

ELIZABETH II



1963 CHAPTER xix

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936, relating to the Loch Turret Water Board (Hydro-Electric Development). [31st July 1963]

WHEREAS 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:

Be it therefore 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:—

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 Loch Turret Water Board (Hydro-Electric Development) Order Confirmation Act 1963. Short title.

SCHEDULE

LOCH TURRET WATER BOARD (HYDRO-ELECTRIC DEVELOPMENT)

Provisional Order to confer further powers on the Loch Turret Water Board in connection with its water undertaking; to make use of the water power in the said undertaking for the generation of electricity for sale; and for other purposes.

Whereas the Loch Turret Water Board (hereinafter referred to as "the Board") is the water authority constituted by the Loch Turret Water Board Order, 1958 (hereinafter referred to as "the Order of 1958"), and is charged with the management and administration of the water undertaking of the Board situated in the county of Perth:

And whereas the Board is authorised by the Order of 1958 to carry out the works specified therein including in particular two powerhouses for the purpose of generation of electricity for use in connection with the undertaking:

And whereas in view of the increasing demands for the supply of electricity it is in the public interest that the Board be empowered to construct additional works and to use the water power from the Loch Turret Reservoir for the purpose of generating electricity:

And whereas it is expedient that the Board be empowered to enter into an agreement with the North of Scotland Hydro Electric Board (hereinafter referred to as "the Hydro Board") for the supply of electricity to the Hydro Board:

And whereas estimates have been prepared for the additional works required in connection with the purposes aforesaid and such estimates are as follows:—

For the extension of the powerhouse buildings	...	£32,700
For the additional plant and machinery therein	...	£38,300 :

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof be spread over a term of years:

And whereas it is expedient that the Board be authorised to borrow for the purposes of this Order:

And whereas it is expedient that the further provisions contained in this Order be enacted:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary of State, 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 for all purposes as the Loch Turret Water Board (Hydro-Electric Development) Order, 1963, and the Order of 1958, the Loch Turret Water Board Order, 1962, and this Order may be cited together as the Loch Turret Water Board Orders, 1958 to 1963. Short and collective titles.

2. In this Order (unless there be something in the subject or context inconsistent with or repugnant to such construction) the several words and expressions to which meanings are assigned by any public or local Act of Parliament applicable to the Board shall, subject to the provisions of this Order, have the same respective meanings. Interpretation.

3.—(1) Subject to the provisions of this Order the Board may, notwithstanding anything contained in any other enactment, upon the lands described in subsection (2) of this section or any of those lands or any part or parts of any of those lands, construct, maintain, renew, work and use works for generating electricity by means of the water discharged from the Loch Turret Reservoir and for transforming electricity, together with all necessary and convenient buildings, turbines, engines, powerhouses, dynamos, machinery and apparatus, and accordingly section 22 of the Hydro-Electric Development (Scotland) Act, 1943, shall not apply to or in respect of any generating plant constructed under the powers of this section. Stations for generation of electricity.

(2) The lands referred to in subsection (1) of this section are the lands comprising the enclosures and parts of enclosures hereinafter described and numbered as follows on the 1/2500 Ordnance Survey map of Perthshire sheets XCV.5 and XCV.6 (Edition of 1900)—

In the county of Perth—

In the parish of Monzievard and Strowan—

The enclosures numbered 49 and 136.

(3) Subject to the provisions of the Order of 1958 the Board may, after the Loch Turret Reservoir and ancillary works have been completed, take, use and appropriate for the purposes of this section the waters which may be impounded by means of the said reservoir:

Provided that the Board shall not—

- (a) take, use and appropriate water for such purposes, so as to interfere in any way with the supply of water which the Board are or may be required to give under the Order of 1958; and
- (b) without prejudice to the foregoing generality, for the purposes of this Order take on any day water from the Loch Turret Reservoir so as to lower the level of water in the reservoir below the overflow sill of the reservoir by a vertical distance in excess of that specified in the second column of the schedule to this Order when the average demand for water over the three calendar months immediately preceding that day, being

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water which the Board are required to give under the Order of 1958, does not exceed the quantity shown in the corresponding line of the said schedule.

(4) The works authorised by this section shall for all purposes form part of, and be occupied for the purposes of, the water undertaking of the Board as from time to time authorised.

(5) The Board shall keep separate accounts, in a form to be approved by the Secretary of State, showing their capital expenditure and their revenue and expenditure on the generation and sale of electricity authorised by this Order. A certified copy of these accounts shall be forwarded to the Secretary of State as soon as may be after the close of each financial year.

Agreement for supply of electricity to Hydro Board.

4. Notwithstanding anything in section 23 of the Electric Lighting Act, 1909, or in any other enactment the Board may enter into and carry into effect contracts or agreements with the Hydro Board for or with respect to the supply of electricity by the Board to the Hydro Board and at such price and on such terms and conditions as may be agreed and the Board may supply electricity accordingly.

Power to borrow.

5.—(1) The Board, in addition to any other powers of borrowing which they now have, may from time to time borrow at interest for—

(a) the several purposes of this Order;

(b) the payment of the costs, charges and expenses of this Order; such sums of money as may be necessary:

Provided that money so borrowed for purpose (a) shall be repaid within thirty years from the date or dates of borrowing and that money so borrowed for purpose (b) shall be repaid within five years from the date of the passing of the Act confirming this Order.

(2) It shall not be lawful to exercise the powers of borrowing conferred by this section (other than the power of borrowing to pay the costs, charges and expenses of this Order) except in compliance with any order for the time being in force under section 1 of the Borrowing (Control and Guarantees) Act, 1946, and with the provisions of Part XII of the Local Government (Scotland) Act, 1947.

For protection of Postmaster General.

6. Any electrical works and apparatus constructed, erected, laid, maintained or used in pursuance of the powers conferred by this Order shall be so constructed, erected or laid and so maintained, worked and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act, 1878) belonging to or used by the Postmaster General or with telegraphic communication by means of any such line.

Costs of Order.

7. All costs, charges and expenses preliminary to and of and incidental to the preparing for, obtaining and confirming this Order, or otherwise in relation thereto, shall be paid by the Board out of any funds (not being in the nature of capital), rates or revenues belonging to it or under its control or out of moneys to be borrowed by them under this Order for that purpose.

SCHEDULE

Average demand for water for the three preceding calendar months	Permissible distance below overflow sill of reservoir
6 million gallons per day	27 feet.
7 million gallons per day	24 feet.
8 million gallons per day	21 feet.
9 million gallons per day	16 feet.
10 million gallons per day	10 feet.
10.5 million gallons per day	7 feet.
11 million gallons per day	4 feet.



Table of Statutes referred to in this Act

Short title	Session and chapter
Telegraph Act, 1878	41 & 42 Vict. c. 76.
Electric Lighting Act, 1909	9 Edw. 7 c. 34.
Private Legislation Procedure (Scotland) Act, 1936	26 Geo. 5 & 1 Edw. 8 c. 52.
Hydro-Electric Development (Scotland) Act, 1943	6 & 7 Geo. 6 c. 32.
Borrowing (Control and Guarantees) Act, 1946	9 & 10 Geo. 6 c. 58.
Local Government (Scotland) Act, 1947 ...	10 & 11 Geo. 6 c. 43.

PRINTED BY THE SOLICITORS' LAW STATIONERY SOCIETY, LTD., FOR
 PERCY FAULKNER, C.B.

Controller of Her Majesty's Stationery Office and Queen's Printer of Acts of Parliament

CH. xix *Loch Turret Water Board (Hydro-Electric Development)
Order Confirmation Act 1963*

LONDON: PUBLISHED BY HER MAJESTY'S STATIONERY OFFICE

Price 8d. net

PRINTED IN ENGLAND



Loch Turret Water Board (Hydro-Electric Development) Order Confirmation Act 1963

CHAPTER xix

ARRANGEMENT OF SECTIONS

Section

1. Confirmation of Order in schedule.
2. Short title.

SCHEDULE

LOCH TURRET WATER BOARD (HYDRO-ELECTRIC DEVELOPMENT)

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2. Interpretation.
3. Stations for generation of electricity.
4. Agreement for supply of electricity to Hydro Board.
5. Power to borrow.
6. For protection of Postmaster General.
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SCHEDULE,