



Water Supplies (Exceptional Shortage Orders) Act 1934

1934 CHAPTER 20

11 Application to Scotland

This Act, in its application to Scotland, shall have effect subject to the following modifications, that is to say:—

- (1) A reference to the Department of Health for Scotland shall be substituted for any reference to the Minister of Health except the reference to the Minister in section eight, for which reference there shall be substituted a reference to the Secretary of State.
- (2) A reference to sections eighty-three to eighty eight of the Lands Clauses Consolidation (Scotland) Act, 1845, shall be substituted for the reference to sections eighty-four to ninety of the Lands Clauses Consolidation Act, 1845.
- (3) "Easement " means servitude.
- (4) A reference to the Court of Session shall be substituted for any reference to the High Court or to the Court of Appeal, and references to reduction or interdict shall be substituted for references to prohibition or certiorari.
- (5) A reference to the Edinburgh Gazette shall be substituted for any reference to the London Gazette.
- (6) The following subsection shall be substituted for subsection (1) of section four—

“(1) A local authority shall have power to borrow for the purpose of meeting any expenditure of a capital nature incurred by them in the discharge of their functions under an order, and the provisions of section twenty-three of the Local Government (Scotland) Act, 1929, as amended by any subsequent enactment, shall apply to the power hereby conferred.”
- (7) Subsection (2) of section four shall apply as respects water undertakers being a joint board or other body constituted under a local Act for the purposes of the provision of a common water supply in like manner as it applies as respects such water undertakers as are mentioned in that subsection.

Status: This is the original version (as it was originally enacted). This item of legislation is currently only available in its original format.

(8) In section ten for the definition of "local authority " there shall be substituted the following definition:—

“ Local authority ' means a town council or county council”;

and for paragraph (a) in the definition of " water undertakers" there shall be substituted the following paragraph:—

“(a) a local authority supplying water under any enactment or any two or more such local authorities acting in combination, and any joint board or other body constituted under a local Act for the purposes of the provision of a common water supply.”

(9) The following paragraph shall be substituted for paragraph 5 of the Schedule :—

“5 The person appointed by the Department of Health for Scotland to hold any local inquiry under the last foregoing paragraph shall be entitled to summon witnesses, and examine them on oath and to call for the production of books, documents and accounts; and the expenses incurred in relation to such inquiry (including such reasonable sum as the Department may determine for the services of any officer engaged in the inquiry) shall be paid by the parties to the inquiry, or by such of them and in such proportions as the Department may direct, and the Department may certify the amount of the expenses incurred, and any sum so certified and directed by the Department to be paid by any party shall be a debt to the Crown.”