



CHAPTER lxxxv.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Midlothian (Calder District) Water. A.D. 1924.
[7th August 1924.]

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict.
c. 47.

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 shall be and the same is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Midlothian (Calder District) Water Order Confirmation Act 1924. Short title.

A.D. 1924.

SCHEDULE.

MIDLOTHIAN (CALDER DISTRICT) WATER.

Provisional Order to authorise the District Committee of the Calder District of the county of Midlothian to construct and maintain waterworks and to supply water within their district to authorise and require the County Council of the county of Midlothian to levy assessments and to borrow money for the purposes of such water supply and for other purposes.

WHEREAS the County Council of the county of Midlothian (hereinafter called "the County Council") are the local authority for the said county in the execution of the Public Health (Scotland) Acts as hereinafter defined with respect to acquiring and holding lands rating and borrowing:

And whereas the county of Midlothian has for the purposes of the administration therein of the Public Health (Scotland) Acts been divided into districts in accordance with the provisions of the Local Government (Scotland) Act 1889 and such districts include the Calder district:

And whereas the District Committee of the Calder district (hereinafter called "the District Committee") are the local authority for the execution within their district of the Public Health (Scotland) Acts except with respect to acquiring and holding lands rating and borrowing:

And whereas the present population of the county of Midlothian within the water supply area in this Order defined (hereinafter called "the water supply area") is considerable and in important parts of that area there is no supply of water and in other parts thereof the supply of water is insufficient in quantity and defective in quality and is in other respects unsatisfactory:

And whereas the supply of water could be more efficiently and more economically afforded if the parishes and places included within the district of the District

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Committee were to be formed into one area for the purposes of water supply than by the formation or enlargement of several special water supply districts: A.D. 1924.

And whereas the District Committee have under the provisions of the Public Health Acts formed portions of the said Calder district situated within the water supply area into special water supply districts under the names of the Balerno Currie Newbridge Kirkliston East Calder Mid-Calder Ratho and Kirknewton and West Calder special water supply districts and it is expedient that the same should cease to be separate water supply areas and should be merged into the water supply area authorised by this Order:

And whereas the Bellsquarry special water supply district was formed in the year 1896 but was dissolved by resolution of the District Committee in the year 1904 and it is expedient that the debt in respect of that special water supply district should form a charge upon the assessments authorised by this Order:

And whereas the County Council have under the Edinburgh Boundaries Extension and Tramways Act 1920 power to take from the Corporation of Edinburgh a supply of water in bulk for consumption within the county:

And whereas it is expedient that the County Council should be authorised and required to levy assessments and charges in respect of the water supply within the water supply area in the manner provided by this Order and to borrow on the security of such assessments and charges such moneys as may be necessary for the purposes of this Order:

And whereas estimates have been prepared for the purchase of land for and for the execution of the works by this Order authorised and such estimates are as follows:—

	£
Purchase of land and servitudes ...	2,700
Service tanks and relative works ...	7,200
Aqueducts conduits and lines of pipes	30,600
Hydraulic pump	450
Subsidiary works	12,050
General purposes of the undertaking	7,000

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And whereas the said works are permanent works and it is expedient that the cost thereof should be spread over a number of years :

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order have been deposited with the principal sheriff-clerk of the county of Midlothian in his office at Edinburgh and are hereinafter respectively referred to as "the deposited plans sections and book of reference" :

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 :

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

Short title
and com-
mencement
of Order.

1. This Order may be cited for all purposes as the Midlothian (Calder District) Water Order 1924 and shall come into operation at the date of the passing of the Act confirming the same which date is referred to in this Order as the "commencement of this Order."

Interpreta-
tion.

2. In this Order the several words and expressions to which meanings are assigned by the Local Government (Scotland) Acts 1889 to 1908 and the Public Health (Scotland) Acts 1897 to 1907 and the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction And the following expressions shall have the meanings assigned to them in this section :—

"The county" means the county of Midlothian :

"The County Council" means the county council of the county :

"The District Committee" means the District Committee of the Calder district of the county :

"The Calder district" means the parishes of Currie Kirknewton Mid-Calder Ratho West Calder

and the part of the parish of Kirkliston within the county: A.D. 1924.

“The Public Health Acts” means the Public Health (Scotland) Acts 1897 to 1907 and any Act amending the same:

“The Act of 1889” means the Local Government (Scotland) Act 1889 and includes any Act amending the same:

“The standing joint committee” means the standing joint committee of the County Council and the commissioners of supply of the county appointed in pursuance of the Act of 1889:

“The water supply area” means the Calder district:

“The valuation roll” means the valuation roll for the county made up in terms of the Lands Valuation (Scotland) Act 1854 and any Act amending the same:

“The sheriff” means the sheriff of the Lothians and Peebles and includes any of his substitutes:

“The undertaking” means the existing waterworks of the District Committee and the waterworks which may be constructed by or transferred to the district committee under the powers of this Order and all lands and property rights powers privileges duties and obligations pertaining to the said waterworks for the time being.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order) are hereby incorporated with and form part of this Order:— Incorporation of Acts.

The Lands Clauses Acts:

The Waterworks Clauses Act 1847 except the sections and provisions thereof with respect to—

(a) The communication pipes to be laid by the undertakers;

(b) The amount of profit to be received by the undertakers when the waterworks are carried on for their benefit; and

(c) Also except sections 68 70 and 72:

The Waterworks Clauses Act 1863; and

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The sections and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said clauses for the purposes of this Order the word "company" shall mean the District Committee and the word "railway" shall mean the aqueducts conduits or lines of pipes service reservoirs or tanks and works immediately connected therewith authorised by this Order and the words "centre of the railway" any part of the said works.

This Order shall be deemed a special Act within the meaning of the provisions of the said Acts wholly or partly incorporated herewith.

Certain
special
water
supply
districts
abolished.

4. The special water supply districts of Balerno Currie Newbridge Kirkliston (so far as within the county) East Calder Mid-Calder Ratho and Kirknewton and West Calder shall be deemed as from and after the first term of Whitsunday after the commencement of this Order to have ceased to exist as special water supply districts and shall cease to be assessed for the purposes of water supply separately from other parts of the water supply area and such special water supply districts shall thenceforth be for all purposes part of the water supply area and the waterworks prior to the commencement of this Order for supplying such special water supply districts and the water mains within such special water supply districts other than the main pipe of the Dalmeny and Kirkliston special water supply district of the county of West Lothian shall be part of the undertaking as if the same had been constructed under this Order. Provided also that payment of the debt affecting such special water supply districts or any one or more of them and the special water supply district of Bellsquarry which has been dissolved and the rights and powers of the creditors who before the commencement of this Order have advanced money to the local authority connected with the supply of water to such special water supply districts shall not be in any way prejudiced by this Order but such debts shall form a charge upon the assessments authorised by this Order and payment

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may be recovered out of such assessments in the same manner as out of the assessments of the said existing special water supply districts. A.D. 1924.

5. As from the first term of Whitsunday after the commencement of this Order all agreements relating to the supply of water to any water consumer within the water supply area by any local authority company or person outside the water supply area shall be cancelled and come to an end and the District Committee may enter into agreements with any local authority company or person for the supply of water in bulk or otherwise. Cancellation of agreements.

6. Subject to the provisions of this Order the District Committee may on the lands to be acquired by the County Council as hereinafter provided make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described. The works hereinbefore referred to and authorised by this Order are situated in the county of Midlothian and are the following (that is to say):— Power to construct works.

Work No. 1 An aqueduct conduit or line of pipes commencing in the parish of West Calder by a junction with the Edinburgh Corporation's aqueduct at a point 300 yards or thereby measured in a northerly direction from the centre of the overflow of Crosswood reservoir and terminating in the parish of West Calder in the service tank near Westmains Farm Work No. 3 of this Order which said aqueduct conduit or line of pipes will pass from through in or into the parishes of West Calder and Mid-Calder:

Work No. 2 An aqueduct conduit or line of pipes wholly situated in the parish of West Calder commencing by a junction with the aqueduct conduit or line of pipes Work No. 1 of this Order at a point 300 yards or thereby measured in a southerly direction from Hartwood House and terminating in the service tank Work No. 4 of this Order:

Work No. 3 A service tank wholly situated in the parish of West Calder in the field or enclosure numbered 289 on the 25-inch Ordnance Survey map of the parish of West Calder

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edition 1906 at a point 100 yards or thereby south-east of Westmains Farm :

Work No. 4 A service tank wholly situated in the parish of West Calder in the field or enclosure numbered 400 on the 25-inch Ordnance Survey map of the parish of West Calder edition 1906 at a point 350 yards or thereby measured in a southerly direction from Harwood Farm :

Work No. 5 An aqueduct conduit or line of pipes wholly situated in the parish of West Calder commencing in the service tank Work No. 3 of this Order and terminating at the north end of Watt Street Addiewell :

Work No. 6 An aqueduct conduit or line of pipes wholly situated in the parish of West Calder commencing by a junction with the aqueduct conduit or line of pipes Work No. 1 of this Order at a point near the service tank Work No. 3 of this Order and terminating at a point in the public road 200 yards or thereby west of the west end of Loganlea Row :

Work No. 7 An aqueduct conduit or line of pipes wholly situated in the parish of West Calder commencing in the service tank Work No. 4 of this Order and terminating at the south end of Cleugh Brae in Main Street West Calder :

Work No. 8 An aqueduct conduit or line of pipes commencing in the parish of Currie by a junction with the Edinburgh Corporation's aqueduct at a point 2500 yards or thereby measured in a north-easterly direction from the centre of the embankment of Harperrig Reservoir and terminating in the parish of Kirknewton in the service tank Work No. 9 of this Order which aqueduct conduit or line of pipes will pass from through in or into the parishes of Currie and Kirknewton :

Work No. 9 A service tank wholly situated in the parish of Kirknewton in the north-west corner of enclosure numbered 298 on the 25-inch Ordnance Survey map of the parish of Kirknewton edition 1907 :

Work No. 10 . An aqueduct conduit or line of pipes commencing in the service tank Work No. 9 and terminating in the existing service tank at Craigpark in the parish of Ratho which aqueduct conduit or line of pipes will pass from through in or into the parishes of Kirknewton and Ratho : A.D. 1924.

Work No. 11 An aqueduct conduit or line of pipes wholly situated in the parish of Kirknewton commencing by a junction with the aqueduct conduit or line of pipes Work No. 10 of this Order at a point 300 yards or thereby measured in a north-westerly direction from Ormiston House and terminating in the service tank Work No. 12 of this Order :

Work No. 12 A service tank wholly situated in the parish of Kirknewton in enclosure numbered 382 on the 25-inch Ordnance Survey map of the parish of Kirknewton edition 1907 at a point 450 yards or thereby measured in an easterly direction from East Langton Farm :

Work No. 13 An aqueduct conduit or line of pipes commencing in the parish of Kirknewton by a junction with the aqueduct conduit or line of pipes Work No. 11 of this Order at a point near the service tank Work No. 12 of this Order and terminating in the village of Pumpherston in the parish of Mid-Calder at a point in the public road opposite the public school which aqueduct conduit or line of pipes will pass from through in or into the parishes of Kirknewton and Mid-Calder :

Work No. 14 An aqueduct conduit or line of pipes wholly situated in the parish of Kirknewton commencing in the filter house at Selm Muir Reservoir and terminating in the service tank Work No. 9 of this Order :

Work No. 15 An aqueduct conduit or line of pipes wholly situated in the parish of Currie commencing by a junction with the Edinburgh Corporation's aqueduct on the embankment at Harlaw Reservoir near the sluice-keeper's house and terminating in the service reservoir or tank Work No. 16 of this Order :

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Work No. 16 A service reservoir or tank situated in the parish of Currie at a point 220 yards or thereby measured in a northerly direction from Balleny House in the field or enclosure numbered 527 on the 25-inch Ordnance Survey map of the parish of Currie edition 1913:

Work No. 17 An aqueduct conduit or line of pipes wholly situated in the parish of Currie commencing by a junction with the aqueduct conduit or line of pipes Work No. 15 of this Order at a point on the public road 190 yards or thereby measured in a north-westerly direction from Balleny House and terminating in the existing tank about 40 yards north of Mansfield Cottages:

Work No. 18 An aqueduct conduit or line of pipes wholly situated in the parish of Currie commencing in the service reservoir or tank Work No. 16 of this Order and terminating in the Edinburgh to Lanark Road at a point 500 yards or thereby measured in a north-easterly direction from Ravelrig House.

Power to
make sub-
sidiary
works.

7. In addition to the waterworks by this Order authorised and in connection therewith the District Committee may upon or in the lands delineated on the deposited plans and described in the deposited book of reference or upon or in any other lands acquired for the purposes of this Order make erect and maintain all such embankments dams weirs intake weirs by-wash channels bridges roads accesses approaches wells tanks gauges filters filterbeds sluices outlets drains aqueducts culverts channels cuts mains pipes rams hydraulic and other engines machinery buildings and other works and conveniences as may be necessary or convenient in connection with or subsidiary to the waterworks or of any of them or necessary for conducting distributing inspecting maintaining repairing cleansing managing and using the same but nothing in this section shall exonerate the District Committee from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to
acquire
lands for

8. Subject to the provisions of this Order the County Council may purchase acquire hold enter upon appropriate

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take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works hereinbefore described.

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—
water supply.

9. Subject to the provisions of this Order the County Council in addition to the other lands which they are by this Order authorised to acquire may enter upon take hold and use for the purposes of erecting thereon a ram or rams or an hydraulic pumping engine or engines the following lands shown on the deposited plans and described in the deposited book of reference (that is to say) Certain lands containing one acre or thereabouts in the parish of West Calder forming portion of the enclosures numbered 1335 1336 and 1345 on the 25-inch Ordnance Survey map edition 1906 of that parish situate on the east and west sides of the stream known as the Woodmuir Burn and lying to the south of the public road near Blackhill Farm.

Power to County Council to acquire additional land for pumping.

10. The District Committee may in constructing the works by this Order authorised deviate laterally from the lines and position thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the District Committee may also deviate vertically from the levels of the various works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided always that except for the purposes of crossing over a stream no part of any pipe shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections Provided further that the District Committee shall not construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and five feet in addition.

Limits of deviation.

11. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the County Council any servitude right or privilege (not being a servitude right or privilege of

Power to grant servitudes &c. by agreement.

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water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu-duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to
acquire
servitudes
only for
lines of
pipes.

12. The County Council may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes by this Order authorised where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for the purpose of making extending enlarging altering renewing maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such servitudes as fully as if the same were lands within the meaning of such Acts Provided that nothing herein contained shall authorise the County Council to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the County Council to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this proviso Provided further that as regards any lands in respect of which the County Council have acquired servitudes only under the provisions of this section the County Council shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such servitudes at all times have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

Power to
acquire
additional
lands by
agreement.

13. In addition to the lands which the County Council are by this Order authorised to purchase compulsorily and any other lands which they may acquire and hold for the protection of their waterworks they may from time to time by agreement purchase any additional quantity of land not exceeding in the whole ten acres provided that neither the County Council nor the District Committee shall upon any such lands

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create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with their waterworks. A.D. 1924.

14. The District Committee shall not construct any works for taking or intercepting water from any lands acquired by the County Council unless the works and the lands upon which the same are to be constructed are specified in this Order or in an Act of Parliament or Order confirmed by Parliament. Limiting powers of District Committee to abstract water.

15. Whereas in the exercise of the powers of this Order it may be shown that portions only of certain properties shown on the deposited plans may be sufficient for the purposes of the District Committee and that such portions may be severed from the remainder thereof without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the properties numbered on the deposited plans (7) (8) (9) (10) (11) and (12) in the parish of Mid-Calder (106) (107) (108) and (109) in the parish of West Calder and (5) in the parish of Currie whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the tribunal to whom the question of disputed compensation shall be submitted be severed from the remainder thereof without material detriment thereto be required to sell and convey to the County Council the portions only of the properties so required without the County Council being obliged or compellable to purchase the whole or any greater portion thereof the County Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise. Owners may be required to sell parts only of certain properties.

16. The powers of the County Council for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years after the commencement of this Order. Period for compulsory purchase of lands.

17. If the works authorised by this Order are not completed within eight years from the date of the commencement of this Order then on the expiration of such period the powers by this Order granted to the District Committee for executing the said works or in relation Period for completion of works.

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thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the District Committee from extending enlarging altering or renewing any of their engines machinery weirs tanks pipes and other works from time to time as occasion requires for the purpose of supplying water under this Order.

Constant supply and pressure.

18. The water to be supplied by the District Committee need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations and the District Committee shall not be required to supply water in any case at a pressure greater than can be supplied or afforded by gravitation from the service reservoir already existing or by this Order authorised from which the supply is taken.

District Committee may alter or increase number and size of filters and other works.

19. The District Committee may subject to the provisions of this Order lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) drains watercourses filters pure water basins mains pipes and other conveniences from time to time in use or required for filtering storing conveying and distributing water under the powers of this Order. Provided always that such laying down extension enlargement or increase shall be executed only on lands or property for the time being 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 the District Committee are by the Waterworks Clauses Acts 1847 and 1863 and this Order entitled to open and break up.

Power to lay pipes in streets not dedicated to public use.

20. The District Committee may subject to the provisions of this Order upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to the public use supply such premises with water and may lay in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to and for the purposes of this section.

21. For the purpose of complying with any obligation under this Order to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

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As to breaking up ground for maintaining communication pipes.

22. The District Committee may at any time for the purpose of repairing or of cleansing any existing works or any of the works or aqueducts authorised by this Order cause the water in any such works or aqueducts to be temporarily discharged into any available drain stream or watercourse.

Power to discharge water temporarily into streams.

In the exercise of the power conferred by this section the District Committee shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such powers the amount of compensation to be settled in case of difference by an arbiter to be appointed (failing agreement) by the sheriff on the application of either party.

23. If it should appear to the District Committee that by reason of any injury to or defect in any communication pipe which is situate in a street and which the District Committee are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the District Committee to execute such repairs as may be necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the District Committee in executing such repairs shall be recoverable by the District Committee from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

Power to District Committee to repair communication pipes.

24.—(1) The County Council may hold any lands acquired by them under this Order and may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which may in their opinion be necessary or desirable for the purpose of securing the purity of the water in the drainage area of the waterworks of the District Committee and of protecting their water supply against pollution nuisance

Power to acquire and hold lands for prevention of pollution

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A.D. 1924. encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

(2) The County Council may let for such period as they think fit or sell or feu any land acquired under this section on such terms conditions and restrictions as regards its use as to the County Council may seem fit and to secure that such land shall not be manured or broken up for tillage and that no buildings shall be erected or works or matters done which may prejudicially affect the water supply or the purity of the water The proceeds of the sale of any lands by the County Council shall only be applied to the purposes of this Order to which capital is properly applicable.

(3) Nothing in this Order shall exonerate the District Committee from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands acquired by the County Council under the powers of this section and the District Committee shall not erect or permit the erection of any buildings on such lands except such as are required in connection with their water undertaking or for farm buildings.

For pro-
tection of
reservoirs
&c. from
pollution.

25. The District Committee may on any lands acquired by the County Council under the powers of this Order or otherwise construct all such drains channels and other works as they may think necessary or desirable for preventing sewage or polluting liquids or contaminated or impure water from entering or polluting any of the reservoirs conduits or watercourses of the District Committee or any waters flowing into the same.

Power to
sell &c.
lands.

26. Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act 1845 the County Council may retain and hold and from time to time sell feu lease or otherwise dispose of for such consideration and on such terms and conditions as they may think fit any lands acquired by them under the powers of this Order and in their judgment not required or not immediately required for the purposes of their undertaking Provided that before the County Council sell feu or otherwise dispose of any such lands they shall first offer the same to the person or to the several persons

whose lands shall immediately adjoin such lands and any difference as to the price thereof shall be settled in manner provided by the said Lands Clauses Act with reference to the sale of superfluous lands. Moneys received from the sale of lands under this section shall be applied to purposes in connection with the undertaking to which capital is properly applicable.

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27. Subject to the provisions of the section of this Order whereof the marginal note is "Limiting powers of District Committee to abstract water" the County Council on selling any lands acquired for or in connection with the purposes of this Order and not required to be retained for those purposes may reserve to themselves all or any part of the water rights belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

Reservation of water rights on sale.

28. The District Committee may make and carry into effect agreements with the owner lessee or occupier of any lands within the drainage area of any reservoir or work belonging to the District Committee with reference to the execution by the District Committee or such owner lessee or occupier of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the District Committee flowing to upon or from such lands directly or derivatively into such reservoirs and works.

Power to agree as to drainage of lands.

29. The County Council may for the protection of the waterworks of the District Committee from injury from subsidence or otherwise by agreement purchase acquire and hold any mines or minerals under any lands for the time being vested in the County Council for the purposes of the undertaking or servitudes or wayleaves in or through which are vested in the County Council for such purposes or in on or through which any works of the District Committee are for the time being situate or pass or under any land adjoining any such lands respectively.

Acquisition of minerals by agreement.

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District
Committee
may repair
apparatus
on failure
by owner or
occupier.

30. If any of the apparatus shall be out of order the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do by the District Committee or by any officer of the District Committee the District Committee or any person authorised by them may enter upon such premises and repair renew and make watertight all such apparatus and the District Committee shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner provided in the Acts herewith incorporated for the recovery of penalties or by action in any court of competent jurisdiction and for the purposes of this section the word "apparatus" means and includes pipe cistern bath watercloset ball cock stop-cock valve and other articles used in the supply or storing of water in houses manufactories or premises or in connection therewith provided that in the event of the expenses of such repair or renewal being paid by the occupier of any such house or premises he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent unless otherwise provided for by the terms of the tenancy.

Supply of
water for
domestic
use within
water
supply area.

31. The District Committee may so far as not already laid cause pipes to be laid and water to be brought through all streets or roads or portions of streets or roads within the water supply area and shall as soon as conveniently may be after the completion of the works by this Order authorised to be constructed at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the water supply area or any person entitled to demand a supply of water under the provisions of this Order furnish to such person by means of service or communication pipes and other necessary and proper apparatus to be provided and laid down (so far as not already provided and laid down) and maintained by and at the cost of such person unless otherwise agreed between him and the District Committee a sufficient supply of water for domestic purposes in any such

house or dwelling (including a supply for private water-closets and private fixed baths in each such dwelling-house) including the office-houses yards and other pertinents of the same. Provided that no person shall be entitled to demand such supply of water or to require the District Committee to lay down pipes or fire-plugs unless some pipe of the District Committee shall have been laid within 100 yards of the premises in respect of which such supply of water or pipes or fire-plugs is demanded measuring from the outer wall of such premises or in the case of tenements situated in a private close or place unless a water-pipe of the District Committee shall have been laid within 100 yards of the entrance to such close or place or unless the District Committee shall have become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act 1847 to cause pipes to be laid down within the said distance of 100 yards of such premises.

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32. For the purpose of providing for the better distribution of the water supply among the inhabitants the District Committee may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street within the water supply area in which the pipes of the District Committee are laid to take a supply of water for such house or tenement by connecting a service or communication pipe with the main pipe of the District Committee in any such street (such connection to be made by the District Committee or some person to be employed by them at the expense of the owner) and to provide lay and maintain in good and sufficient repair such service or communication pipes stand-pipes or taps cisterns and other means and apparatus and in such positions as shall appear to the District Committee to be necessary for that purpose and in the event of refusal or delay on the part of such owner to comply with such requisition it shall be lawful for the District Committee to enter such house or tenement and premises connected therewith between the hours of nine in the morning and four in the afternoon and to provide lay and maintain such service or communication pipes stand-pipes or taps cisterns and other means and apparatus in such positions as aforesaid and to recover the expense thereof

Owners to provide and maintain service pipes.

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from such owner in the same manner as rates or charges are recoverable under this Order and the Waterworks Clauses Acts 1847 and 1863 Provided always that in the case of houses not exceeding five pounds of yearly rent or value such owner shall not be required to introduce water into each house if such means of supply has been provided for each tenement of houses as the District Committee may reasonably deem necessary Provided also that in case of any question or difference arising between the District Committee and any owner with respect to the necessity for a supply of water being provided for any house or tenement under this section or with respect to the number or description of service or communication pipes stand-pipes or taps cisterns or other means and apparatus necessary for the purpose aforesaid the same shall be determined and fixed by the sheriff in a summary manner on the application by either of the parties and the decision of the sheriff shall be final.

District
Committee
not bound
to supply
several
tenements
of houses by
one pipe.

33. The District Committee shall not be bound to supply more than one house or tenement of houses by means of the same communication pipe but they may if they think fit require that a separate pipe from the main pipe be laid into each house or tenement of houses supplied by them with water.

Supply of
water to
tenements
in a row.

34. Where there are two or more tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the District Committee to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him assessed or rated for a supply of water.

Power to
supply
water by
agreement.

35. Subject to the provisions of this Order the District Committee may if they see fit from time to time enter into and carry into effect such contracts and arrangements with any local authority company body or person with respect to the supply of water in bulk outside the water supply area as the District Committee may think fit and every such contract and arrangement may be for such period and on such terms (pecuniary or otherwise) and conditions as the District Committee may think fit;

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Provided that nothing in this section contained shall authorise the District Committee in any place beyond the water supply area to furnish a supply of water to any person unless the District Committee previously obtain the consent in writing of the local authority of the place in which the supply is proposed to be given and of any water company or authority at the time authorised by Parliament to supply such place with water.

36. The District Committee may furnish to any person within the water supply area a supply of water for other than domestic purposes at such rates and charges and upon such terms and conditions as shall from time to time be fixed by the District Committee and published by being exhibited in the office of the clerk of the District Committee at Edinburgh or wherever such office may be situated. Provided that so far as possible and in so far as extra expenditure is not involved in giving a supply the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply and the charges for such supply shall be recoverable in the same manner as any other water rates or charges may be recovered under the authority of this Order and the Acts incorporated therewith.

District Committee may supply water for other than domestic purposes.

In the event of there being any dispute at any time as to the ability of the District Committee to give a supply for purposes other than domestic purposes under this section or as to the rates terms or conditions on which such supply is to be given the same shall subject to the provisions of this Order be referred to the sheriff in a summary manner on the application by either of the parties and the decision of the sheriff on the question so referred shall be final and not subject to review.

37. The supply of water beyond the water supply area shall not prejudicially affect or restrict the supply of water from time to time required for domestic use or trade purposes within the water supply area and the supply of water for other than domestic purposes within the water supply area shall not prejudicially affect or restrict the supply of water from time to time required for domestic use within the water supply area.

Supply of water for other than domestic purposes not to affect domestic water supply.

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As to supply
of water to
house partly
used for
trade.

Penalty for
taking water
from public
fountains
&c. except
for domestic
use.

Water to be
supplied by
measure if
required in
certain
cases.

38. The District Committee shall not be bound to supply with water otherwise than by meter any building used by an occupier as a dwelling-house when any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

39. Every person who takes water from any public fountain or stand-pipe supplied from any of the mains or pipes belonging to the District Committee for any purposes other than domestic use shall for every such offence be liable to a penalty not exceeding five pounds.

40. The District Committee may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any person desiring to take such supply shall subject to the provisions of this Order supply him with water by measure for other than domestic purposes. In every such case a meter for ascertaining the quantity consumed shall be provided by the District Committee at a reasonable rate for the same. Provided that when water is supplied for other than domestic purposes it shall not be lawful for the District Committee to charge the person so supplied both with the domestic water rate hereinafter mentioned applicable to the buildings or premises so supplied and also for the supply of water obtained for other than domestic purposes to those buildings or premises but the District Committee may either charge the said rate leviable on such buildings or premises or charge for the supply of water furnished to the same as they may think fit. Provided that when any such buildings or premises are separately owned and occupied the District Committee if they think fit may charge the owner with his proportion of the domestic water rate leviable on such buildings or premises and may in lieu of the occupier's proportion thereof charge such occupier for the supply of water furnished to him. Provided always that when water is supplied to any buildings or premises for domestic purposes but a further supply is given for purposes other than domestic the District Committee may charge the rate leviable for domestic supply and in addition may make such charges for the additional supplies as may from time to time be fixed by the District Committee.

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Provided further that in the application of this section to lands premises or buildings belonging to any railway company such company shall be entitled to require the County Council to set off against the aggregate of the said rate levied upon their whole lands premises and buildings other than dwelling-houses within the limits of supply the aggregate amount of the charges for water furnished to such company for other than domestic purposes at all places wheresoever within the limits of supply the County Council being entitled to charge either of such aggregates as they shall think fit.

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41. The District Committee may sell and dispose of meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they may think fit.

Power to sell or let meters.

42. Before any person connects or disconnects any meter by means of which any of the water of the District Committee is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the District Committee of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the District Committee and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to District Committee of connecting or disconnecting meters.

43. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the District Committee or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the District Committee shall (without prejudice to any other right or remedy for the protection of the District Committee) be liable to a fine not exceeding five pounds and the District Committee may in addition thereto recover the amount of any damage by them sustained.

Injuring meters &c.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered

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to be injured any pipe meter instrument or fittings belonging to the District Committee or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the District Committee the District Committee may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the District Committee by the person so offending and may be recovered by them as water rates are recoverable: The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the District Committee when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be *prima facie* evidence that such injury alteration prevention abstraction consumption or use as the case may be had been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

Tube or hose not to be affixed to mains or pipes without consent of District Committee.

44. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the District Committee without their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the District Committee or to any service pipe or apparatus of such owner or any other owner or occupier for the purpose of washing horses carriages or other vehicles windows houses or buildings or for watering gardens or washing pavements or footpaths or roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for each such offence forfeit and pay to the District Committee a penalty not exceeding forty shillings.

Water may be supplied for cleansing streets &c.

45. The District Committee may if they see fit furnish a supply of water for the purposes of watering or cleansing the streets or for flushing or cleansing sewers or drains or for public baths or washhouses or for public fountains either gratuitously or at such charge or reduced charge and upon such terms and conditions as they shall think

proper. Provided always that the supply of water under this section shall not prejudicially affect or restrict the supply of water from time to time required for domestic purposes within the water supply area. A.D. 1924.

46.—(1) The District Committee may subject to the provisions of sections 183 to 188 of the Public Health (Scotland) Act 1897 as modified by this Order make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water belonging to or supplied by them and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination and such byelaws may provide for such penalties for breaches of such byelaws not exceeding forty shillings for each offence as may be considered expedient. Byelaws for preventing waste &c. of water.

(2) Such byelaws shall apply only in the case of premises to which the District Committee afford a supply of water.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the District Committee may if they think fit after twenty-four hours' notice in writing enter upon any premises and by or under the direction of any duly authorised officer or person repair replace or alter any water fittings not in accordance with the requirements of such byelaws and belonging to or used by any person failing as aforesaid and the expense of every such repair replacement or alteration shall be recoverable by the District Committee as the water rates or charges in respect of the premises are recoverable.

47. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the clerk to the District Committee or if it be a notice to pay a rate or charge in respect of the supply of water by the name of the county collector or the collector of the District Committee being affixed thereto in print or in writing or by a stamp and any such notice may be Form of service of notices by District Committee.

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A.D. 1924. served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to any inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Notice of
discon-
tinuance.

48. A notice to the District Committee from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the clerk to the District Committee or be given personally by the consumer at such office.

District
Committee
to estimate
annual sums
required.

49. The District Committee shall and they are hereby authorised and required once in every year on or before the third Tuesday of August to lodge with the clerk to the County Council an estimate of the expenses incurred or to be incurred for the purposes of the water undertaking and water supply under this Order and of the water revenues other than assessments for and during the year next ensuing the fifteenth day of May then last past including the sums necessary for payment of interest on and repayment of principal of any money borrowed for providing such supply.

County
Council to
assess and
levy domes-
tic water
rate.

50. The estimate to be made up in manner before provided shall be submitted to the finance committee of the County Council who shall revise the same and submit the estimate so revised to the County Council at their meeting in the month of October in each year and the County Council may and they are hereby authorised and required annually to impose and levy an assessment to be called the domestic water rate equally on the owners and occupiers of all lands and heritages within the water supply area at such rate in the pound as shall be sufficient when supplemented by the public water rate (if any) after mentioned and the other water revenues received under the powers of this Order to defray the expenses referred to in the immediately preceding section:

Provided that as regards all persons who shall be the owners or occupiers of any dwelling-houses railway stations or other buildings (other than buildings situated in a private close or place) they shall not be liable to be assessed in respect thereof for the domestic water rate unless such dwelling-houses railway stations or other buildings shall have been actually supplied with water under this Order or unless some pipe of the District Committee or through which the District Committee is entitled to give a supply to such premises shall be laid down within 100 yards of the same measuring from the outer wall of such dwelling-houses railway stations or other buildings or of any domestic offices in contact with and occupied as appurtenances of such dwelling-houses railway stations or other buildings: A.D. 1924.

Provided that as regards the owners or occupiers of dwelling-houses or other buildings situated in a private close or place they shall not be liable to be assessed in respect of such buildings for the said domestic water rate unless such buildings shall have been actually supplied with water under this Order or unless some pipe of the District Committee or through which the District Committee is entitled to give a supply to such premises shall be laid down within 100 yards of the entrance to such close or place:

Provided also that no agricultural lands shall be assessed for domestic water rate unless some pipe of the District Committee shall be laid down within 100 yards measuring as aforesaid from some dwelling-house or dwelling-houses upon the same and then only in respect of the annual value of such dwelling-house or dwelling-houses and in any case in which the annual value of such dwelling-house or dwelling-houses is not entered in the valuation roll separately from that of the remainder of the subject of which it is a part or pertinent the County Council shall subject to the right of appeal to the sheriff whose decision shall be final by any person aggrieved apportion to the said dwelling-house or dwelling-houses its or their due proportion of the annual value of the entire subject as entered in the valuation roll and for the purpose of assisting them in making any such apportionment the County Council may employ any surveyor or other skilled person:

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Provided further that the annual value of the following lands or premises shall for the purposes of the domestic water rate be held to be one-fourth of the annual value thereof entered in the valuation roll viz. :—

- (1) All lands and premises used exclusively as a canal or basin of a canal or towing path for the same or as a railway or tramway excepting the stations depôts and buildings which shall be assessable to the same extent as other lands and premises within the special water supply district :
- (2) All waterworks and underground or other pipes mains or cables and wayleaves of any water company gas company electric power or electric supply company oil company corporation or commissioners :
- (3) All mines minerals quarries and manufactories :
- (4) All ground used for works and mines of any oil company and lands used for depositing spent shale or debris from such works and mines.

In this section " agricultural lands " means any lands and heritages used for agricultural or pastoral purposes only or as market gardens orchards allotments woodlands parks gardens or pleasure grounds or lands kept preserved or used mainly or exclusively for sporting purposes or shootings or fishings The Agricultural Rates Act 1923 shall not apply to the domestic water rate.

Public water rate to be levied.

51. The County Council may and they are hereby authorised annually to impose and levy subject to the provisions of the Agricultural Rates Act 1923 an assessment to be called the public water rate equally upon owners and occupiers of all lands and heritages within the water supply area according to the full yearly rent or value thereof as entered in the valuation roll such rate not to exceed (a) one penny in the pound when the domestic water rate to be levied in terms of the immediately preceding section does not exceed one shilling in the pound (b) twopence in the pound when the said domestic water rate does not exceed one shilling and sixpence in the pound and (c) threepence in the pound

when the said domestic water rate exceeds one shilling and sixpence in the pound and may be such less amount as the County Council may from time to time determine.

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52. The District Committee shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year.

Minimum water rate.

53. The following provision shall have effect for the protection of the Mid-Calder special water supply district:—

For protection of Mid-Calder special water supply district.

The County Council shall not impose and levy the domestic water rate by this Order authorised for a period of ten years from the commencement of this Order on any subjects within the Mid-Calder special water supply district as existing at the commencement of this Order and for a further period of ten years from the expiry of the period aforesaid the County Council shall only be entitled to levy upon these subjects one-half of the domestic water rate for the time being leviable by the County Council upon the remainder of the water supply area. Provided that if the owner of any buildings constructed within the Mid-Calder special water supply district after the commencement of this Order shall make application to the District Committee for a supply of water to property belonging to him within that district the District Committee shall be entitled to supply water to the property of such owner and to lay down the necessary pipes for such purpose and thereupon such owner and the occupier of the property so supplied shall be rated under the provisions of this Order in the same manner and to the same extent as other owners and occupiers of lands and heritages included within the water supply area.

54. The following provisions for the protection of Henry Bruce and Sons Limited Kinleith Mill Currie and Patrick Chalmers Bruce residing at Kinleith House Currie and their successors in Kinleith Paper Mill and Kinleith House and offices including the gardener's cottage stables and coachman's house pertaining thereto (hereinafter in this section called "the proprietors")

For protection of Henry Bruce and Sons Limited and P. C. Bruce.

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- (1) The said mill house and other subjects above described shall be treated as a unum quid for the purposes of assessment and shall be assessed as a manufactory :
- (2) Nothing in this order shall alter or affect the rights of the proprietors under section 63 of the Edinburgh Water Company's Act 1856 (19 and 20 Vict. cap. xci) providing for a supply of compensation water for Kinleith Paper Mill and Kinleith House.

For protection of corporation of Edinburgh.

55. The following provisions for the protection of the lord provost magistrates and council of the city and royal burgh of Edinburgh (in this section referred to as "the corporation") shall (except as otherwise agreed on in writing between the County Council and the District Committee or either of them on the one hand and the corporation on the other hand) apply and have effect:—

- (1) On and from the commencement of this Order the agreement between the corporation and the County Council confirmed by the Edinburgh Boundaries Extension and Tramways Act 1920 and contained in the Eighth Schedule to that Act shall extend and apply to the giving of a supply of water in bulk by the corporation to the District Committee for distribution within the water supply area and nothing in this Order contained shall prejudice or affect the terms of the said agreement and the County Council and the District Committee shall be bound jointly and severally to implement and fulfil the obligations of the said agreement so far as the same are incumbent upon the County Council :
- (2) The supplies of water to be given to the District Committee as aforesaid where the same are to be taken off the North Pentland Aqueduct of the corporation shall be so taken off at three separate points viz. one near Crosswood Reservoir one near Harperrig Reservoir and

one near Harlaw Reservoir to be previously arranged in writing between the corporation and the District Committee or settled under the terms of the said agreement :

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- (3) The District Committee shall provide and maintain at such points as the corporation may require and to the satisfaction of the corporation proper and suitable meters for measuring the water taken from the works of the corporation and the District Committee shall erect and maintain proper and suitable meter houses in connection with the said meters. The said meters shall at all reasonable times be open to the inspection and examination of the corporation or of any persons duly authorised by them in that behalf. Alternatively and in the option of the corporation the said meters and meter houses shall be provided and maintained by the corporation at the expense of the District Committee and in that event the said meters shall at all reasonable times be open to the inspection and examination of the District Committee or of any persons duly authorised by them in that behalf :
- (4) The County Council shall not under the powers of this Order take or acquire by compulsion any land or property of the corporation but subject to such terms and conditions as may be agreed in writing between the corporation and the County Council or as failing agreement may be determined by arbitration under the provisions of the Lands Clauses Acts the County Council may purchase and the corporation shall sell if required by the County Council such servitudes in under over or upon the lands property and works of the corporation as may be required for making and maintaining in accordance with the provisions of this Order the works by this Order authorised :
- (5) The aqueduct conduit or line of pipes (Work No. 18) shall be so constructed that a space of at least six feet shall intervene between the same and the Water of Leith sewer belonging to the corporation :

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- (6) Notwithstanding anything shown on the deposited plans the County Council or the District Committee shall not unless under agreement with the corporation acquire any servitude or right to interfere with any portion of the property of the corporation known as Burnhouse and Camps in the parish of Kirknewton :
- (7) Before commencing any works or operations under the powers conferred on them by this Order in over under or affecting any of the works and property of the corporation (including therein not only the works and property pertaining to the water undertaking of the corporation but also the Water of Leith sewer belonging to the corporation and all mains pipes or other works or property pertaining to the gas or other undertakings of the corporation) the District Committee shall submit to the corporation plans sections working drawings and specifications thereof showing the line and level and the manner in which such works or operations are to be carried out and the mode of execution thereof for the approval of the corporation which approval shall not be unreasonably withheld :
- (8) All the said works and operations shall be constructed carried on and completed by the District Committee in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the District Committee at the sight and to the reasonable satisfaction of the corporation and all such works shall be maintained repaired or renewed by the District Committee (so long as they exist on the lines and levels shown on the said plans sections and working drawings and as described in the said specifications so approved) at their sole risk and cost and at the sight and to the satisfaction of the corporation :
- (9) The District Committee shall not without the previous consent in writing of the corporation enter upon or alter or interfere with any works or property of the corporation further or otherwise than may be necessary for constructing

and maintaining any of the works authorised by this Order to be laid in upon over or under the works and property of the corporation of which they shall give the corporation twenty-eight days' notice in writing except in cases of emergency in which cases notice shall be given as early as possible : A.D. 1924.

(10) The District Committee shall pay to and reimburse the corporation in all reasonable costs charges and expenses which they may incur in connection with the construction of any of the works authorised by this Order or the subsequent maintenance use alteration replacing or repair thereof including (without prejudice to the said generality) any expense which the corporation may reasonably incur for inspection or superintendence of the said works of the District Committee during construction and for all extra precautions for the safety and protection of any works or property of the corporation on account of the execution maintenance or alteration replacing or repair of the said works of the District Committee :

(11) All works and operations of the District Committee including the maintenance alteration replacing or repair of the said works as aforesaid shall in so far as the same affect any works or property of the corporation be carried out by the District Committee so as not to alter or interfere with (except so far as may be necessary for carrying out the said works) or to injure or endanger the structure or stability of any works or property of the corporation and the District Committee shall at their own expense execute all underpinning or other works which may be necessary to secure the support or safety of any works or property of the corporation or any part thereof and should any damage or injury to any works or property of the corporation be caused by or be in any way owing to the said works or operations of the District Committee or the failure of or defect in any of the said works or operations of the District Committee the District Committee shall free

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of all expense to the corporation execute and do all such works as may be necessary to restore the damage or injury or the corporation in their option and for any of these purposes may enter upon the works or property of the District Committee and execute all such works and do all such things as may be necessary to restore such damage or injury and the District Committee shall on demand repay to the corporation all reasonable costs and expenses incurred by them in connection therewith :

- (12) The District Committee shall make reasonable compensation to the corporation for all loss or damage caused by such works and operations to any works or property of the corporation and the District Committee shall also free and relieve the corporation from all claims whatsoever by third parties arising out of the construction or existence of the said works or operations or failure thereof :
- (13) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the corporation from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating or enlarging their North Pentland Aqueduct or other works or property belonging to them without interference on the part of the District Committee and without incurring any liability to them or to any person using the works authorised by this Order for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation or enlarging :
- (14) In the event of the corporation exercising any of the powers referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as practicable to and with the said works by this Order authorised and shall give (except in a case of emergency in which case notice shall be given as soon as reasonably possible) twenty-eight days' previous notice in writing to the District Committee before com-

mencing any such operations as may affect any of the said works authorised by this Order: A.D. 1924.

- (15) The District Committee shall not supply water within the corporation's limits of supply as defined by the Acts or Orders relating to the water undertaking of the corporation:
- (16) The District Committee shall undertake all obligations resting upon the corporation under or in connection with agreements for the supply of water to any consumer within the Calder district and the District Committee shall free and relieve the corporation from all claims or questions arising out of the cancellation of such agreements under the provisions of this Order or otherwise in connection therewith:
- (17) The County Council shall not impose and levy the domestic water rate authorised by this Order and the corporation shall not be liable to be assessed for such rate in respect of any waterworks land aqueducts mains pipes dwelling-houses buildings or property belonging to the corporation and pertaining to their water undertaking:
- (18) Any question or difference between the parties which may arise under this section shall be referred to an arbiter to be appointed by the sheriff on the application of any of the parties and the decision of such arbiter shall be final and binding.

56. The following provisions for the protection of Mrs. Maude Anne Cheape or Ellis of Marchbank and Mansfield in the parish of Currie and county of Midlothian (who and her successors in estate are hereinafter in this section called "the proprietors") shall unless otherwise agreed upon between the proprietors and the County Council or the District Committee apply and have effect (that is to say):—

For protection of Mrs. Maude A. Cheape or Ellis of Marchbank and Mansfield.

Notwithstanding anything in this Order contained no domestic water rate shall be imposed and levied on the lands of Mansfield (other than mines minerals and quarries) presently belonging to the proprietors so long as the said lands shall have

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a proper supply from the proprietors of wholesome water for domestic purposes Provided always that if any question shall arise between the District Committee and the proprietors under this section it shall be determined by the sheriff in a summary manner who shall have regard to all the circumstances of the case and whose decision shall be final.

For protection of James Howat of Raw Farm.

57. The following provisions for the protection of James Howat of Raw Farm in the parish of Kirknewton and county of Midlothian (hereinafter referred to in this section as "the proprietor") shall unless otherwise agreed between the proprietor and the County Council or District Committee apply and have effect:—

- (1) Nothing in this Order contained shall alter or affect the proprietor's right to a supply of water from the main pipe of the local authorities in the parish of Kirkliston Landward part of the burgh of Dalmeny and the burgh of South Queensferry respectively granted to him under disposition in his favour by the Right Honourable Sholto George Watson Douglas Earl of Morton dated 10th November 1919:
- (2) Notwithstanding anything in this Order contained no domestic water rate shall be imposed and levied on the lands of Raw Farm presently belonging to the proprietor (other than mines minerals and quarries) so long as the said lands shall have a proper supply from the proprietor of wholesome water for domestic purposes Provided always that if any question shall arise between the District Committee and the proprietor under this section it shall be determined by the sheriff in a summary manner who shall have regard to all the circumstances of the case and whose decision shall be final.

For protection of London and North Eastern and London Midland and

58. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (hereinafter in the section called for their respective interests "the company") shall unless otherwise agreed between the company and the County Council or the

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District Committee as the case may be apply and have effect (that is to say) :— A.D. 1924.

Scottish
Railway
Companies.

(1) The County Council shall not under the powers of this Order take or acquire by compulsion any lands or property of the company but the County Council may purchase and the company shall sell if required by the County Council such servitude in under over or upon the lands property and works of the company as may be required for making and maintaining in accordance with the provisions of this Order the works by this Order authorised :

(2) Before constructing any work authorised by this Order or any subsequent repairs thereof in over under or affecting any of the railways works and property of the company the District Committee shall submit to the company plans sections working drawings and specifications thereof showing the line and level and the manner in which such works or operations are to be carried out and the mode of execution thereof for the approval of the company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their disapproval within fourteen days after submission of the said plans sections working drawings and specifications for approval :

(3) All the said works and operations shall be constructed carried on and completed by the District Committee in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the District Committee and at the sight and to the reasonable satisfaction of the engineer of the company and all such works shall be maintained repaired or renewed by the District Committee so long as they exist on the lines and levels shown on the said plans sections and working drawings and as described in the said specifications so approved at their sole risk and cost and at the sight and to the reasonable satisfaction of the engineer of the company :

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- (4) The District Committee shall not without the previous consent in writing of the company which consent shall not be unreasonably withheld enter upon or alter or interfere with the railways works and property of the company further or otherwise than may be necessary for constructing maintaining and renewing any of the works authorised by this Order to be laid in upon over or under the said railways works and property of the company of which they shall give the company fourteen days' notice in writing except in cases of emergency in which case such notice as is reasonably practicable shall be given:
- (5) The District Committee shall pay to and reimburse the company in all reasonable costs charges and expenses which they may incur in connection with the construction of any of the works authorised by this Order or the subsequent maintenance renewal use alteration replacing or repair thereof including (without prejudice to the said generality) any expense which the company may reasonably incur in connection with the employment of inspectors signalmen watchmen and others and for superintendence of the works hereby authorised during construction and for all extra precautions for the safety and working of their traffic or protection of their property on account of the execution maintenance renewal use alteration replacing or repair of the said works:
- (6) All the said works and operations and the subsequent maintenance renewal alteration replacing or repair thereof shall in so far as the same affect the railways works and property of the company be carried out by the District Committee so as not to injure or alter or interfere with (except so far as may be necessary for carrying out the said works) or endanger the structure or stability of any of the said railways works and property of the company and the District Committee shall at their own expense execute all underpinning or other works which may be necessary to secure the support or

safety of the said railways works and property of the company and should any damage or injury to or interruption or impediment of or interference with the passage or conduct of traffic on the said railways works and property of the company be caused by or be in any way owing to the said works or operations of the District Committee or the failure of or defect in any of the said works or operations the District Committee shall at their own cost and free of all expense to the company execute and do all such works as may be necessary to restore the damage or injury and remove such interruption impediment or interference as the case may be or the company in their option and for any of these purposes may enter upon the works or property of the District Committee and execute all such works and do all such things as may be necessary to restore such damage or injury or to remove or prevent such interruption impediment or interference and the District Committee shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith: A.D. 1924:
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(7) The District Committee shall also make reasonable compensation to the company for all loss or damage caused by such works and operations interruption impediment or interference to or with the said railways and works and property of the company and the District Committee shall also free and relieve and indemnify the company from all damages or compensation which may be recovered from them at the instance of their employees passengers owners of merchandise traders or owners of property adjoining the said works or any other person or persons by reason of such interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident shall have been occasioned by or through the acts or default of the District Committee or those for whom they are responsible :

(8) Should it be necessary in constructing the works by this Order authorised or in subsequently

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maintaining renewing altering or repairing the same to alter or remove any telegraph posts wires or other telegraphic or telephonic apparatus belonging to or maintained by the company the District Committee shall pay to and reimburse the company in all expense incurred by them in connection with such alteration or removal and the erection of other posts wires or apparatus in substitution for those so altered or removed :

- (9) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating widening or enlarging any of the lines of railway or other works or property belonging to them without interference on the part of the District Committee and without incurring any liability to them or to any person using the works by this Order authorised to be constructed for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation widening or enlarging Provided that any extra expense which the Company may incur in such maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of any of the said works shall be paid by the District Committee :
- (10) In the event of the company exercising any of the powers referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as practicable to and with the works of the District Committee and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) fourteen days' previous notice in writing to the District Committee before commencing any such operations as may affect any of the said works :
- (11) If the company give to the District Committee notice that they themselves desire to construct so much of the works authorised by this Order to be constructed or to carry out so much of the

alterations of any mains pipes or culverts to be laid by the District Committee under the powers of this Order as will be situate on the lands and property of the company the company may themselves execute such works and alterations at the sight and to the reasonable satisfaction of the engineer to the District Committee and recover the reasonable cost thereof from the District Committee:

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- (12) Any question or difference between the County Council or the District Committee as the case may be and the company arising under this section shall be referred to and determined by an arbiter to be agreed upon between the County Council or the District Committee and the company or failing agreement to be nominated by the sheriff on the application of the County Council or the District Committee or the company.

59. The following provisions for the protection of John Allan Maconochie Welwood of Kirknewton (who and his successors in the estate of Kirknewton in the county of Midlothian are hereinafter referred to in this section as "the proprietor") shall unless otherwise agreed upon between the proprietor and the County Council or the District Committee apply and have effect:—

For protection of J. A. Maconochie Welwood of Kirknewton.

Notwithstanding anything in this Order contained no domestic water rate shall be imposed and levied on the lands of the proprietor (other than mines minerals and quarries) so long as the said lands shall have a proper supply from the proprietor of wholesome water for domestic purposes Provided that this exemption from domestic water rate shall not apply to any feus given off from the said lands subsequent to the commencement of this Order and provided further that if any question shall arise between the District Committee and the proprietor under this section it shall be determined by the sheriff in a summary manner who shall have regard to all the circumstances of the case and whose decision shall be final.

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For protection of
St. Cuthbert's Co-
operative
Association
Limited.

60. The following provisions for the protection of St. Cuthbert's Co-operative Association Limited and their successors (hereinafter referred to in this section as "the association") shall unless otherwise agreed upon in writing between the association and the County Council apply and have effect:—

- (1) Nothing in this Order shall alter or affect the existing rights of the association under (a) an agreement between William Wilkie of Ormiston and the County Council for behoof of the District Committee dated 11th May 1892 and registered in the Books of Council and Session 27th April 1920 (b) disposition by Archibald Hanning Wilkie of Ormiston and Bonnington in favour of the association dated 22nd July 1919 and recorded in the division of the General Register of Sasines applicable to the county of Edinburgh 30th August 1919 and (c) decree-arbitral by George Somervel Carfrae civil engineer Edinburgh dated 24th April 1920 and along with submission by the said Archibald Hanning Wilkie the said association and George Barr coal master 153 St. Vincent Street Glasgow dated 8th 16th and 22nd days of January 1920 on which the said decree-arbitral proceeded recorded in the Books of Council and Session 27th April 1920 :
- (2) Notwithstanding anything in this Order contained the County Council shall not impose or levy the domestic water rate on the subjects belonging to the association under the disposition above referred to :
- (3) In the event of a supply in excess of the quantities of water provided for under the foresaid agreement and decree-arbitral being required by the association the District Committee shall if available give to the association such additional supply of water at the meter rate for the time being in force within the area of supply :
- (4) If any difference shall arise between the County Council or the District Committee and the association under this section the same shall be

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referred to an arbiter to be appointed failing agreement by the sheriff on the application of either party. A.D. 1924.

61. The following provision for the protection of William Whitelaw of Hatton in the parishes of Ratho and Kirknewton and county of Midlothian and his successors as proprietors in said estate (hereinafter referred to in this section as "the proprietor") shall unless otherwise agreed between the proprietor and the County Council or District Committee apply and have effect:—

For protection of William Whitelaw of Hatton.

Nothing in this Order contained shall alter or affect the proprietor's right to draw a supply of water amounting to 2000 gallons a day from the water supply on the farms of Morton and Corston in the county of Edinburgh forming part of the estate of Dalmahoy in terms of the proprietor's titles to the said estate of Hatton and of all existing agreements with reference to the said 2000 gallons of water and the proprietor's right to draw the same over the existing pipes or any pipes constructed to replace the same.

62. The following provisions for the protection of Robert Dunlop Fleming of Dean Park in the parish of Currie and county of Midlothian (hereinafter referred to in this section as "the proprietor") shall unless otherwise agreed between the proprietor and the County Council or District Committee apply and have effect:—

For protection of R. D. Fleming of Dean Park.

Notwithstanding anything in this Order contained no domestic water rate shall be imposed and levied on the lands of Dean Park presently belonging to the proprietor (other than mines minerals and quarries) so long as the said lands shall have a proper supply from the proprietor of wholesome water for domestic purposes. Provided always that if any question shall arise between the District Committee and the proprietor under this section it shall be determined by the sheriff in a summary manner who shall have regard to all the circumstances of the case and whose decision shall be final.

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For pro-
tection of
Earl of
Morton.

63. The following provisions for the protection of the Right Honourable Sholto George Watson Douglas Earl of Morton and his successors in the estate of Dalmahoy (hereinafter in this section called "the proprietor") shall unless otherwise agreed upon between the proprietor and the District Committee apply and have effect:—

- (1) Nothing in this Order contained shall alter or affect the reservations burdens conditions and obligations under an agreement dated the 9th and 12th November 1896 and made between the proprietor on the one hand and the Edinburgh and district water trustees (now the corporation of the city of Edinburgh) on the other hand for the supply of water free of charge to Harperrig Farm:
- (2) Nothing in this Order contained shall alter or affect the reservations burdens conditions and obligations under an agreement dated the 4th and 23rd November 1888 between the proprietor on the one hand and the local authorities of the parishes of Kirkliston and Dalmahoy and the burgh of South Queensferry and under a relative disposition following thereon by the proprietor in favour of the said local authorities and burgh dated 2nd November and recorded in the Division of the General Register of Sasines applicable to the county of Edinburgh on 29th December 1888 the interests of the said local authorities being now vested in the Linlithgow district committee of the county of Linlithgow now the county of West Lothian for a supply of water for parts of the property of the proprietor from the South Queensferry supply main of that district committee:
- (3) Notwithstanding anything in this Order contained no domestic water rate shall be imposed and levied on the lands and estate of Dalmahoy belonging to the proprietor in the parishes of Currie Kirknewton Ratho and Mid-Calder (other than mines minerals and quarries) so long as the said lands and estate shall have a proper supply of wholesome water for domestic purposes Provided always that if any question

shall arise between the District Committee and the proprietor under this section it shall be determined by the sheriff in a summary manner who shall have regard to all the circumstances of the case and whose decision shall be final.

A.D. 1924.

64. The following provisions for the protection of George Barr of Ormiston (who and his successors in the estate of Ormiston in the county of Midlothian are hereinafter referred to in this section as "the proprietor") shall unless otherwise agreed upon in writing between the proprietor and the County Council apply and have effect:—

For protection of George Barr of Ormiston.

- (1) Nothing in this Order shall alter or affect the existing rights of the proprietor under (a) an agreement between William Wilkie of Ormiston and the County Council for behoof of the District Committee dated 11th May 1892 and registered in the Books of Council and Session 27th April 1920 (b) disposition by Archibald Hanning Wilkie of Ormiston and Bonnington in favour of the proprietor dated 11th and recorded in the Division of the General Register of Sasines applicable to the county of Edinburgh on the 18th both days of November 1919 and (c) decree-arbitral by George Somervel Carfrae civil engineer Edinburgh dated 24th April 1920 and along with submission by the said Archibald Hanning Wilkie the St. Cuthbert's Co-operative Association Limited and the proprietor dated 8th 16th and 22nd days of January 1920 on which the said decree-arbitral proceeded recorded in the Books of Council and Session 27th April 1920:
- (2) Notwithstanding anything in this Order contained the County Council shall not impose or levy the domestic water rate on the subjects belonging to the proprietor under the disposition above referred to:
- (3) In the event of a supply in excess of the quantities of water provided for under the foresaid agreement and decree-arbitral being required by the proprietor the District Committee shall if available give to the proprietor such additional supply of water at the meter rate for the time being in force within the area of supply:

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(4) If any difference shall arise between the County Council or the District Committee and the proprietor under this section the same shall be referred to an arbiter to be appointed failing agreement by the sheriff on the application of either party.

For protection of ratepayers within the Balerno and Currie special water supply districts.

65. The following provision shall have effect for the protection of the ratepayers within the Balerno and Currie special water supply districts:—

Notwithstanding anything in this Order contained for a period of ten years from the first term of Whitsunday after the commencement of this Order the County Council shall only be entitled to levy upon the subjects within the Balerno and Currie special water supply districts one-half of the domestic water rate for the time being leviable by the County Council upon the remainder of the water supply area. Provided that if the owner of any buildings constructed within the Balerno or Currie special water supply districts after the commencement of this Order shall make application to the District Committee for a supply of water to property belonging to him within these districts the District Committee shall be entitled to supply water to the property of such owner and to lay down the necessary pipes for such purposes and thereupon such owner and the occupier of the property so supplied shall be rated under the provisions of this Order in the same manner and to the same extent as other owners and occupiers of lands and heritages included within the water supply area.

As to mode of levying and recovering assessments.

66. The assessments or rates by this Order authorised shall be deemed to be assessments authorised by the Public Health Acts shall be imposed and levied and be payable and may be recovered in the same manner as nearly as may be as assessments under the provisions of the said Acts.

Application of rates and charges for—

67. The County Council shall after making provision

- (1) The expenses of collection;
- (2) The payment of interest on the money borrowed by them under this Order;

(3) The repayment by instalments or otherwise of money from time to time borrowed or the setting apart of the sinking fund in accordance with the provisions of this Order;

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pay over the balance of the several assessments or rates levied and other revenue (if any) received by them under the authority of this Order to the District Committee as the District Committee may from time to time require and the District Committee shall apply the same for the purposes of the water supply under this Order.

68. In order to raise such money as may be necessary to defray the current annual expenditure of the District Committee the County Council may borrow during the currency of any financial year in addition to the other sums by this Order authorised to be borrowed any sum or sums not exceeding in the whole one-half of the approximate amount of revenue of the District Committee for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided that such sums so borrowed shall be paid off and extinguished at or before the end of the then current year out of the moneys received by the District Committee on revenue account.

Borrowing powers for current expenses.

69. All payments penalties and forfeitures exigible under the provisions of this Order and of the Acts wholly or partially incorporated herewith (excepting any penalties which may be imposed upon the District Committee) shall under deduction of any expenses of prosecution incurred and not otherwise recovered be paid over to the District Committee and applied for the purposes of this Order.

Application of penalties.

70. Until the District Committee are supplying water for domestic purposes from the works authorised by this Order the County Council may from time to time pay all interest and instalments of principal as the same respectively may become due and require to be paid or set aside in respect of the moneys borrowed under this Order in respect of such works and shall accumulate such payments with interest at such rate as the County Council may determine not exceeding four per centum and shall subject to the provisions of this Order charge the same

County Council may pay interest and instalments of debt and charge same against domestic water rate when leviable.

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A.D. 1924. — against the rates leviable by them under this Order and when and so soon as the domestic water rate authorised by this Order shall become leviable the County Council may and they are hereby authorised and required from time to time subject as aforesaid to levy that rate to such an increased annual amount as when supplemented by the public water rate (if any) may be required to repay any moneys so accumulated by them as aforesaid within such period from the date of borrowing as they may determine not exceeding the number of years specified in the next succeeding section hereof and the moneys so accumulated shall be deemed to be capital expenditure for the purposes of this Order.

Power to
County
Council to
borrow.

71. The County Council may subject to the provisions of this Order and in the manner and under the powers of the Act of 1889 from time to time borrow the sums following :—

- (1) For the purchase of lands and servitudes two thousand seven hundred pounds;
- (2) For service tanks and relative works seven thousand two hundred pounds;
- (3) For aqueducts conduits and lines of pipes thirty thousand six hundred pounds;
- (4) For hydraulic pump four hundred and fifty pounds;
- (5) For subsidiary works twelve thousand and fifty pounds;
- (6) For the general purposes of the undertaking seven thousand pounds:

And the County Council may make and grant mortgages or other securities of the water assessments and rates rents and charges in the manner authorised by the Act of 1889 in security of the money so borrowed and interest thereon and any sums so to be borrowed may be borrowed on terms of the repayment thereof by annuity instalment or otherwise.

Repayment
of borrowed
money.

72. The County Council shall pay off all moneys to be borrowed by them under this Order for the purposes of the undertaking in the manner provided by the Act

of 1889 within the respective periods following (that is to say) :— A.D. 1924.

As to moneys borrowed for the purpose (1) mentioned in the immediately preceding section of this Order within sixty years from the date or dates of borrowing the same :

As to moneys borrowed for the purpose (2) mentioned in that section within fifty years from the date or dates of borrowing the same :

As to moneys borrowed for the purpose (3) mentioned in that section within forty years from the date or dates of borrowing the same :

As to moneys borrowed for the purposes (4) (5) and (6) mentioned in that section within thirty years from the date or dates of borrowing the same.

73. The sums borrowed by the County Council under the authority of this Order shall be paid to the District Committee as the District Committee may from time to time require and shall be applied by the District Committee only to purposes to which capital is properly applicable. Application of moneys borrowed.

74. All offences against the provisions of this Order or of any of the Acts incorporated with the same respectively or against any of the byelaws of the District Committee may be prosecuted and all penalties and forfeitures in respect of offences against any of such provisions or byelaws (except any penalties which may be imposed on the District Committee) may be recovered by and in the name of the District Committee under the Summary Jurisdiction Acts. Prosecution of offences.

75. All mortgages to be granted by the County Council for the purposes of this Order and transferences or assignments and discharges thereof may be in the forms contained in the Second Schedule to the Public Health (Scotland) Act 1897 with such modifications as may be required to suit the circumstances of the case. Form of mortgage.

76. Every mortgage to be granted by the County Council for the purposes of this Order shall in addition to being sealed be signed by two of the members of the County Council and the county clerk. Provided always that no county councillor or official holding office under the County Council shall by his subscription of any such Manner in which mortgages to be executed.

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A.D. 1924. mortgage be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed or any interest thereon or of any sums whatsoever in respect thereof.

Transfer of mortgages. 77. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed or by indorsation on the mortgage duly stamped wherein the consideration shall be truly stated.

Transfer of mortgages in case of bankruptcy. 78. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the County Council official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred.

Mortgages of rates to be personal estate. 79. All mortgages and all moneys advanced and lent on the security of the assessment rates rents and charges under this Order shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Discharge of mortgages. 80. Any person entitled to any mortgage granted by the County Council under the authority of this Order may discharge the same and his right and interest therein in favour of the County Council and every such discharge may be written on the mortgage and such discharge when signed by the person entitled to such mortgage shall be valid and effectual to all intents and purposes.

Protection of lender from inquiry. 81. No person lending money to the County Council shall be bound to inquire as to the observance by the County Council of any provisions of this Order or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Audit of accounts. 82. Sections 68 69 and 70 of the Act of 1889 relating to accounts and audit shall apply to the accounts of the County Council (including those of the District Committee) under the provisions of this Order and to the audit of such accounts.

Costs of Order. 83. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by

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the County Council out of the public health general assessment leviable within the Calder district of the county or out of the moneys to be borrowed under the authority of this Order or out of any other moneys which the County Council may legally apply to such purpose but in the event of such costs being paid out of borrowed money the same shall be repaid within five years from the commencement of this Order.

A.D. 1924.

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