



**CHAPTER xxiv.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to the Lochaber Power Company.  
[27th June 1940.]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. &  
1 Edw. 8.  
c. 52.

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation  
of Order in  
schedule.

2. This Act may be cited as the Lochaber Water Power Order Confirmation Act 1940. Short title.

SCHEDULE.

LOCHABER WATER POWER.

*Provisional Order to confer further powers upon the  
Lochaber Power Company and for other purposes.*

11 & 12  
Geo. 5.  
c. xliv.

WHEREAS by the Lochaber Water Power Act 1921 (hereinafter called "the Act of 1921") the Lochaber Power Company (hereinafter called "the Company") were incorporated and authorised to construct the waterworks pier and other works in the county of Inverness Works Nos. 1 2 3 3A 4 4A 4B 4C 5 5A 5B 5C 5D 5E 5F 5G 5H 5I 5J 5K 5L 5M 5N 6 7 8 9 10 11 12 and 12A therein described together with certain stations and works for the development and use of power and were subject to and in accordance with the provisions contained in that Act empowered to supply power :

20 & 21  
Geo. 5.  
c. ex.

And whereas by the Lochaber Water Power Act 1930 (hereinafter called "the Act of 1930") the Company were empowered to abandon the Works Nos. 1 3 3A 4 4A 4B and 4C authorised by the Act of 1921 and in lieu of and in substitution for those works to construct the Works Nos. 1 4 4A 4B and 4C described in the Act of 1930 and further powers were conferred upon the Company :

And whereas the Works Nos. 2 5 5A 5B 5C 5D 5E 5F 5G 5H 5I 5J 5K 5L 5M 5N 6 7 and 9 authorised by the Act of 1921 and the Works Nos. 1 4 4A 4B and 4C authorised by the Act of 1930 have been constructed by the Company :

1 & 2 Geo. 6.  
c. lxiv.

And whereas by the Lochaber Water Power Order 1938 the period limited for the completion of the Works Nos. 10 11 12 and 12A authorised by the Act of 1921 was extended to the twenty-eighth day of July one thousand nine hundred and forty-five and further powers were conferred upon the Company :

And whereas it is expedient that the Company should be empowered to abandon the Works Nos. 11 and 12 authorised by the Act of 1921 :

3 & 4 GEO. 6. *Lochaber Water Power* Ch. xxiv.  
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And whereas it is expedient that the Company should be authorised to construct the works described in this Order and that the other provisions of this Order should be enacted:

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

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

1. This Order may be cited as the Lochaber Water Power Order 1940. Short title.

2. The Act of 1921 the Act of 1930 and the Order of 1938 as varied by this Order and this Order may be cited together as the Lochaber Water Power Acts 1921 to 1940. Citation.

3. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is in this Order referred to as “the commencement of this Order.” Commencement of Order.

4. In this Order the several words terms and expressions to which by the Act of 1921 or the Acts wholly or partially incorporated therewith meanings are assigned shall have the same respective meanings unless varied by this Order or unless there be something in the subject or context repugnant to such construction And in this Order unless the context otherwise requires the following expressions shall have the Interpretation.

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respective meanings in this section applied to them (that is to say) :—

“ the Company ” means the Lochaber Power Company ;

“ the Act of 1921 ” “ the Act of 1930 ” and “ the Order of 1938 ” mean respectively the Lochaber Water Power Act 1921 the Lochaber Water Power Act 1930 and the Lochaber Water Power Order 1938 ;

“ the existing Acts ” means the Act of 1921 the Act of 1930 and the Order of 1938 ;

“ the works authorised by this Order ” means the works described or referred to in the section of this Order the marginal note whereof is “ Works. ”

Abandonment  
of certain  
authorised  
works.

5. The Company shall abandon the construction of the Works Nos. 11 and 12 authorised by section 43 (Works) of the Act of 1921.

Compensa-  
tion for  
damage to  
land by  
entry &c.  
for  
purposes  
of works  
abandoned.

6. The abandonment by the Company under the authority of this Order of the works authorised to be abandoned by this Order shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Company on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out the line of work and shall not prejudice or affect the right of the owner or occupier of any land which may have been temporarily occupied by the Company to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Act of 1921.

Compensa-  
tion to be  
made in  
respect of  
works  
abandoned.

7. If before the commencement of this Order any contract has been entered into or notice given by the Company for the purchasing of any land for the purposes of or in relation to the works authorised to be abandoned by this Order the Company shall (if the Company so desire) be released from all liability to purchase or to complete the purchase of any such land

(so far as such land is not required for the purposes of the works authorised by this Order) but notwithstanding full compensation shall be made by the Company to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall in case of dispute be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

8. Subject to the provisions of this Order the Company may make construct lay down and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the several works shown on the deposited plans and hereinafter described or some one or more of them or some part or parts thereof and may enter upon take hold appropriate and acquire and use such of the lands streams and properties shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of the said works or some of them. Works.

The said works will be situated in the county of Inverness and are the following (that is to say):—

In the parish of Kilmonivaig—

Work No. 4D An aqueduct commencing by a junction with Work No. 4 authorised by the Act of 1930 at a point 70 yards or thereby measured in an easterly direction from the centre line of the London and North Eastern Railway (West Highland branch) and 1,260 yards or thereby measured in a southerly direction from the centre of the bridge at Fersit which crosses the said railway and terminating at a point on the east shore of Loch Treig 2,040 yards or thereby measured in a southerly direction from the said bridge;

In the parish of Laggan—

Work No. 11 An aqueduct commencing in the bed of Loch Crunachdan at a point 790

yards or thereby measured in a south-westerly direction from the south-west end of Glenshirra Lodge extending in a southerly direction and terminating on the north shore of Loch Laggan at a point 180 yards or thereby measured in a south-easterly direction from the east side of Loch Laggan Hotel;

Work No. 11A An aqueduct commencing in the bed of the river Spey at a point 1,260 yards or thereby measured in an easterly direction from the east corner of Glenshirra Lodge and terminating in the bed of Loch Crunachdan at a point 460 yards or thereby measured in a south-westerly direction from the south-west side of Glenshirra Lodge;

Work No. 12 An aqueduct commencing on the west side of the river Mashie at a point 110 yards or thereby measured in a southerly direction from the centre of the bridge carrying the public road from Fort William to Kingussie over the said river near to Strathmashie House and terminating by a junction with the river Pattack on the south side of the said public road at a point 10 yards or thereby therefrom and 525 yards or thereby measured in a south-westerly direction along the said road from the milepost indicating four miles from Laggan Bridge;

Work No. 13 A road commencing at a point on the road leading from Laggan Bridge to Garva Bridge 115 yards or thereby measured in a north-easterly direction from St. Michael's Chapel and terminating at a point on the road on the north bank of the river Spey leading to Laggan Bridge 240 yards or thereby measured in an easterly direction from the footbridge across the river Spey immediately below its junction with the Markie Burn;

Work No. 14 A road (being a diversion of the existing road leading from St. Michael's Chapel to Garva Bridge) commencing at a

point on the said existing road 1,130 yards or thereby measured in a westerly direction from Shirrabeg Farm and terminating at a point on the said existing road 270 yards or thereby measured in a north-westerly direction from its junction with the existing road leading to the lodge called Shirramore;

Work No. 15 A road (being a raising of the existing road leading from Shirramore to the road from St. Michael's Chapel to Garva Bridge) commencing at the junction of the said existing road with the road from St. Michael's Chapel to Garva Bridge and terminating at a point on the said existing road 60 yards or thereby measured in a southerly direction from Shirramore.

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

Power to deviate.

10.—(1) The Company in constructing the Works Nos. 11 11A and 12 authorised by this Order shall—

As to construction of Works Nos. 11 11A and 12.

(a) construct Works Nos. 11 and 12 of such capacities that together they shall be sufficient to convey water at the rate of not less than one thousand two hundred cubic feet per second; and

(b) construct Work No. 11A of the same capacity as Work No. 11.

(2) Section 7 (As to construction of Works Nos. 11 and 12 authorised by Act of 1921) of the Order of 1938 is hereby repealed.

11. Subject to the provisions of the existing Acts and this Order the Company may by means of the works authorised by this Order or any of them raise and lower or regulate the level of the water in Loch Crunachdan.

Raising &c. of water in Loch Crunachdan.

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Period for  
compul-  
sory  
purchase  
of lands.

12.—(1) The powers of the Company for the compulsory purchase of lands for the purposes of this Order shall cease on the twenty-eighth day of July one thousand nine hundred and forty-three.

3&4 Geo. 6.  
c. 16.

(2) The powers referred to in this section shall be deemed to be powers to which the Special Enactments (Extension of Time) Act 1940 applies.

Period for  
completion  
of works.

13.—(1) If the works authorised by this Order are not completed by the twenty-eighth day of July one thousand nine hundred and forty-five the powers granted by this Order to the Company for executing any of such works not so completed or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Company from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of the said works at any time and from time to time as occasion requires.

(2) The powers referred to in this section shall be deemed to be powers to which the Special Enactments (Extension of Time) Act 1940 applies.

Works &c.  
to form  
part of  
under-  
taking.

14.—(1) The works which the Company are authorised by this Order to construct and maintain and the undertaking authorised by this Order shall for all purposes form part of "the waterworks" and "the undertaking" within the meaning of the Act of 1921 and the provisions of the existing Acts and of the Acts incorporated therewith (so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order) shall extend and apply to and in respect thereof as if the same had formed part of the works and the undertaking authorised by the existing Acts.

(2) Subject to the provisions of this Order any reference in the existing Acts—

(a) to Work No. 4 authorised by the Act of 1930 shall be construed as extending also to Work No. 4D authorised by this Order;



- (b) to Work No. 11 authorised by the Act of 1921 shall be construed as referring to Works Nos. 11 and 11A authorised by this Order; and
- (c) to Work No. 12 authorised by the Act of 1921 shall be construed as referring to Work No. 12 authorised by this Order.

(3) Section 48 (Power to divert roads) of the Act of 1921 shall extend and apply to Works No. 13 14 and 15 authorised by this Order.

(4) Section 66 (For protection of North British Railway Company) of the Act of 1921 shall be read and have effect as if the London and North Eastern Railway Company were referred to therein instead of the North British Railway Company.

15. For the protection of the Spey District Fishery Board (hereinafter in this section referred to as "the board") the following provisions shall unless otherwise agreed upon in writing between the board and the Company apply and have effect (that is to say):—

For  
protection  
of Spey  
District  
Fishery  
Board.

- (1) The weir Work No. 10 authorised by the Act of 1921 shall be so constructed by the Company as to secure that the quantity of water passing into the aqueduct Work No. 11A authorised by this Order in any day shall only be the excess or part of the excess over a minimum flow of not less than twenty million gallons per day of twenty-four hours into the bed of the river Spey immediately below the said weir Work No. 10 and the Company shall not be entitled to abstract or divert water from the river Spey on any day by means of the said aqueduct Work No. 11A except to the extent of the said excess:
- (2) The intake and overflow weir Work No. 12A authorised by the Act of 1921 shall be so constructed as to secure that the quantity of water passing into the aqueduct Work No. 12 authorised by this Order in any day shall only be the excess or part of the excess over a minimum flow of not less than four million

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gallons per day of twenty-four hours over the said weir Work No. 12A and the Company shall not be entitled to abstract or divert water from the river Mashie on any day by means of the said aqueduct Work No. 12 except to the extent of such excess :

- (3) The Company shall place a proper and sufficient heck across the aqueduct Work No. 11A authorised by this Order at such point as may be approved by the board so as to prevent the access of fish to Loch Crunachdan.

Costs of  
Order.

16. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Company.

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