmation Act, 1949

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