



### CHAPTER xi.

An Act to enable the Edinburgh and District Water Trustees to borrow additional sums of money; and for other purposes. A.D. 1889.  
[31st May 1889.]

**W**HEREAS by the Edinburgh and District Waterworks Act, 1869 (hereinafter called the Act of 1869), certain trustees were appointed and incorporated under the name of "The Edinburgh and District Water Trustees," for supplying water to the city of Edinburgh, town and port of Leith, town of Portobello, and districts and places adjacent, and for transferring to the trust the undertaking of the Edinburgh Water Company, which water company had been incorporated by and acted under the Edinburgh Water Company's Act, 1856, by which Act the previous Acts of Parliament of the said water company were, with certain reservations, repealed, and under the Edinburgh Water Company's Amendment Act, 1863; and by the Act of 1869, in consideration of the annuities granted to the shareholders of the said water company, and the other payments and for the other reasons in such Act mentioned, the whole undertaking of the said water company was, on the fifteenth day of May, one thousand eight hundred and seventy, transferred to, and vested in, and has since been managed and administered by the said Edinburgh and District Water Trustees, and by the last-mentioned Act the said Trustees were, amongst other things, authorised to borrow, for the payment, from time to time, of the mortgage debt of the said water company, and the several sums payable by the said Trustees to such company as therein provided, with the expense of renewing main pipes and conduits, and of laying additional service pipes if it should be found necessary, any sums not exceeding two hundred and twenty thousand pounds:

And whereas by the Edinburgh and District Waterworks (Additional Supply) Act, 1874 (hereinafter called the Act of 1874), the said Trustees were authorised to construct certain works for additional supply of water from Moorfoot, and otherwise, and among

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A.D. 1889. — other things to borrow an additional sum of money for the purposes of the said Act, not exceeding three hundred and eighty thousand pounds :

39 & 40 Vict.  
c. xxxiii. And whereas by the Edinburgh and District Waterworks Act, 1876 (hereinafter called the Act of 1876), the said Trustees were empowered to alter the site of the Edgelaw Reservoir authorised by the Act of 1874, and to construct a reservoir at Rosebery and other works, by which Act they were authorised also to borrow a sum not exceeding fifty thousand pounds for the purposes of such Act, and of the Act of 1874 :

40 & 41 Vict.  
c. xxvi. And whereas by the Edinburgh and District Waterworks Act, 1877 (hereinafter called the Act of 1877), the said Trustees were empowered to alter the site of their Alnwick Hill Service Reservoir and to execute certain other works, and they were authorised to apply any sums of money authorised to be borrowed under the Act of 1874 or the Act of 1876, or either of them, to the purposes of the Act of 1877 :

43 & 44 Vict.  
c. i. And whereas by the Edinburgh and District Waterworks Act, 1880 (hereinafter called the Act of 1880), the said Trustees were authorised to borrow a sum not exceeding one hundred and fifty thousand pounds, for the completion of works, including works for the more effective distribution of water :

And whereas the greater part of the works which the said Trustees were authorised to execute have been constructed, and an additional supply of water has been afforded to the district, but certain of the said works have not yet been completed :

And whereas under the Act of 1869 the said Trustees were relieved from the obligation to have water constantly laid on under pressure, and from penalty in respect of the supply, for the period of five years from the vesting of the undertaking in the said Trustees under that Act :

And whereas under the Act of 1874, the period of exemption from the obligation to have water constantly laid on under pressure and from the penalty in respect thereof was extended for a further period of five years from and after the passing of that Act, or until the works thereby authorised should have been completed and the water introduced :

And whereas a supply of water was introduced into the limits of supply from the works which were constructed under the Act of 1874, and the said period of five years during which the said exemption continued has expired :

And whereas in consequence of the large increase in the consumption and use of water within the limits of supply, the supply available from the works of the Trustees is insufficient to enable

them to have the water constantly laid on under pressure, within all parts of the said limits : A.D. 1889.

And whereas it is expedient that the said Trustees should obtain a further extension of the period of exemption from the obligation to have water constantly laid on under pressure, and from penalty in respect thereof, within certain parts of their limits of supply :

And whereas it is expedient that the said Trustees should be authorised and empowered to take all such means and to do all such things as they consider necessary, for the purpose of ascertaining and preventing the waste or excessive use of water :

And whereas the said Trustees have borrowed, with the exception of the sums they were authorised to borrow for payment off of the mortgage debt of the said water company, and expended all the moneys they were authorised to raise under their Acts before recited, and it is expedient that they be authorised to raise a further sum of money for the purposes of their undertaking, and that other provision should be made in regard to the same :

But such purposes cannot be effected without the authority of Parliament :

May it therefore please Your Majesty, that it may be enacted, and be it enacted, by the Queen'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 (that is to say) :—

1. This Act may be cited for all purposes as the *Edinburgh and District Waterworks Act, 1889.* Short title.

2. The word "Trustees" shall in this Act mean the Trustees for the time being, constituted and incorporated by the Act of 1869, as amended by the Act of 1874; the other words and expressions construed in the Acts of 1869, 1874, 1876, 1877, and 1880 shall if and when used in this Act, respectively have the meaning attached to them in the said respective Acts, unless there be something in the subject or context repugnant to such construction; and "the Acts of the Trustees" shall mean the Acts last mentioned. Construction.

3. In addition to the money authorised to be borrowed under the Act of 1869, the Act of 1874, the Act of 1876, and the Act of 1880, the Trustees may from time to time borrow on mortgage such sums as they think requisite for the purposes of the completion of such of the works as they have been authorised to construct, including works for the further and more effective distribution of the whole water supplied by them, and for ascertaining and preventing waste of water within the limits within which the Trustees are authorised to supply water, not exceeding in the whole the sum of fifty thousand pounds, and all the provisions as to the security, Additional power to borrow on mortgage.

A.D. 1889. re-borrowing, borrowing on cash account, funding of debt, and granting of terminable annuities, application for a judicial factor, and transmission and extinction by means of a sinking fund, contained in the Act of 1869, and the Act of 1874, with reference to the sums thereby authorised to be borrowed, shall apply to the additional sums to be borrowed under this Act: Provided always, that (without prejudice and in addition to the sums set apart under the Act of 1869 for the extinction of the moneys borrowed under that Act until the date after mentioned) the sums to be set apart as a sinking fund for extinction of the moneys borrowed and to be borrowed under the Acts of the Trustees and this Act cumulatively, shall commence from and after the fifteenth day of May one thousand eight hundred and eighty-nine, and shall, in addition to the rate provided in the Act of 1874, include the amount of interest which would have been payable on any sums paid off by means of such sinking fund.

Sinking fund.

Borrowing power for current expenses.

4. The powers conferred on the Trustees by section four of the Act of 1880, enabling them to borrow for current expenses, as in that section provided, shall be held to be in addition to any sums authorised to be borrowed by the Acts of the Trustees and this Act.

Saving existing annuities and securities.

5. Nothing in this Act contained shall prejudice or affect in any degree the several preferences created by the Act of 1869, or any annuity, debentures, mortgages, or assignations in security granted or to be granted by the Trustees under authority of the Acts of the Trustees, and such annuity, debentures, mortgages and assignations shall be as valid and effectual in all respects as if this Act had not been passed, and shall attach to and form burdens upon the whole undertaking of the Trustees, and the rates, duties, assessments and charges by such Acts authorised, in priority to any money which may be raised under this Act.

Application of forms of mortgage, &c.

6. In borrowing money under this Act the mortgages and transfers of the same, and the warrants for interest thereon, shall be in the forms appended to the Act of 1874 as nearly as may be, subject to the enactments of the Act of 1876, and the Act of 1877, and the Act of 1880, and shall refer to the title of this Act, but it shall not be necessary in any mortgages which may be hereafter granted under the powers of the Trustees to refer to the objects for which the money is borrowed.

Interest warrants applicable to all mortgages.

7. The power of issuing interest warrants with mortgages under the Act of 1874 shall apply to all mortgages of the Trustees, whether granted or to be granted before or after the passing of this Act, including the mortgage debt of the water company, and any mort-

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gages granted under the Act of 1869 in payment or exchange for such mortgage debt or any portion thereof. A.D. 1889.

8. The Trustees, notwithstanding anything to the contrary contained in the Waterworks (Clauses Acts, 1847 and 1863, or in the Acts of the Trustees, shall not, until the expiration of a period of five years from and after the passing of this Act, be bound to have the water constantly laid on under pressure at a greater height than fifty feet above the level of such streets as are more than two hundred feet above ordnance datum level. Suspension of constant supply.

9. The Trustees may from time to time adopt such means and make such regulations as they shall think proper or expedient for preventing the waste, misuse or undue consumption or contamination of water by persons already supplied or who may be supplied with water by the Trustees, and may impose penalties not exceeding forty shillings for any breach of such regulations: Provided always that no such regulations shall have any force or effect until the same are approved by the Sheriff of the Lothians and Peebles. Prevention of waste of water.

10. All the powers and provisions vested in and applicable to the Trustees by the recited Acts, or any of them, with reference to their undertaking, in so far as they are not repealed or altered by this Act, shall be and the same are hereby, in so far as applicable, extended and applied to the purposes of this Act. Application of recited Acts.

11. Nothing in this Act contained shall operate to prevent or obstruct the application to the works of the Trustees of any public Act in regard to waterworks that may be passed in the present or any future Session of Parliament. Application of any public Act not to be prevented.

12. All costs, charges and expenses incurred preparatory to and in applying for, obtaining and passing this Act, or in any way incidental thereto, shall be paid by the Trustees out of the rates to be levied by them and other revenues of the trust, or moneys to be borrowed on the security of the same, or which shall be or come into the hands of the Trustees. Expenses of Act.

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