



## CHAPTER lxxxvi.

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

**W**HEREAS 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      62 & 63 Vict.  
Procedure (Scotland) Act 1899 and it is requisite that the      c. 47.  
said Order should be confirmed by Parliament :

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      Confirma-  
hereunto annexed shall be and the same is hereby      tion of  
confirmed.      Order in  
schedule.

2. This Act may be cited as the Edinburgh      Short title.  
Corporation Water Order Confirmation Act 1924.

A.D. 1924.

SCHEDULE.

EDINBURGH CORPORATION WATER.

*Provisional Order to consolidate with amendments the Acts and Orders relating to the water undertaking of the Corporation of the City and Royal Burgh of Edinburgh to confer further powers upon the Corporation in respect of the said undertaking and for other purposes.*

WHEREAS the lord provost magistrates and council of the city and royal burgh of Edinburgh (hereinafter referred to as "the Corporation") are vested with the municipal government of the city and royal burgh of Edinburgh (hereinafter referred to as "the city") and are the local authority therein for various purposes under among others the Edinburgh Municipal and Police Acts 1879 to 1922 :

And whereas by virtue of the provisions of the Edinburgh Boundaries Extension and Tramways Act 1920 the undertaking of the Edinburgh and District Water Trust was transferred to and vested in the Corporation and the said trust was dissolved and the Corporation were constituted the water authority in lieu and place of the said trust :

And whereas the Acts and Orders relating to the water undertaking of the Corporation are very numerous and many of their provisions have been superseded by subsequent legislation and ought to be repealed and it would be of local and public advantage if such of the provisions of the said Acts and Orders as it is deemed expedient to retain were consolidated with certain amendments and additions into one Order :

And whereas it is expedient at the same time to extend in various respects the powers of the Corporation relating to matters comprised in those enactments :

And whereas it is expedient that the other powers contained in this Order should be conferred upon the Corporation :

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:—

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PART I.

PRELIMINARY.

1. This Order may be cited as the Edinburgh Corporation Water Order 1924 and shall commence and have effect on and from the sixteenth day of May one thousand nine hundred and twenty-five which date is in this Order referred to as "the commencement of this Order."

Short title and commencement of Order.

2. This Order is divided into Parts as follows:—

Division of Order into Parts.

Part I.—Preliminary.

Part II.—Water Rights Lands &c.

Part III.—Supply of Water.

Part IV.—Water Rates and Charges.

Part V.—Miscellaneous.

Part VI.—Repeal of Acts and Savings.

3. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes of and are not inconsistent with the provisions of this Order) are hereby incorporated with this Order and shall apply to the water undertaking of the Corporation:—

Incorporation of Acts.

(1) The Lands Clauses Acts;

(2) The Waterworks Clauses Act 1847 with the following exceptions (that is to say) sections 44 to 47 inclusive sections 68 70 71 73 and 75 to 83 inclusive;

(3) The Waterworks Clauses Act 1863.

For the purposes of the Acts wholly or partly incorporated herewith this Order shall be deemed to be "the special Act" and the Corporation shall be deemed to be "the undertakers" within the meaning of any such Acts.

4. In this Order unless there is something in the subject or context repugnant to such construction—

(a) The several words and expressions to which meanings are assigned by the Acts wholly or

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Interpre-  
tation.

partially incorporated herewith shall have the same respective meanings; and

(b) The following words and expressions shall have the meanings hereinafter respectively assigned to them (that is to say):—

“ Act of 1874 ” means the Edinburgh and District Waterworks (Additional Supply) Act 1874;

“ Act of 1876 ” means the Edinburgh and District Waterworks Act 1876;

“ Act of 1920 ” means the Edinburgh Boundaries Extension and Tramways Act 1920;

“ Burgh assessor ” means the assessor for the time being appointed by the Corporation under and for the purposes of the Acts in force for the time being relating to the valuation of lands and heritages;

“ City ” means the city and royal burgh of Edinburgh according to the boundaries thereof at the commencement of this Order;

“ City collector ” means and includes the collector for the time being appointed by the Corporation for the collection of assessments under the Edinburgh Municipal and Police Acts or this Order and such other officer or officers as the Corporation may from time to time appoint to collect the rates and charges authorised to be imposed by this Order;

“ Corporation ” means the lord provost, magistrates and council of the city and royal burgh of Edinburgh for the time being;

“ Dwelling-house ” means and shall include all premises used or occupied wholly or partly by any person or persons for residential purposes;

“ Edinburgh Municipal and Police Acts ” means the Edinburgh Municipal and Police Acts in force in the city for the time being;

“ Lands and heritages ” and “ premises ” mean and shall include lands and heritages as defined in the Acts in force for the time being relating to the valuation of lands and heritages;

“ Occupier ” means and shall include tenant and sub-tenant and the actual possessor of any land and heritages but shall not include a lodger or person in the occupation as tenant of a furnished house let for a less period than one year but shall include the person by whom such furnished house is so let; A.D. 1924.

“ Order of 1914 ” means the Edinburgh and District Water Order 1914;

“ Order of 1919 ” means the Edinburgh Corporation Order 1919;

“ Order of 1921 ” means the Edinburgh Corporation Order 1921;

“ Order of 1922 ” means the Edinburgh Corporation Order 1922;

“ Owner ” means and shall include joint owner fiar life renter feuwar bondholder in possession or other person in the actual possession or receipt of the rents of lands and heritages of every tenure or description and the factor agent or commissioner of such persons or any of them or any other person who shall intromit with or draw the rents;

“ Sheriff ” means the sheriff of the Lothians and Peebles and except where expressly limited to the sheriff includes his substitutes or any one of them;

“ Suburban areas ” means the areas (other than the then burgh of Leith) added by the Act of 1920 to the then existing city of Edinburgh;

“ Town clerk ” means the town clerk of the city and royal burgh of Edinburgh for the time being;

“ Valuation roll ” and “ supplementary valuation roll ” mean the valuation roll made up in pursuance of the Acts in force for the time being relating to the valuation of lands and heritages and any supplementary valuation roll made up in accordance with the said Acts and the Edinburgh Municipal and Police Acts;

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*Corporation Water Order Confirmation Act, 1924.*

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“Water Acts” means the Acts and Orders relating to the Water Undertaking mentioned in Part I. of the Third Schedule to this Order and this Order and any other Act or Order relating to the water undertaking;

“Water engineer of the Corporation” means and shall include the person or persons for the time being appointed by the Corporation to act as engineer for the purposes of the Water Acts;

“Water trustees” means the Edinburgh and District Water Trustees existing prior to the Act of 1920;

“Water undertaking” means and includes all the waterworks of the Corporation and all lands minerals railways properties buildings streams springs wells reservoirs cisterns machinery plant tanks aqueducts sluices mains pipes culverts servitudes wayleaves rights powers and privileges for the time being belonging to or held or used or enjoyed by the Corporation for or in relation to or in connection with waterworks and the diversion collection storage protection and distribution of water or otherwise for or in relation to or in connection with the supply of water by them.

PART II.

WATER RIGHTS LANDS &c.

Water undertaking to continue vested in Corporation.

5. Subject to the provisions of this Order the water undertaking as it exists and as it is used and enjoyed by the Corporation at the commencement of this Order and the existing works lands and properties and all rights powers and privileges of every description of or pertaining to the water undertaking which at the commencement of this Order are vested in the Corporation shall be and continue to be vested in the Corporation and held exercised and enjoyed by them.

Power to maintain extend or renew undertaking &c.

6. Subject to the provisions of this Order the Corporation may maintain and use the water undertaking and they may lay down extend alter renew relay replace enlarge and duplicate or increase the number and size of

the works (other than reservoirs) mains pipes filters filter beds tanks and other works and conveniences from time to time in use or required for storing filtering conveying or distributing water for the purposes of the water undertaking. Provided always that such extension enlargement or increase shall be executed only on lands or property belonging to the Corporation 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 they are by the Waterworks Clauses Acts 1847 and 1863 and this Order entitled to open and break up for such purposes. A.D. 1924.

7. Nothing in this Order shall exonerate the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. Nuisance.

8. Subject to the provisions of this Order the Corporation may by means of the works vested in them by the section of this Order the marginal note of which is "Water undertaking to continue vested in Corporation" continue to collect impound take use divert or appropriate for the purposes of the water undertaking the waters of all springs lochs rivers and streams which the Corporation at the commencement of this Order are authorised or entitled to collect impound take use divert or appropriate but only to the extent to which they have received statutory authority and have legal right or title thereto and subject to the whole conditions and obligations which affect their rights. Power to continue to take or impound water.

9. Subject to the provisions of this Order the Corporation may at any time for the purpose of repairing examining emptying or cleansing any reservoir filter tank aqueduct conduit or pipe of the Corporation cause the water in any such reservoir filter tank aqueduct conduit or pipe to be temporarily discharged into any available drain stream or watercourse. Temporary discharge of water into streams &c.

In the exercise of the power conferred by this section the Corporation 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 power.

10. The Corporation may at any time for the purposes of conveying water from any of the sources of their water Laying mains on public roads.

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supply or for distributing and supplying water under the provisions of this Order lay down make maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway whether within or beyond the limits of supply and repair renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section Provided that the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply for the purposes

Power to hold and acquire lands.

11.—(1) The Corporation may retain and hold all lands vested in or acquired by them for the purposes of the water undertaking at the commencement of this Order and no part of such lands shall be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

(2) The Corporation may in addition from time to time purchase by agreement and hold any other lands not exceeding one hundred acres for the purposes of or in connection with the water undertaking.

(3) The Corporation 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 any of the drainage areas of the waterworks of the Corporation and of protecting their water supply against pollution nuisance encroachment or injury.

Limiting powers of Corporation to abstract water.

12. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in the Water Acts or in this Order or some other Order confirmed by or having the effect of an Act of Parliament or in some Act of Parliament.



13. 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 Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of the water undertaking in over or affecting any such lands and the provisions of the said Acts with respect to lands and feu-duties or ground annuals as far as the same are applicable in this behalf shall extend and apply to such servitudes rights and privileges as aforesaid respectively.

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Power to grant servitudes &c.

14. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands or with any local authority within the drainage area of any reservoir or work belonging to the Corporation with reference to the execution by the Corporation or such owners lessees or occupiers or local authority of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting or conveying or preserving the purity of the waters authorised to be collected impounded taken used diverted and appropriated by the Corporation flowing to or upon or from such lands directly or derivatively into such reservoirs or works.

Power to agree as to drainage of lands.

15. Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act 1845 the Corporation may from time to time sell feu lease or otherwise dispose of any land vested in or belonging to them for the purpose of the water undertaking or that may be acquired under the provisions of this Order and that on such terms conditions reservations and restrictions as regards its use as to the Corporation may seem fit Provided that the proceeds of the sale of any lands by the Corporation shall only be applied to the purposes of the water undertaking to which capital is properly applicable including the redemption of debt.

Power to dispose of lands.

16. The Corporation may acquire or purchase by agreement any mains and pipes which may have been constructed by any other authority body or person and the same when acquired or purchased may be held

Power to purchase water mains and pipes.

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Purchase of sporting and other rights.

17. The Corporation and the owner lessee or occupier of any fishing shooting sporting boating or other rights in over or on any of the reservoirs of the Corporation or over any adjoining lands belonging to the Corporation may enter into and carry into effect agreements for the acquisition by the Corporation of any such rights and on the acquisition by the Corporation of any such rights the provisions of the Water Acts so far as they prohibit the Corporation from exercising the rights so acquired shall notwithstanding the provisions of the section of this Order the marginal note of which is "Repeal of Acts &c." be and the same are hereby repealed.

Application of Public Health (Scotland) Act (1897) Amendment Act 1911.

18. The provisions of the Public Health (Scotland) Act (1897) Amendment Act 1911 shall extend and apply to the Corporation and the Corporation shall be deemed to be included within the expression "body of Trustees" or Commissioners authorised to supply water by any "local Act" contained in the said Act.

For protection of reservoirs &c. from pollution.

19. The Corporation may on any lands vested in them or which they may acquire for the purposes of the water undertaking construct all such drains channels and other works as they may think necessary or desirable for preventing sewage or polluting liquids or contaminating or impure water from entering or polluting any of the reservoirs conduits or watercourses of the Corporation or any waters flowing into the same.

Acquisition of minerals by agreement.

20. The Corporation may for the protection of the water undertaking from injury by subsidence or otherwise by agreement purchase acquire and hold any mines or minerals under any lands for the time being vested in the Corporation for the purposes of the water undertaking or under any lands in or through which they possess servitudes or wayleaves or under any lands in on or through which any works aqueducts or lines of pipes of the Corporation are for the time being situate or pass or under any land adjoining any such lands respectively.

Dwelling-houses and other buildings in con-

21. The Corporation may erect purchase or take on lease dwelling-houses for such of the keepers of reservoirs water officers foremen or workmen employed by them in

connection with the water undertaking as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed and they may also erect purchase or take on lease such buildings as they deem requisite for the purposes of the water undertaking or as may be required for or in connection with any lands for the time being belonging to or held by the Corporation for the purposes of the water undertaking.

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nection with  
water under-  
taking.

22. The Corporation may plant with trees any land vested in them or which may be acquired for the purposes of or in connection with the water undertaking under the provisions of this Order which they may deem suitable for afforestation and the exercise of the power conferred by this section shall be deemed to be a purpose to which capital may be applied.

Power to  
afforest  
lands.

23. The compensation water amounting in all to four hundred and ninety-three thousand gallons per day to be provided under section 15 (Compensation at Newbattle Paper Mills and to proprietors of Arniston Kirkhill Dalhousie Newbattle and Dalkeith) of the Act of 1874 may be provided by the Corporation from the main conduit between Gladhouse reservoir and Alnwickhill filters either by means of the existing iron pipe which has been laid through the estates of Rosebery Arniston Kirkhill Dalhousie and Newbattle as far as the estate of Dalkeith or by means of such other pipe or pipes as may be provided by the Corporation at their own expense and the supply of water to be given to the town of Dalkeith under the provisions of section 30 (Supply to Dalkeith) of the Act of 1876 may be furnished by the Corporation by means of the said existing iron pipe and Conduit No. 1 of the said Act or in such other way as the Corporation may determine and the Corporation shall be entitled if and when they think fit to supply persons other than those referred to in the said section 15 of the Act of 1874 from the said existing iron pipe Provided that any supply to such other persons (a) shall not prejudicially affect or restrict the supplies to be provided as aforesaid under the provisions of the said section 15 of the Act of 1874 or under the provisions of the said section 30 of the Act of 1876 and (b) shall not unless with the consent of the said proprietors exceed fifty thousand gallons per day.

Provisions  
as to pipe  
for supply-  
ing certain  
estates.

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Colinton  
Tramways  
Company  
authorised  
to convey  
lands in con-  
nection with  
the new line  
of water  
pipes.

24. For the purpose of enabling the Corporation to lay and maintain a line of main water pipes through lands belonging to and vested in the Colinton Tramways Company incorporated by the Colinton Tramways Order 1909 the said company may and they are hereby authorised and empowered to sell and convey to the Corporation the bridge erected by the company at Slateford within the city over the Edinburgh and Glasgow Union Canal in virtue of the powers contained in the said Order together with the abutments and ironworks thereof and certain pieces of land and heritable rights described in the agreement made between the Corporation the said company and George Mackenzie Brown publisher Edinburgh Colin Mackenzie Black writer to the Signet Edinburgh and William Purves writer to the Signet Edinburgh the whole members of and as trustees for the incorporated company or syndicate called the Colinton Tramways Trust dated the nineteenth twenty-fourth and twenty-seventh days of July and recorded in the Books of Council and Session the ninth day of August all in the year nineteen hundred and twenty-two and on and from the date of entry of the Corporation to the said subjects and rights the same may be held maintained and used by the Corporation.

### PART III.

#### SUPPLY OF WATER.

Limits of  
supply.

25. The limits of this Order for the supply of water by the Corporation (in this Order referred to as "the limits of supply") are and shall be:—

- (a) The city;
- (b) The parishes of Lasswade Newton and Cockpen in the county of Mid Lothian; and
- (c) The parish of Inveresk in the said county with the exception of the area of supply administered by the provost magistrates and councillors of the burgh of Musselburgh as the Musselburgh and Dalkeith Water Trustees under the provisions of the Musselburgh and Dalkeith Water Act 1871;

and the limits of this Order for the compulsory supply of water by the Corporation (in this Order referred to as "the compulsory area") are and shall be the city.

26. The Corporation shall so far as not already done cause pipes to be laid and water to be brought throughout all the streets within the compulsory area and shall at the request of the owner or occupier of any dwelling-house or other premises situated within the compulsory area furnish to such owner or occupier by means of communication pipes and other necessary and proper apparatus to be provided laid down and maintained by and at the cost of such owner or occupier a sufficient supply of water for domestic purposes in any such dwelling-house or other premises as aforesaid or in any domestic offices or other pertinents of the same.

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Domestic supply within compulsory area.

27.—(1) The Corporation shall at the request of the owner or occupier of any dwelling-house or other premises situated within the limits of supply but beyond the compulsory area entitled to demand a supply of water for domestic purposes furnish to such owner or occupier by means of communication pipes and other necessary and proper apparatus to be provided laid down and maintained by and at the cost of such owner or occupier a sufficient supply of water for domestic purposes in any such dwelling-house or other premises as aforesaid or in any domestic offices or other pertinents of the same.

Domestic supply beyond compulsory area.

(2) No such owner or occupier shall be entitled to demand such supply of water or to require the Corporation to lay down pipes for giving such supply unless some pipe of the Corporation shall have been laid within one hundred yards of the premises in respect of which such supply of water or pipes are demanded measuring from the outer wall of such premises or unless the Corporation 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 one hundred yards of such premises.

(3) Where a dwelling-house to which any such requisition applies has been or may hereafter be erected at such a height that water cannot be supplied or afforded thereto by gravitation from the existing service reservoirs or tanks the Corporation shall not be bound to supply water to such dwelling-house but shall give when practicable an intermittent supply thereto on the owner or occupier providing and maintaining at his own expense suitable cisterns and other apparatus for the reception and storage of the water.

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Supply for  
other than  
domestic  
purposes.

28. Subject to the provisions of this Order the Corporation shall at the request of any owner or occupier of any premises in or adjoining any street within the limits of supply in which any water pipe of the Corporation is laid furnish to such owner or occupier by means of communication pipes and other necessary and proper apparatus to be provided laid down and maintained by and at the cost of such owner or occupier a supply of water for other than domestic purposes and a supply of water for domestic purposes shall not include a supply of water for cattle or for horses or for washing carriages motor cars or other vehicles or for watering gardens or for fountains or ornamental purposes or for steam engines or railway purposes or for shipping or for heating any premises other than dwelling-houses or for any machine or apparatus or for or through a hose pipe or similar apparatus for any purpose or for any trade manufacture business or occupation or for hotels taverns public-houses or restaurants or for any extraordinary purpose (all which supplies are hereinafter in this Order included in the expressions "trade supply" or "trade purposes") Provided as follows:—

- (1) In the case of a stable motor-car-house or other premises (in which horses carriages motor-cars or other vehicles are kept for private use) occupied along with any private dwelling-house the water supplied for domestic purposes may be used for horses carriages motor-cars or other vehicles kept in such stable motor-car-house or other premises if the domestic water rate is assessed upon the annual rent or value of the private dwelling-house including such stable motor-car-house or other premises and no additional charge shall be made for water supplied to such stable motor-car-house or other premises unless a hose pipe or similar apparatus is used in which case an additional charge as hereinafter provided for shall be made.
- (2) In the case of a garden occupied as a pertinent of a private dwelling-house and assessed therewith for the domestic water rate no additional charge shall be made for water supplied for watering the garden when the water is carried in vessels and by the hand only from the interior of the dwelling-house to which the garden is a pertinent.

29. The supply of water for trade purposes within the limits of supply shall not prejudicially affect or restrict the supply of water from time to time required for domestic purposes within the limits of supply and the supply of water for trade purposes within the limits of supply but beyond the compulsory area shall not prejudicially affect or restrict the supply of water from time to time required for trade purposes within the compulsory area.

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Certain supplies of water not to be prejudiced.

30. The Corporation shall give a sufficient supply of water to His Majesty's Castle of Edinburgh by means of an iron pipe communicating with the tanks or reservoirs in the said castle (such tanks or reservoirs not being above the level of the present reservoirs supplied by the Corporation) and the Corporation shall at all times keep the said pipe in good and sufficient repair and condition and shall give in perpetuity to the said castle a continuous supply of water equal to sixty-seven thousand two hundred gallons per week (accidents by the breaking of the said pipe inclemency of weather or during the necessary repair of the pipes respectively excepted) in consideration of which supply the Corporation shall be entitled to charge a net annual sum of sixty pounds payable by the appropriate Government Department free and clear of any deductions Provided (1) that if more than the said quantity of sixty-seven thousand two hundred gallons per week shall at any time be required the said Department shall pay a further price or sum for such additional quantity in proportion to the said price agreed to be paid for the weekly supply before mentioned and (2) that in the event of less than the said quantity of sixty-seven thousand two hundred gallons per week being taken the quantity taken shall be paid for at the meter rate in force for the time being but such last-mentioned payment shall not exceed sixty pounds per annum.

Supply of water for Edinburgh Castle.

31. The Corporation within the compulsory area shall furnish gratuitously from the public firecocks in the streets and by means of such other appliances as may from time to time be provided for the purpose a supply of water for extinguishing fires watering and washing the streets lanes closes and pavements flushing or cleansing sewers drains and gutters ventilating sewers and for public urinals and conveniences and for other public sanitary purposes.

Supplies for extinguishing fires and other purposes.

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Supplies for  
municipal  
and police  
purposes.

32. The Corporation may either gratuitously or on such terms and conditions as may from time to time be determined furnish supplies of water to the city chambers or to the police stations or other premises within the compulsory area occupied for the purpose of the police force or public baths or washhouses or other premises exclusively occupied for municipal or police purposes of the Corporation.

Supplies for  
Royal In-  
firmary &c.

33. The Corporation shall furnish a supply of water free of charge to the following premises of the institutions after mentioned (that is to say):—

- (a) The premises of the Edinburgh Royal Infirmary situated at Lauriston Place within the city;
- (b) The premises of the House of Refuge for the Destitute situated at No. 64 Canongate within the city;
- (c) The premises of the Leith Hospital situated at Mill Lane Leith within the city; and
- (d) The premises forming the Calton Prison situated at the Calton Hill within the city so long as the same continue to be used for the purposes of a prison:

Provided that the expense of laying maintaining and upholding the pipes for conducting the said respective supplies of water shall be defrayed by the managers of the Royal Infirmary the managers of the House of Refuge for the Destitute the directors of Leith Hospital and the Prison Commissioners for Scotland so far as the said authorities respectively are concerned and the domestic water rate and the public water rate shall not be imposed in respect of the said premises of these institutions.

Public wells  
&c.

34. The Corporation may supply in such places within the compulsory area as they may determine public wells stand-pipes watering troughs and drinking fountains from which water may be drawn for drinking and domestic purposes and every person who without the written consent of the Corporation takes water from any such public wells stand-pipes watering troughs and drinking fountains for any purpose other than domestic use or for drinking shall for every such offence be liable to a penalty not exceeding five pounds.

Power to  
supply  
water be-  
yond limits  
of supply.

35. The Corporation may enter into and carry into effect agreements with any local authority water trustees water board company or person for the supply of water beyond the limits of supply to any such authority trustees



board company or person respectively in bulk or otherwise for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that—

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- (1) Such supply shall not prejudicially affect or restrict the supply of water for any purpose within the limits of supply;
- (2) Such supply shall not be given except with the consent of any local authority water trustees water board company or person supplying water under Parliamentary authority within the district to be supplied;
- (3) Nothing in this section shall prevent the Corporation giving a supply under any existing agreement.

36. The Corporation may subject to the provisions of this Order agree with any person for supplying him with water by measure and may require any person supplied with water for trade purposes to take and pay for his supply by measure and in both cases a meter for ascertaining the quantity consumed shall be provided by the Corporation at a reasonable rent to be fixed by the Corporation as hereinafter provided and any person supplied with water by measure shall provide where necessary and not already done at his own cost a suitable meter chamber.

Supply of  
water by  
measure.

37. The Corporation shall not be bound to supply with water otherwise than by measure (a) any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for a trade purpose for which water is required (b) any shop office warehouse or other premises where water is used for trade purposes or (c) any poorhouse hospital nursing home asylum sanatorium school common lodging-house hotel club or any boarding-house or institution which is habitually occupied by at least twelve persons:

Supply to  
houses  
partly used  
for trade &c.

Provided that in the case of a supply of water by measure to any hospital nursing home asylum or sanatorium wholly or partly supported by endowments or voluntary contributions and not carried on for purposes of profit or gain the Corporation shall allow from the charge for such supply calculated on the basis of the rate for the time being charged by the Corporation for supplies of a like quantity by measure a discount of

A.D. 1924. such amount (not being less than fifty per centum of such charge) as the Corporation may from time to time determine.

Penalty for using water for other than agreed purpose.

38. Subject to the provisions of this Order every person taking any water of the Corporation and not having previously agreed with the Corporation for a supply and every person having agreed with the Corporation for a supply of water for a particular purpose and using or permitting to be used for any purpose other than the purpose so agreed on the water so supplied by the Corporation shall for every such offence be liable to a penalty not exceeding ten pounds and shall in addition to such penalty make full compensation to the Corporation for or in respect of the water so used taken or misapplied.

Maintenance of common pipe.

39. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expense from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the water engineer of the Corporation.

Corporation not bound to supply several houses by one pipe.

40. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

Power to lay pipes in private streets.

41. The Corporation may on the application of the owner or occupier of any premises within the limits of supply abutting on or being erected in any street which has been laid out but is not maintained as a public street supply such premises with water and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Order.

As to breaking up ground for maintaining communication pipes.

42. 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.

43. The water to be supplied from any main or pipe of the Corporation need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations nor be supplied in any case at a level higher or at a pressure greater than can be supplied or afforded by gravitation from the service reservoirs or tanks from which the supply is taken. A.D. 1924.  
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Pressure.

44. The Corporation shall not be required to supply water within the compulsory area at a height within the respective districts greater than the respective heights above ordnance datum level hereinafter prescribed (that is to say) :— Limitation  
of height  
for water  
supply.

District marked No. 1	-	-	-	100 feet
District marked No. 2	-	-	-	120 feet
District marked No. 3	-	-	-	140 feet
Districts marked Nos. 4 and 5	-	-	-	160 feet
District marked No. 6	-	-	-	180 feet
District marked No. 7	-	-	-	200 feet
Districts marked Nos. 8 and 9	-	-	-	220 feet
District marked No. 10	-	-	-	240 feet
Districts marked Nos. 11 12 and 13	-	-	-	260 feet
Districts marked Nos. 14 and 15	-	-	-	280 feet
District marked No. 16	-	-	-	300 feet
District marked No. 17	-	-	-	320 feet
Districts marked Nos. 18 and 19	-	-	-	340 feet
District marked No. 20	-	-	-	360 feet
Districts marked Nos. 21 and 22	-	-	-	400 feet
District marked No. 23	-	-	-	440 feet
District marked No. 24	-	-	-	500 feet
District marked No. 25	-	-	-	550 feet

The districts hereinbefore in this section mentioned are shown on a plan in duplicate signed by the Right Honourable the Earl of Liverpool Chairman of the Commissioners to whom this Order was referred one of which signed plans shall be deposited within one month from the commencement of this Order at the Scottish Office Whitehall London and the other signed plan shall be deposited in the office of the town clerk which latter plan shall be open to the inspection of all persons interested at all reasonable times Provided always that the Corporation shall not be bound to supply water to within thirty feet of any of the heights respectively hereinbefore in this section specified between the hours of nine of the

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*Corporation Water Order Confirmation Act, 1924.*

A.D. 1924. — clock in the forenoon and five of the clock in the afternoon of any day Provided also that where houses or buildings have been or may be erected within any of the districts hereinbefore in this section mentioned whereof any storey is at a greater level than the prescribed height an intermittent supply of water shall be given when practicable on the owners or occupiers of such houses or buildings providing and maintaining at their own expense suitable cisterns and other apparatus for the reception and storage of the water.

Corporation to connect communication pipes with mains.

45. The Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall on the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation and subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes execute on any such main any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expense incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting.

Power to Corporation to repair communication pipes.

46. If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which is situate in a street and which communication pipe the Corporation 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 Corporation subject to the provisions of the Waterworks Clauses Act 1847 with regard to the breaking up of streets for the purpose of laying pipes 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 Corporation in executing such repairs shall be recoverable by the Corporation 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.

Tube or hose not to be affixed to

47. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Corporation to affix or suffer to be affixed without the

written consent of the Corporation any tube or hose to any of the mains or pipes of the Corporation or to any communication pipe or apparatus of such owner or occupier for the purpose of washing horses carriages motor cars vehicles houses buildings or windows or for watering gardens or washing pavements or roads or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding forty shillings.

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mains or pipes without consent of Corporation.

48. No person shall attach any pipe or apparatus to any of the works of the Corporation or to any main pipe or apparatus connected therewith or alter or interfere with the same or make any alteration other than necessary repairs on any communication pipe or apparatus or extend or enlarge the same without the written consent of the Corporation and any person who contravenes this enactment shall be guilty of an offence and shall for every such offence be liable to a penalty not exceeding forty shillings.

Pipes not to be attached to Corporation works or alterations made on private pipes without consent.

49. The Corporation may remove any pipe or apparatus affixed in contravention of this Order or any Act incorporated herewith or restore to its former state any existing pipe or apparatus altered in contravention thereof and the expense of such removal or restoration shall be payable by the person affixing such pipe or apparatus or making such alteration without the written consent of the Corporation.

Pipes attached or altered without notice may be removed.

50. Every person who shall without the written consent of the Corporation extend or enlarge any pipe or use other means or device for the purpose of supplying any other person or any premises other than his own with water from any of the works of the Corporation shall be liable to a penalty not exceeding five pounds for each such offence.

Penalty for extending or enlarging pipes.

51. Every person who shall wilfully or negligently close or shut off or interfere with any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water shall be interfered with shall (without prejudice to any other right or remedy of the Corporation) be liable on conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover from such person the amount of any damage by

Penalty for closing valves and apparatus.

A.D. 1924.      them sustained      Provided that this section shall not apply  
—      to a consumer closing any valve on his communication  
pipe.

Power to  
Corporation  
to re-washer  
water  
fittings.

52. The Corporation may re-washer any water fittings belonging to any person supplied by them with water and may recover from such person the expenses of the Corporation in providing the necessary materials and workmanship.

Injuring  
meters &c.

53. 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 Corporation 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 Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover from such person the amount of any damage by them sustained.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation 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 Corporation the Corporation 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 insuring 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 Corporation by the person so offending. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as

the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.      A D. 1924.

54.—(1) The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size and materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans 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 shall apply in the case of all premises supplied with water by the Corporation.

Byelaws for preventing waste of water.

(2) Byelaws made by the Corporation under this Order shall not take effect unless and until they have been submitted to and approved by the sheriff who is hereby empowered to allow modify or disallow the same as he shall think proper nor shall any such byelaws be confirmed:—

Unless notice of intention to apply for confirmation of the same has been given in one or more newspapers circulating within the city one month at least before the making of such application; and

Unless for one month at least before any such application is considered a copy of the proposed byelaws has been kept at the office of the town clerk and has been open during office hours thereat to inspection without charge.

Any person aggrieved by any proposed byelaw or by any proposed alteration of a byelaw may within such last-mentioned month forward notice of his objection to the sheriff who shall consider the same before granting confirmation. The town clerk shall on the application of any ratepayer furnish him with a copy of such proposed byelaw or any part thereof. A byelaw when confirmed by the sheriff shall not require confirmation allowance or approval by any other authority.

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(3) The Corporation may from time to time repeal or with the approval of the sheriff alter or amend any byelaws made by the Corporation under this Order and such byelaws and any alterations and amendments thereof shall be printed and have affixed thereto the signatures of two members of the Corporation and the town clerk. The byelaws shall be open to the inspection of any ratepayer at all reasonable hours and a copy of the same shall on application be furnished to any ratepayer. A copy of any byelaws made by the Corporation under this Order signed and certified by the town clerk to be a true copy and to have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws without further or other proof.

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

(5) Byelaws made by the Corporation under this Order shall not apply to any premises supplied with water by the county council of Midlothian out of bulk supplies furnished by the Corporation or to any premises supplied with water by any local authority water trustees or water board out of bulk supplies furnished by the Corporation under the provisions of the section of this Order the marginal note of which is "Power to supply water beyond limits of supply."

(6) For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

Power to  
cut off  
water in  
case of con-  
travention.

55. If and whenever any person supplied with water under this Order wilfully does or causes or suffers to be done anything in contravention of any of the provisions of this Order or wilfully fails to do anything which thereunder ought to be done for the prevention of waste misuse or contamination or undue consumption of water the Corporation may cut off or stop any pipe by or through



which water is supplied to him and may cease to supply him with water so long as the cause of injury remains or is not remedied and also may recover from every person so offending the amount of any damages sustained by reason thereof and the remedies of the Corporation under this section shall be in addition to their other remedies in this behalf. A.D. 1924.

56. 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 forty-eight hours after notice in writing so to do by the Corporation or by any officer of the Corporation the Corporation or any person authorised by them may enter upon such premises and repair renew and make watertight all such apparatus and the Corporation 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 this Order for the recovery of penalties 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 expense 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. Corporation may repair apparatus on failure by owner or occupier.

57. In all cases in which the Corporation are by this Order or by any Act incorporated herewith authorised to cut off the pipe or to turn off water from any premises and in all cases in which any premises which shall have been supplied with water by the Corporation shall have become unoccupied the Corporation their agents and workmen (after giving notice to the owner or occupier) may enter into any such premises between the hours of nine of the clock in the forenoon and five of the clock in the afternoon for the purpose of cutting off any pipe Entry on premises to cut off supply.

A.D. 1924. — by which the water of the Corporation shall be supplied to such premises and may remove any pipe meter fittings or apparatus the property of the Corporation.

Power to enter premises for examination.

58. Any officer of the Corporation duly appointed for the purpose by them may between the hours of nine of the clock in the forenoon and five of the clock in the afternoon enter any premises supplied with water by the Corporation in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water either for the purpose of ascertaining the quantity consumed or supplied or to see whether the meters pipes fittings cisterns or other apparatus be in good repair and whether there be any waste misuse or contamination of such water and if such officer at any such time be refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier shall for every such offence be liable to a penalty not exceeding five pounds.

Notice of discontinuance.

59. A notice to the Corporation 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 of the water engineer of the Corporation or be given by the consumer personally at such office.

For protection of London and North Eastern and London Midland and Scottish Railway Companies.

60. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (hereinafter in this section called for their respective interests "the company") shall notwithstanding the provisions of this Order and unless otherwise agreed between the company and the Corporation apply and have effect (that is to say):—

- (1) The Corporation shall not under the powers of the Water Acts take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such servitudes in under over or upon the lands property and works of the company as may be required for making maintaining and duplicating in accordance with the provisions of the Water Acts any works authorised thereby;

- (2) Before constructing any works authorised by the Water Acts or any subsequent repairs renewals or duplications thereof in over under or affecting any of the railways canals works or property of the company (hereinafter in this section referred to as "the railways") the Corporation shall submit to the company plans sections working drawings and specifications 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 twenty-eight days after submission of the said plans sections working drawings and specifications for approval;
- (3) All the said works shall be constructed carried on and completed and thereafter maintained repaired and renewed by the Corporation in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Corporation and at the sight and to the reasonable satisfaction of the company;
- (4) The Corporation shall not without the previous consent in writing of the company enter upon alter or interfere with the railways further than may be necessary for constructing and maintaining under or in pursuance of the Water Acts any works in upon over or under the railways of which they shall give the company twenty-eight days' notice in writing except in cases of emergency in which cases notice shall be given as early as possible;
- (5) The Corporation shall pay to the company all reasonable costs charges and expenses which the company may incur in connection with the construction maintenance renewal duplication use alteration replacing or repair of any works under or in pursuance of the Water Acts including (without prejudice to the said generality) any reasonable expense incurred by the company in connection with the employment of inspectors signalmen watchmen and others and for superintendence of such works and all extra precautions for the safety and working

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- of the company's traffic or protection of their property on account of the construction maintenance renewal duplication use alteration replacing or repair of the said works;
- (6) All the works and operations of the Corporation under or in pursuance of the Water Acts including the maintenance renewal duplication alteration replacing or repair of the said works shall in so far as the same affect the railways be carried out by the Corporation so as not to alter or interfere with (except so far as may be necessary for carrying out the said works and operations) or injure or endanger the structure or stability of the railways and the Corporation shall at their own expense execute all underpinning or other works which may be necessary to secure the support or safety of the railways or any part thereof and should any damage or injury to or interference with the passage of traffic on the railways be caused by or due to the exercise of the powers of the Corporation or the failure of or defect in any of the said works or operations the Corporation shall free of all expense to the company execute all such works as may be necessary to repair and make good the damage or prevent such interference as the case may be or the company in their option may on giving the Corporation as long notice as possible in the circumstances enter upon the works or property of the Corporation and execute all such works as may be necessary to repair and make good such damage or prevent such interference and the Corporation shall repay to the company all reasonable costs and expenses incurred by them in connection therewith;
- (7) The Corporation shall make reasonable compensation to the company for all loss or damage caused by their works and operations or interference with the railways and the Corporation shall also free and relieve the company from all damages or compensation which may be recovered from the company by reason of such interference or of any accident so far as such may have been occasioned by the act or default

of the Corporation or those for whom they are responsible; A.D. 1924.

- (8) Should it be necessary in constructing maintaining duplicating altering or repairing the works authorised by the Water Acts to alter or remove any telegraph posts wires or other telegraphic telephonic or signalling apparatus belonging to or maintained by the company any works reasonably necessary for such alteration or removal may be executed by the company and the Corporation shall pay to the company all reasonable expenses incurred in connection therewith;
- (9) Nothing in the Water Acts 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 strengthening widening deviating or enlarging any of the railways Provided that such operations shall not injuriously affect any works constructed under the Water Acts or interrupt the water supply otherwise than may be reasonably necessary in connection therewith and if any injury or other interruption shall arise to the said works constructed under the Water Acts the company shall forthwith make good or remove such injury or interruption and in the event of the company failing to do so within a reasonable time the Corporation may enter upon the works or property of the company and execute all such works as may be necessary to repair and make good such damage or prevent such interruptions and the company shall repay to the Corporation all reasonable costs and expenses incurred by them in connection therewith Before commencing any operations under the provisions of this subsection the company shall give twenty-eight days' previous notice in writing to the Corporation and any such operations shall so far as they may interfere with any works constructed under the Water Acts be carried out to the reasonable satisfaction of the water engineer of the Corporation Any extra expense which the company may incur in carrying out such operations by reason of the existence

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of any works constructed under the Water Acts shall be paid by the Corporation as such extra expense may in the event of any difference of opinion be determined by an arbiter to be appointed as aftermentioned;

- (10) The provisions of this section shall not supersede prejudice or affect any special provision for the protection of the water trustees or the Corporation in any Act or Order of or relating to the company;
- (11) The Corporation shall not under the provisions of the section of this Order the marginal note of which is "Meter rent" charge in respect of any meter which prior to the commencement of this Order was installed for the purpose of measuring the supply to any property belonging to the company a rent in excess of five per centum of the cost of providing and installing any such meter;
- (12) Any question or difference between the Corporation and the company arising under this section shall be referred to and determined by an arbiter to be appointed failing agreement by the sheriff and the costs of any such reference shall be borne by the Corporation;
- (13) For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

#### PART IV.

##### WATER RATES AND CHARGES.

Corporation to estimate annual sums required.

61. The Corporation shall annually at the same date as they estimate and fix the sums of money necessary to be levied for the purposes of the Edinburgh Municipal and Police Acts estimate and fix the amount of money necessary to be levied for the purpose of defraying the costs charges and expenses chargeable against revenue of supplying water within the limits of supply or of or relating to the water undertaking for and during the year then current namely from the fifteenth day of May preceding till the fifteenth day of May succeeding.

62. In order to raise such a sum of money as along with the other rates and charges to be imposed by virtue of the provisions of this Order and the other revenues of the water undertaking shall be sufficient for the purposes aforesaid the Corporation may and they are hereby authorised and required to impose assess and levy (a) a rate to be called "the domestic water rate" and (b) a rate to be called "the public water rate" and that annually at the same date as under the provisions of the Edinburgh Municipal and Police Acts they impose assess and levy the burgh assessments Provided that the Corporation shall not be bound to impose any rate which shall include the fractional part of a penny.

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Corporation  
to impose  
assess and  
levy certain  
rates.

The amount of the said rates as so imposed assessed and levied shall be intimated by advertisement in one or more newspapers circulating in the city The said rates shall be assessed as from the fifteenth day of May in one year to the fifteenth day of May in the year following and shall be due and payable at the office of the city collector or at such other place or places as the Corporation may from time to time appoint on the eleventh day of November or on the next lawful day thereafter yearly Provided that the provisions of section 7 (Supplementary Valuation Roll) of the Order of 1919 shall apply to such rates.

63. The domestic water rate shall be imposed assessed and levied on the occupier of (a) every house or part of house occupied as a separate dwelling-house and (b) every shop workshop office and warehouse within the compulsory area according to the full annual rent or value thereof as entered in the valuation roll for the year then current Provided as follows:—

Domestic  
water rate  
How to be  
imposed.

(1) The domestic water rate to be imposed assessed and levied on the occupiers of shops workshops offices or warehouses where water is not used for trade purposes shall be restricted to one-third of the domestic water rate to be imposed assessed and levied on the occupiers of dwelling-houses Provided that where one-third of the said rate includes any fraction of one penny such fraction shall be calculated as one penny:

(2) The occupier of any shop workshop office or warehouse which is entered in the valuation roll at an annual value exceeding two hundred

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and forty pounds shall have the option of taking and paying for a supply of water to any such premises by measure and in the event of any such occupier exercising this option he shall not be liable to pay the domestic water rate in respect of such premises ;

- (3) Where water supplied to any house shop workshop office or warehouse is used partly for domestic purposes and partly for trade purposes the Corporation may in their option instead of imposing assessing and levying the domestic water rate require the occupier of such house or other premises as aforesaid to take and pay for a supply of water by measure ;
- (4) Where under the provisions of subsections (2) and (3) of this section a supply of water is to be taken and paid for by measure the occupier shall carry out at his own expense any necessary alterations on the communication pipes or other apparatus for the purpose of installing a meter to measure such supply ;
- (5) The domestic water rate shall not be imposed assessed or levied in respect of any warehouse granary or cellar unconnected with a dwelling-house and used exclusively for the storage of goods and in which a supply of water is never required for any purpose.
- (6) Where any premises are used partly as a shop workshop office or warehouse and partly as a dwelling-house occupied solely by the caretaker of such premises the full domestic water rate shall be imposed assessed and levied as regards the part of the premises used as a dwelling-house and as regards the part of the premises used as a shop workshop office or warehouse the domestic water rate shall be imposed assessed and levied in accordance with the preceding subsections of this section.

Premises  
with private  
water sup-  
ply not to be  
assessed for

64. The Corporation may exempt from the domestic water rate the occupier of any dwelling-house or other premises in the suburban areas which are exclusively supplied with water from a private supply and are not



supplied with water by the Corporation so long as such private supply is in the opinion of the Corporation adequate and satisfactory.

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—  
domestic  
water rate.

65. The public water rate shall be imposed assessed and levied on the owners and occupiers of all lands and heritages within the compulsory area according to the full annual rent or value thereof as entered in the valuation roll for the year then current Provided as follows :—

Public water  
rate How  
to be im-  
posed.

- (1) The public water rate shall not exceed twopence in the pound of the said annual rent or value and shall be payable one half by the owner and one half by the occupier ;
- (2) For the purpose of the public water rate the provisions of section 141 (Lands &c. how to be valued) and section 142 (Underground mines &c. how to be valued) of the Act of 1920 shall apply.

66. Water required for trade purposes within the compulsory area shall be furnished upon such terms and conditions and at such rates or charges as shall be fixed from time to time by the Corporation and published by being exhibited in the office of the burgh assessor or upon such terms as may be agreed between the Corporation and any person desiring such supply Provided as follows :—

Charges for  
supplies for  
trade pur-  
poses in  
compulsory  
area.

- (1) The rates or charges for water supplied for trade purposes to any person shall be imposed either according to a meter rate to be fixed by the Corporation from time to time or according to such special rates or charges as the Corporation may think fit including a charge according to the yearly rent or value of the premises supplied Provided that in all cases any person desiring a supply of water for trade purposes shall have the option of paying for the same by meter but the Corporation shall not be bound to furnish a supply of water by measure to any person for any less sum than three pounds in any one year ;
- (2) In the event of any difference arising between the Corporation and any person desiring a supply of water for trade purposes as to the rates or charges or terms or conditions on or in respect of which a supply is to be given the same shall be determined by the sheriff in a summary

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manner upon the application of the Corporation or of any such person and the decision of the sheriff shall be final;

- (3) So far as possible the rates and charges for water supplied for trade purposes shall be uniform to all persons in the same circumstances;
- (4) When water is supplied for trade purposes the Corporation shall not charge the domestic water rate and also charge for water supplied to the same premises by meter but the Corporation shall have the option either to charge the domestic water rate in respect of the premises for which a supply is given or to charge for the same by meter or they may charge in addition to or in lieu of the domestic water rate such special rate or rates as may be fixed as aforesaid for water supplied for trade purposes otherwise than by meter;
- (5) For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

Supply of  
water to  
Leith Docks.

67. Notwithstanding anything in this Order contained the Corporation shall give to the Commissioners for the Harbour and Docks of Leith a supply of water in bulk for the shipping at the Port of Leith for supplies to tenants on the Dock Estate and for the purposes of the said harbour and docks and that upon such terms and conditions and at such rates or charges as may be agreed upon between the Corporation and the said Commissioners or as failing agreement may be determined by the sheriff in a summary manner on the application of either party and the decision of the sheriff shall be final. The Corporation and the Commissioners may enter into and carry into effect agreements with respect to such supplies and the distribution thereof. For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

Rates and  
charges for  
water sup-  
plied be-  
yond com-  
pulsory  
area.

68. Water required within the limits of supply but beyond the compulsory area shall be furnished upon such terms and conditions and at such rates or charges as shall be fixed from time to time by the Corporation and published by being exhibited in the office of the burgh

assessor or upon such terms as may be agreed between the Corporation and any person desiring such supply  
Provided as follows:—

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- (1) The Corporation may charge or levy for and in respect of water supplied for domestic purposes otherwise than by meter a rate equal to the combined amount of the domestic water rate and the public water rate which shall be levied at the time under the provisions of this Order within the compulsory area together with such addition thereto as may be agreed on or as failing agreement may be determined by the sheriff as after-mentioned;
- (2) The Corporation may charge or levy for and in respect of water supplied for domestic purposes by meter and for and in respect of water supplied for trade purposes the rates and charges for supplies for trade purposes in the compulsory area in force at the time together with such addition thereto as may be agreed on or as failing agreement may be determined by the sheriff as aftermentioned;
- (3) In the event of any difference arising between the Corporation and any person desiring such supplies as aforesaid as to the rates and charges or terms or conditions on or in respect of which a supply is to be given the same shall subject to the provisions of this Order be determined by the sheriff in a summary manner upon the application of the Corporation or of any such person and the decision of the sheriff shall be final;
- (4) So far as possible the rates and charges under the provisions of this section shall be uniform to all persons in the same circumstances;
- (5) For the purposes of this section the word "sheriff" shall mean the sheriff of the Lothians and Peebles and shall not include his substitutes.

69. Where water is supplied for any purpose by means of a hose pipe or similar apparatus otherwise than by meter the Corporation may impose a charge for the same not exceeding thirty shillings per annum.

Charge for  
hose pipe.

[Ch. lxxxvi.] *Edinburgh* [14 & 15. GEO. 5.]  
*Corporation Water Order Confirmation Act, 1924.*

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Meter rent.

70. Where water is supplied by measure the Corporation shall provide a meter for ascertaining the quantity consumed and that upon such terms and conditions and at such rent as shall be fixed from time to time by the Corporation not exceeding ten per centum of the cost of providing and installing the meter.

Minimum water rate.

71. The Corporation shall not be bound to furnish a supply of water to any person for any less sum than four shillings in any one year.

Method of exercising an option.

72. Where under the provisions of this Part of this Order an option may be exercised by the Corporation or by the occupier of any premises supplied with water such option shall only be exercisable as from the fifteenth day of May in any year and shall be exercised in the manner following (that is to say) In the case of any such occupier the option shall be exercised by means of a written intimation under the hand of such occupier to the water engineer of the Corporation and in the case of the Corporation the option shall be exercised by means of a written intimation under the hand of the water engineer of the Corporation to such occupier and in each case such written intimation shall be given not less than three months prior to the fifteenth day of May.

Revenue to be regulated so as not to exceed expense.

73. The Corporation shall as nearly as possible so regulate the water rates and charges imposed or to be imposed under the provisions of this Part of this Order that they may one year with another respectively produce the amount of money required.

Assessment rolls to be made up.

74. The Corporation shall in each year cause to be made up from the valuation roll (a) rolls or books of assessment showing the yearly rent or value of the lands or premises in the compulsory area liable to be assessed under this Order for the domestic water rate and the public water rate and any other rate levied according to yearly rent or value and according to which such rates under this Order are intended to be levied and (b) rolls or books of assessment showing the yearly rent or value of the lands or premises within the limits of supply but outside the compulsory area liable to be assessed under this Order for any rate levied according to yearly

rent or value and according to which such rates under A.D. 1924.  
this Order are intended to be levied      Provided that—

- (1) There shall not be entered in such rolls or books of assessment any fractional part of a pound of the assessable yearly rent or value aforesaid and when such fractional part shall not amount to ten shillings the same shall not be entered in such rolls or books of assessment and when such fractional part shall amount to or exceed ten shillings the same shall be entered as one pound of such yearly rent or value in addition to the actual number of pounds of such rent or value and shall be assessed accordingly;
- (2) The said rolls or books of assessment shall be open to the inspection of any person interested or liable to pay the said rates at all reasonable times and any such person may take extracts therefrom of the rate in which he is interested or for which he is liable without paying anything for the same;
- (3) The Corporation shall have power to rectify any error which may be found in the rolls or books of assessment;
- (4) The Corporation in their discretion may cause the said rolls or books of assessment effecting to the compulsory area to be made up so as to show therein the appropriate entries for the burgh assessments under the Edinburgh Municipal and Police Acts or for any other rates or assessments which the Corporation are or may be authorised to collect along with the burgh assessments in addition to the appropriate entries for the rates levied under the provisions of this Order;
- (5) Where any lands or premises within the compulsory area are omitted from the principal valuation roll for the year then current or may have come into existence or occupancy after the completion of such principal valuation roll or during the year from Whitsunday to Whitsunday then current the Corporation shall cause supplementary rolls or books of assess-

A.D. 1924.

ment to be made up according to which rates under this Order are intended to be levied for the period of occupancy subsequent to the preceding term of Whitsunday and up to the succeeding term of Whitsunday and the provisions of this section applicable to the principal rolls or books of assessment shall apply to the supplementary rolls or books of assessment;

- (6) Where it is necessary for the purposes of the rolls or books of assessment to apportion the annual rent or value of any subjects as entered in the valuation roll as between different parts of such subjects such apportionment shall be made by the burgh assessor and it shall be competent to any person considering himself aggrieved by any such apportionment to complain to the sheriff such complaint being made in the form of a petition subscribed by the complainer and the decision of the sheriff shall be final.

Deduction  
in case of  
partial occu-  
pancy.

75. Deduction may be allowed by the Corporation of the domestic water rate and the public water rate for any period during which any premises shall not be let retained for occupation or occupied for three months consecutively in any one year and owners who shall let for rent or hire premises for less than a year shall themselves as well as the occupiers be responsible for the said rates and the same may be recovered from such owners or from such occupiers as the Corporation shall deem expedient Provided always that the occupier of any premises let for a period less than a year by whom the said rates shall be paid shall be entitled to deduct from the rent payable to the person by whom the said premises shall be so let the amount of the said rates in excess of the proportion thereof applicable to the period of his occupancy.

Penalty for  
non-pay-  
ment of  
water rates  
and charges.

76.—(1) If any person shall on the first day of March in any year be in arrear of the domestic water rate the public water rate or any rate levied under the provisions of this Order according to yearly rent or value due by him or any portion thereof one penny upon each pound of the yearly rent or value of the lands and premises in respect of which such person is

assessed in addition to the amount of the rate or rates then due shall be leviabie from such person by way of penalty for neglect or failure in payment and the Corporation and the city collector are hereby empowered to levy and collect the same. A.D. 1924.

(2) If within twenty-one days after the service of the demand note for a water rate rent or charge (other than the rates referred to in subsection (1) of this section) due to the Corporation such water rate rent or charge shall not have been paid the city collector may serve a final demand note upon the person from whom the same is due and if within twenty-one days after the service of such final demand note such rate rent or charge or any portion thereof shall not have been paid an addition of ten per centum to the amount of such rate rent or charge shall be recoverable from such person by way of penalty for neglect or failure in payment and the Corporation and the city collector are hereby empowered to levy and recover the same Provided that a reference to this subsection shall be endorsed on the final demand note.

77. If any person liable for the payment of any rates rents or charges under the provisions of this Order shall refuse or neglect to pay the same or any portion thereof on or before the expiry of three months after such rates rents or charges authorised to be levied under the provisions of this Order are declared payable or where no date of payment is provided for in this Order on or before the expiry of three months after the service of a demand note the city collector may make an attestation written or printed or partly written and partly printed setting forth that the said person has failed to pay such rates or charges or any portion thereof notwithstanding the same has been demanded from him by the city collector by a notice delivered to or left for him on the premises in respect of which such rates rents or charges are made or at his dwelling-house or place of business and such attestation being made it shall be lawful for the city collector to make application to the sheriff who upon such application and production therewith of such attestation shall grant summary warrant for recovery of the said rates rents or charges or the portion thereof remaining unpaid and also for recovery of any penalty which may have been incurred

Recovery of  
water rates  
and charges.

A.D. 1924.     under the provisions of the section of this Order the  
—                      marginal note whereof is "Penalty for non-payment of  
                         water rates and charges" and such warrant shall  
                         authorise the city collector or officers of court to enter  
                         into any premises in the occupancy of any person so  
                         in arrear and to poind seize remove or secure any goods  
                         and effects therein belonging to such person or so much  
                         thereof as shall satisfy the arrears due by him with the  
                         said penalty and such warrant shall also authorise the  
                         city collector or officers of court or licensed auctioneer  
                         after the lapse of four days in the event of non-payment  
                         of the said arrears penalty and costs to sell and dispose  
                         of the said goods and effects by public auction on three  
                         days' notice and apply the price in payment of the said  
                         arrears penalty and costs due by such person and the  
                         balance shall be paid to such person and the foresaid  
                         attestation application and warrant shall be in the form  
                         as near as may be contained in the First Schedule to  
                         this Order Provided always that nothing herein con-  
                         tained shall prejudice the right of the city collector  
                         at any time after the said rates rents or charges shall be  
                         payable and that either before or after such warrant  
                         shall have been obtained to prosecute as he is hereby  
                         empowered to prosecute for and recover before the  
                         Sheriff's Small Debt Court or by any other legal form  
                         of proceeding all or any part of such rates rents or  
                         charges in arrear with the addition of any penalty which  
                         may have been incurred as aforesaid and the city  
                         collector shall be bound to preserve the warrants of all  
                         seizures or sales made under and in virtue hereof and  
                         shall enter in a book to be kept for that purpose the  
                         names of the parties proceeded against the rates rents  
                         or charges due the expenses of the proceedings and the  
                         true proceeds of each sale which books shall be open  
                         to the inspection (without any fee) of all parties interested  
                         for three months after the date of each sale respectively  
                         and at any time within that period it shall be competent  
                         to any person considering himself aggrieved to complain  
                         to the sheriff of anything done unjustly or oppressively  
                         in regard to such seizure or sale such complaint being  
                         made in the form of a petition subscribed by the  
                         complainer and the decision of the sheriff shall be final.

Proceedings                      78. The whole provisions of this Order with respect  
for recovery     to proceedings for recovery of rates and charges and  
of water



the procedure authorised by this Order including the provisions for attestation by the city collector application to the sheriff summary warrant poinding and arrestment for enforcing and recovering the payment of rates shall extend and apply to all water rates and charges whatever including domestic water rate public water rate and rates for water supplied by meter meter rents and all other rates rents and charges for water supplied by the Corporation Provided that after any such summary warrant is granted any person aggrieved may on consignation of the amount appeal to the sheriff who shall thereupon summarily inquire into and dispose of any objections to such rates and charges and confirm or recall wholly or partially the said warrant Provided further that consignation shall not be required in the case of any warrant for the recovery of rates and charges other than domestic water rate and public water rate.

A.D. 1924.

rates and charges.

79. In case any person liable in payment of the rates or charges authorised to be levied under and in virtue of the provisions of this Order shall remove to any place beyond the limits of supply the Corporation and the city collector or other officers may put the decrees and warrants which may be granted for the recovery of such rates or charges in manner before mentioned into execution within or beyond the said limits in the same manner as if such person had continued to reside within the said limits such decree or warrant being first endorsed by a magistrate or sheriff or justice of the peace of the burgh or county within which it is to be put into execution.

Rates or charges to be recoverable beyond limits of supply.

80. All rates rents and charges imposed under this Order shall in the case of bankruptcy insolvency or liquidation be a preferable claim to all debts of a private nature due by the person or persons so rated or charged or by the person or persons liable in payment of such rates rents and charges.

Rates and charges a preferable charge.

81. No misnomer mistake or informality committed in any proceedings for recovery of any rates rents charges penalties or expenses under the provisions of this Order shall prejudice the recovery thereof nor shall such proceedings fall lapse cease or abate by the death resignation or removal of the city collector instituting the same but the city collector for the time may prosecute

Misnomers not to affect proceedings for recovery of rates.

A.D. 1924. and follow forth procedure commenced and carried on in the name of any previous city collector in all respects as if such procedure had been taken by himself. Provided always that it shall not be competent for any person to sue nor for any court of law to entertain any action or proceeding against the Corporation or the city collector or other persons employed in executing any decree or warrant in reference to any rates rents charges penalties or expenses under the provisions of this Order by reason of any misnomer mistake or informality if the goods or other effects seized or sold under such decree or warrant were bonâ fide the property or in the lawful possession of the person actually liable in payment thereof.

#### PART V.

#### MISCELLANEOUS.

Borrowing  
powers.

82.—(1) Subject to the provisions of this Order all statutory borrowing powers under the Water Acts or under the provisions of section 25 (Borrowing for water undertaking) of the Order of 1921 or under the provisions of section 56 (Borrowing for water undertaking) of the Order of 1922 shall notwithstanding the repeal by this Order of any Act or Order under which such borrowing powers were conferred continue to be in force as fully and effectually as if the Act confirming this Order had not been passed but only in so far as the amounts borrowed are outstanding and not paid off or the borrowing powers are unexhausted at the commencement of this Order.

(2) The said borrowing powers so far as the same shall be exercised by the Corporation after the commencement of this Order shall have effect as if they were statutory borrowing powers granted by this Order and shall and may be exercised by the Corporation for all the purposes of the Water Acts to which capital is properly applicable.

(3) The Corporation may from time to time borrow and re-borrow such sums of money as may be necessary for the purposes of the Water Acts not exceeding the amount of the aforesaid borrowing powers current at the commencement of this Order.

(4) The sums of money authorised to be borrowed for the purposes of the Water Acts and the amounts outstanding and not paid off and the amount of the unexhausted borrowing powers as at the fifteenth day of May one thousand nine hundred and twenty-three are set forth in the Second Schedule to this Order.

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83. The provisions of section 24 (Redemption of debt and sinking funds) of the Order of 1921 in so far as the same relate to the water undertaking shall continue to be in force as fully and effectually as if the Act confirming this Order had not been passed.

Redemption of debt and sinking funds.

84. When any of the dates referred to in this Order shall happen to be a Sunday the several acts and proceedings appointed to take place on or before such date shall take place on or before the day next ensuing.

When date falls on Sunday time extended.

85. Save as otherwise by this Order expressly provided all penalties fines and forfeitures imposed for offences against this Order or any Act wholly or partially incorporated herewith or any byelaws of the Corporation under the provisions of the section of this Order the marginal note of which is "Byelaws for preventing waste of water" for the time being in force may be recovered by or at the instance of the Corporation either according to the ordinary procedure before any competent court or by application to the sheriff (which application shall be determined by the sheriff in a summary manner) and shall (except penalties fines and forfeitures imposed on or recovered from the Corporation) be paid to the Corporation and be by them carried to the revenue account of the water undertaking. Provided that costs or expenses except such as are recoverable along with the penalty shall not be recovered as penalties but may be recovered summarily as civil debts and all expenses of prosecutions and convictions in so far as not paid by or recovered from the person contravening the provisions of this Order or the said byelaws shall be paid by the Corporation and form a proper charge against the revenue account of the water undertaking.

Recovery and application of penalties.

86. Where under the provisions of this Order or of the Waterworks Clauses Acts 1847 and 1863 except in cases where the Lands Clauses Acts are applicable any compensation damages or expenses are payable to or by the Corporation the amount of the same failing

Determination and recovery of compensation &c.

A.D. 1924.

agreement shall unless otherwise in this Order expressly provided be determined by the sheriff in a summary manner or by an arbiter appointed by the sheriff on the application of the Corporation or of the other party concerned and such amount as so determined shall be recoverable by the Corporation or the other party concerned as the case may be as a civil debt.

Form and  
service of  
notices &c.

87. Any notice order resolution declaration requisition demand or other proceeding made or given under this Order by the Corporation may be either in print or in writing or partly in print and partly in writing and it shall be sufficient in all cases where any such notice order resolution declaration requisition demand or other proceeding is required to be given to or served upon the owner or occupier of any property and the name of such owner or occupier is unknown to the Corporation after due inquiry to address the same to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect whereof the same is given or served without further name or description and any such notice order resolution declaration requisition demand or other proceeding may be served upon any owner occupier or other person either personally or by sending the same prepaid through the post office addressed to him by name at his last known place of abode or business or by delivering the same to some inmate at his last known place of abode or business or in the case of an occupier to any inmate of the building in respect whereof the same is given or served or if the building is unoccupied it shall be sufficient to affix the same or a copy thereof upon some conspicuous part of such building provided that this provision shall not apply to the recovery of the rates in so far as otherwise regulated by this Order.

Defacing  
notice  
boards.

88. If any person pull down or break or deface any notice board erected by the Corporation relating to the water undertaking or shall obliterate any of the letters or figures thereon or any public mark or notification denoting the position of any fire plug he shall forfeit for every such offence a sum not exceeding five pounds and he shall also defray the expenses of restoring such notice board or mark or notification and such expenses shall be recoverable as any penalty by this Order imposed may be recovered.

89. It shall be sufficient compliance by the Corporation with the provisions of the Waterworks Clauses Act 1847 with respect to the deposit of a map showing the course and situation of all pipes or conduits of the Corporation for the collection passage or distribution of water and underground works belonging to them if such pipes or conduits and underground works of the Corporation shall be shown on the maps or plans required under the provisions of section 19 of the said Act to be kept in the office of the Corporation and on the maps or plans required to be deposited under the provisions of section 20 of the said Act with the county and town clerks of the counties and burghs within which the pipes or conduits and underground works are situate.

A.D. 1924.  
—  
Deposit of  
maps.

90. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any land buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree.

Crown  
rights

91. All costs charges and expenses incurred preparatory to and in applying for obtaining and confirming this Order or in any way incidental thereto shall be paid by the Corporation out of the rates to be levied by them under the provisions of this Order or the other revenues of the water undertaking or out of moneys borrowed by the Corporation and in case such costs are paid out of borrowed moneys the same shall be repaid within five years after the commencement of this Order.

Costs of  
Order.

## PART VI.

### REPEAL OF ACTS AND SAVINGS.

92. Subject to the provisions of this Order the provisions of the Acts and Orders specified in the Third Schedule to this Order (in this Order referred to as "the repealed Acts") are hereby repealed to the extent indicated in the third column of that Schedule.

Repeal of  
Acts &c.

A.D. 1924.

—  
Saving from  
effect of  
repeal.

93. Subject to the provisions of this Order and notwithstanding the repeal of the Acts and Orders effected by this Order:—

- (a) All property vested in the Corporation at the commencement of this Order in respect of the water undertaking shall continue vested in the Corporation and all acts works matters and things done or commenced under the powers of the repealed Acts or any of them which were at the commencement of this Order valid and available or in progress and all existing notices to treat agreements awards conveyances contracts titles covenants deeds instruments feus leases wayleaves obligations rights and remedies shall be and continue valid and available for all purposes and for and against all persons and may be continued enforced and completed as if the Act confirming this Order had not been passed;
- (b) All existing annuities bonds mortgages or other securities made granted payable or created by the Corporation or the water trustees under any of the repealed Acts shall be and continue valid and available for all purposes and for and against all parties as if the Act confirming this Order had not been passed;
- (c) All actions arbitrations submissions prosecutions and proceedings by with or against the Corporation or the water trustees by reason of any matter or thing done before the commencement of this Order in execution of or in relation to any of the repealed Acts may be continued commenced or prosecuted by or against the Corporation as if the Act confirming this Order had not been passed;
- (d) All existing byelaws rules regulations orders and licences in execution of or in relation to any of the repealed Acts shall continue in force until repealed altered or revoked under the provisions of this Order or until their expiration and may be enforced in like manner and with the same penalties as if made for like purposes respectively under the provisions of this Order;
- (e) All water rates rents charges and other sums at the commencement of this Order due to the Corporation in respect of the water undertaking\*

may be collected and recovered by the Corporation as if the Act confirming this Order had not been passed;

(f) All books registers deeds documents and writings which under any of the repealed Acts or under this Order or otherwise would have been receivable in evidence shall be admitted in evidence in all courts and proceedings as if the Act confirming this Order had not been passed;

(g) All plans sections and books of reference and all corrections and certificates of corrections thereof respectively deposited for the purposes of any of the repealed Acts with any clerk of the peace or sheriff clerk shall remain in his custody for all intents and purposes as if the Act confirming this Order had not been passed.

94. Except as by this Order expressly provided nothing in this Order contained shall prejudice or affect the provisions of the Water Acts relating to compensation water or the minute of agreement between the proprietors of the estates of Arniston Kirkhill Dalhousie Newbattle and Dalkeith of the one part and the water trustees of the other part dated tenth and twenty-first June thirteenth seventeenth twenty-fifth and thirtieth July and fourteenth August all in the year eighteen hundred and seventy-eight.

95. Nothing in this Order contained shall prejudice or affect the provisions of section 84 (Davidson's mains water supply) of the Act of 1920.

96. Nothing in this Order contained shall prejudice or affect the provisions of Section 88 (Confirmation of agreement between Corporation and county council) of the Act of 1920 or the agreement between the Corporation and the county council of Midlothian set forth in the Eighth Schedule to that Act.

97. Nothing in this Order contained shall prejudice or affect the provisions of the Edinburgh Parish Poorhouse Water Supply Act 1869.

98. Nothing in this Order contained shall prejudice or affect any existing statutory rights of the Corporation in the Union Canal or the provisions of section 44 (For protection of Edinburgh and District Water Trust rights in canal water) of the North British Railway Act 1913.

A.D. 1924.

Saving of provisions as to compensation water.

Saving as to Davidson's mains water supply.

Saving of agreement with Midlothian County Council.

Saving of Edinburgh City Parish Poorhouse Water Supply Act 1869.

Saving of rights in Union Canal.

A.D. 1924.

—  
For protec-  
tion of  
estates of  
Glencorse  
and Logan-  
bank.

99.—(1) Nothing in this Order contained shall prejudice or affect the provisions of the agreement dated the twenty-fifth day of April one thousand nine hundred and fourteen made between the water trustees of the first part and Alexander Wood Inglis of the second part set forth in the Fifth Schedule to the Order of 1914 as amended by the supplementary minute of agreement dated the twentieth day of April and the fourth day of May both in the year one thousand nine hundred and twenty-two made between the Corporation of the first part and Alexander Wood Inglis of the second part set forth in the Fifth Schedule to the Order of 1922.

(2) Where any land forming part of the estates of Glencorse and Loganbank was acquired by the water trustees and is now vested in the Corporation the Corporation before selling such land or any part thereof to any other person shall first be bound to offer the same in sale to the owner for the time being of the said estates at such price and subject to such conditions or servitudes as they shall be willing to sell the same to such other person and the said owner shall have two months from the date of such offer within which to exercise his option of purchasing such land.

For pro-  
tection of  
estate of  
Castlelaw  
Bush and  
Dryden.

100.—(1) Nothing in this Order contained shall prejudice or affect the provisions of the agreement dated the twenty-fifth twenty-seventh twenty-eighth and twenty-ninth days of April and the seventh day of May both in the year one thousand nine hundred and fourteen made between the water trustees of the first part Edward Lawrence Hamilton Archibald Herbert James and Thomas Duncan Leith as trustees of the late Alexander Edmund Coutts Trotter of the second part and Mrs. Madeleine Philippa Selby Lowndes or Trotter of the third part set forth in the Fifth Schedule to the Order of 1914.

(2) Where any land forming part of the estate of Castlelaw Bush and Dryden was acquired by the water trustees and is now vested in the Corporation the Corporation before selling such land or any part thereof to any other person shall first be bound to offer the same in sale to the owner for the time being of the said estate at such price and subject to such conditions or servitudes as they shall be willing to sell the same to such other person and the said owner shall have two months from the date of such offer within which to exercise his option of purchasing such land.



The SCHEDULES referred to in the foregoing Order.      A.D. 1924.

THE FIRST SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Recovery of water rates and charges.")

Attestation by collector application to sheriff and warrant to be appended at the end of each volume of the rolls or books of assessment for water rates.

(1) ATTESTATION BY COLLECTOR.

I *A*                      *B*                      city collector for the city and royal burgh of Edinburgh do hereby certify that this is the volume of the rolls or books of assessment according to which the domestic water rate the public water rate and the other rates rents and charges for water and meter rents (all hereinafter referred to as "rates") are leviable from or chargeable against the persons and others therein named for the year from the fifteenth day of May (*insert year*) to the fifteenth day of May (*insert succeeding year or as the case may be*) that the said rates became due and payable as at (the eleventh day of November last or as the case may be) that certain of the persons and others assessed in the said rolls or books have failed to pay the said rates or a portion thereof notwithstanding the same having been demanded from them by notices from me delivered or left for them on the premises assessed or at the dwelling-houses or places of business of such persons and that the persons and others named in this volume who have so failed to pay the said rates or a portion thereof are those against whose names respectively the charges in this volume remain unpaid or otherwise undischarged at this date.

*A*                      *B*                      collector.

EDINBURGH

(Date)

(2) APPLICATION TO SHERIFF.

To the Honourable the Sheriff of The Lothians and Peebles (or as the case may be or his substitutes)

The humble petition of *A*                      *B*                      city collector for the city and royal burgh of Edinburgh

Sheweth

That by the Edinburgh Corporation Water Order 1924 certain water rates rents and charges and meter rents (all herein-

A.D. 1924. after referred to as "rates") are authorised to be levied or charged.

That in terms of the said Edinburgh Corporation Water Order 1924 rolls or books of assessment for levying or charging the said rates for the year from the fifteenth day of May (*insert year*) to the fiftēenth day of May (*insert succeeding year or as the case may be*) were made up and delivered to the petitioner in order to his levying or charging and collecting the sums set opposite the names of the persons and others respectively therein entered of which rolls or books of assessment this is the volume.

That the said rates became due and payable as at (the eleventh day of November last or as the case may be).

That by the attestation of the petitioner hereunto prefixed it appears that certain of the persons so assessed or charged have failed to pay the said rates or a portion thereof notwithstanding the same having been demanded from them by notices from the petitioner delivered to or left for them on the premises assessed or at their dwelling-houses or places of business and that the persons named in this volume who have so failed to pay are those against whose names respectively the charges in this volume remain unpaid or otherwise undischarged in whole or in part at the date of the said attestation.

That the said persons who have failed to pay the rates charged against them or a portion thereof previous to (the first day of March or as the case may be) have incurred in addition a penalty (of one penny of each pound of the yearly rent of the lands and premises in respect of which they are in arrears or as the case may be) in terms of the Edinburgh Corporation Water Order 1924 aforesaid.

That in these circumstances it becomes necessary to apply to your Lordship for warrant to the following effect:—

May it therefore please your Lordship to grant summary warrant against the persons who have failed in payment as aforesaid for recovery of the said rates so remaining unpaid in whole or in part and penalty aforesaid by poinding and arrestment as accords of law and to authorise messengers-at-arms or officers of court to enter the house place of business or other premises of such persons and upon presentment if asked only of the said warrant or a copy of the attestation application and warrant certified by the sheriff-clerk of the county (of Edinburgh or Midlothian or as the case may be) along with the receipts of the collector for the rates wholly or partly in arrear by such persons respectively and failing payment being immediately made of the rates in arrear and penalty aforesaid together with the expense of obtaining the said warrant and the fees and charges of the messenger or officer to seize take possession of and if such

messenger or officer shall think proper to remove so much of the goods and effects therein as shall appear to such messenger or officer to be sufficient for satisfying out of the proceeds of the sale thereof the said rates remaining unpaid and penalty with the costs and charges incurred in obtaining and carrying the warrant into execution and for these purposes to authorise the said messenger or officer to open shut and lockfast places And further to authorise the said messenger or officer if the said rates and penalty together with the said costs and charges shall not be paid within three days next after seizure is made as aforesaid to sell the said goods and effects so seized by public roup either on the premises in which the same are so seized or at the Market Cross of Edinburgh or in such other place as your Lordship may appoint returning the surplus of the price if any and also of any such goods and effects as it may be found unnecessary to sell after payment of the said rates and penalty together with the costs and charges incurred in obtaining and carrying the said warrant into execution and of such sale to the owner of the said goods and effects.

A.D. 1924:  
—

(Signed)    A            B            collector.

(3) WARRANT.

(Place and date) The sheriff (or sheriff substitute as the case may be) having considered the foregoing application and attestation grants warrant as craved.

(Signed)    C            D

A.D. 1924.

THE SECOND SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Borrowing powers.")

AMOUNTS AUTHORISED TO BE BORROWED FOR THE PURPOSES OF  
 THE WATER UNDERTAKING.

	£	s.	d.
For redemption of annuities :—			
Amount authorised by the Edinburgh Corporation Order 1921	500,000	0	0
For the general purposes of the water undertaking :—			
Amounts authorised :—			
(A) By the following Acts and Orders obtained by the Water Trustees :—	£	s.	d.
Act of 1869 - - -	220,000	0	0
Act of 1874 - - -	380,000	0	0
Act of 1876 - - -	50,000	0	0
Act of 1880 - - -	150,000	0	0
Act of 1889 - - -	50,000	0	0
Act of 1895 - - -	750,000	0	0
Act of 1898 - - -	200,000	0	0
Order of 1901 - - -	200,000	0	0
Order of 1904 - - -	500,000	0	0
Order of 1908 - - -	30,000	0	0
	2,530,000	0	0
(B) By the following Orders obtained by the Corporation :—			
Order of 1921 - - -	100,000	0	0
Order of 1922 - - -	100,000	0	0
	200,000	0	0
	3,230,000	0	0
<i>Deduct</i> : In respect of property realised which reduced borrowing powers - - - -	10,000	0	0
	3,220,000	0	0
Total amount borrowed up to 15th May 1923 -	3,033,122	13	0
Leaving as the amount of the unexhausted borrowing powers - - - - -	£186,877	7	0
Total amount borrowed as above - - - -	3,033,122	13	0
Whereof repaid as at 15th May 1923 - - -	1,045,420	15	11
Leaving as the amount outstanding and not paid off - - - - -	1,987,701	17	1

THE THIRD SCHEDULE.

(Referred to in the section of this Order of which the marginal note is "Repeal of Acts &c.") A.D. 1924.

ACTS AND ORDERS REPEALED.

PART I.—ACTS AND ORDERS RELATING TO THE WATER UNDERTAKING.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
59 Geo. 3. c. 116.	An Act for more effectually supplying the city of Edinburgh and places adjacent with water 1819.	The whole Act so far as not already repealed except section 34 (from the commencement of the said section to and including the words "hereby vested in the said Company") sections 36 to 39 inclusive sections 43 44 66 68 82 and 103.
7 Geo. 4. c. 108.	An Act for more effectually supplying the city of Edinburgh and places adjacent with water and for supplying the town and Port of Leith and places adjacent and His Majesty's Dock Yards at Leith with water 1826.	The whole Act so far as not already repealed except sections 25 37 42 75 and 76.
5 Will. 4. c. 33.	An Act to enable the Edinburgh Water Company to borrow a further sum of money 1835.	The whole Act so far as not already repealed.
6 & 7 Vict. c. 89.	An Act to enable the Edinburgh Water Company to bring in an additional supply of water and to alter and amend the Acts relating to the said Company 1843.	The whole Act so far as not already repealed except sections 97 to 100 inclusive sections 119 to 123 inclusive and sections 127 128 and 131 (subject to the provisions of section 23 of the Water of Leith Purification and Sewerage Act 1889) sections 129 133 134 and 137 sections 139 to 141 inclusive and sections 144 and 146.

[Ch. lxxxvi.] *Edinburgh* [14 & 15 GEO. 5.]  
*Corporation Water Order Confirmation Act, 1924.*

A.D. 1924.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
10 & 11 Vict. c. 202.	The Edinburgh Water Com- pany's Act 1847.	The whole Act so far as not already repealed ex- cept sections 9 49 61 62 and 72.
16 Vict. c. 49.	The Edinburgh Water Com- pany's Act 1853.	The whole Act so far as not already repealed.
19 & 20 Vict. c. 91.	The Edinburgh Water Com- pany's Act 1856.	The whole Act so far as not already repealed ex- cept section 8 sections 54 to 56 inclusive and sec- tion 57 (subject to the provisions of section 23 of the Water of Leith Purification and Sewer- age Act 1889) sections 61 to 67 inclusive sections 75 to 77 inclusive and sections 82 to 91 inclu- sive.
26 & 27 Vict. c. 187.	The Edinburgh Water Com- pany's Amendment Act 1863.	The whole Act so far as not already repealed ex- cept sections 18 19 and 21 and sections 24 to 27 inclusive.
32 & 33 Vict. c. 144.	The Edinburgh and Dis- trict Waterworks Act 1869.	The whole Act so far as not already repealed ex- cept sections 20 24 and 58.
37 & 38 Vict. c. 156.	The Edinburgh and Dis- trict Waterworks (Addi- tional Supply) Act 1874.	The whole Act so far as not already repealed ex- cept sections 11 14 and 15 sections 17 to 24 in- clusive and sections 29 and 61.
39 Vict. c. 33.	Edinburgh and District Waterworks Act 1876.	The whole Act so far as not already repealed ex- cept section 6 section 8 and Schedule A section 9 and Schedule B sections 16 and 20 sections 22 to 31 inclusive and sec- tion 43.
40 Vict. c. 26.	The Edinburgh and Dis- trict Waterworks Act 1877.	The whole Act so far as not already repealed ex- cept sections 6 and 12.
43 & 44 Vict. c. 1.	The Edinburgh and Dis- trict Waterworks Act 1880.	The whole Act so far as not already repealed.

[14 & 15 GEO. 5.]                      *Edinburgh*                      [Ch. lxxxvi.]  
*Corporation Water Order Confirmation Act, 1924.*

A.D. 1924.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
52 Vict. c. 11.	The Edinburgh and District Waterworks Act 1889.	The whole Act so far as not already repealed.
58 Vict. c. 27.	The Edinburgh and District Waterworks (Additional Supply) Act 1895.	The whole Act so far as not already repealed except sections 5 8 and 10 section 11 and the Second Schedule section 16 sections 19 to 23 inclusive and section 36.
61 Vict. c. 24.	The Edinburgh and District Waterworks Act 1898.	The whole Act so far as not already repealed except sections 9 11 and 12.
1 Edw. 7. c. 167.	The Edinburgh and District Water Order Confirmation Act 1901.	The whole Act and the Order scheduled thereto so far as not already repealed.
4 Edw. 7. c. 188.	The Edinburgh and District Water Order Confirmation Act 1904.	The whole of the Order scheduled thereto so far as not already repealed except section 8 and section 23 (subject to the provisions of subsection (2) of section 52 of the Edinburgh Corporation Order 1922).
8 Edw. 7. c. 152.	The Edinburgh and District Water Order Confirmation Act 1908.	The whole of the Order scheduled thereto so far as not already repealed except sections 8 and 24 section 25 and the Schedule and sections 26 and 27.
4 & 5 Geo. 5. c. 187.	The Edinburgh and District Water Order Confirmation Act 1914.	The whole of the Order scheduled thereto so far as not already repealed except section 20 and the Fourth Schedule and section 21 and the Fifth Schedule (subject to the provisions of section 70 of the Edinburgh Corporation Order 1922 and the Fifth Schedule to the said Order) and sections 29 40 and 41.
6 & 7 Geo. 5. c. 2.	The Edinburgh Corporation Order Confirmation Act 1916.	Section 61 of the Order scheduled thereto.

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*Corporation Water Order Confirmation Act, 1924.*

A.D. 1924.

PART II.—OTHER ACTS AND ORDERS.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
45 & 46 Vict. c. 161.	The Edinburgh Municipal and Police Extension Act 1882.	Section 34.
59 & 60 Vict. c. 203.	The Edinburgh Extension Act 1896.	Sections 37 and 82.
1 Edw. 7. c. 184.	The Edinburgh Corporation Order Confirmation Act 1901.	Section 63 of the Order scheduled thereto.
10 & 11 Geo. 5. c. 87.	The Edinburgh Boundaries Extension and Tramways Act 1920.	Section 81.
13 Geo. 5. c. 4.	The Edinburgh Corporation Order Confirmation Act 1922 (Session 2).	Section 61 of the Order scheduled thereto.

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