



## CHAPTER x.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Inverness Water and Gas. A.D. 1929.  
—  
[26th July 1929.]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by one of His Majesty's Principal Secretaries of State under the provisions of the Private Legislation Procedure (Scotland) Act 1899 as read with the Secretaries of State Act 1926 and it is requisite that the said Order should be confirmed by Parliament : 62 & 63 Vict.  
c. 47.  
16 & 17  
Geo. 5. c. 18.

Be it therefore enacted by the King's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows :—

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

2. This Act may be cited as the Inverness Water and Gas Order Confirmation Act 1929. Short title.

A.D. 1929.  

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## SCHEDULE.

## INVERNESS WATER AND GAS.

*Provisional Order to authorise the town council of Inverness to construct additional waterworks to confer further powers on the town council in connection with their water and gas undertakings to borrow further moneys and for other purposes.*

WHEREAS by virtue of the Inverness Water and Gas Act 1875 (hereinafter referred to as "the Act of 1875") the provost magistrates and councillors of the burgh of Inverness as the then commissioners of police of the said burgh (hereinafter referred to as "the commissioners") acquired the undertaking of the Inverness Gas and Water Company and the right to make and maintain waterworks and gasworks and to supply gas and water within the burgh of Inverness (hereinafter referred to as "the burgh") and places adjacent :

And whereas by virtue of the Act of 1875 the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Inverness) Act 1879 and the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Inverness) Act 1892 further powers were conferred upon the commissioners in respect of their waterworks and gasworks undertakings and the commissioners were by the said Act and Orders authorised to borrow further moneys for the purposes of the said undertakings :

And whereas the provost magistrates and councillors of the burgh (hereinafter referred to as "the Corporation") are under the Town Councils (Scotland) Acts 1900 to 1923 now in the room and place of the commissioners :

And whereas by the Inverness Gas and Water Order 1905 and the Inverness Water and Gas Order 1914 further powers were conferred upon the Corporation in respect of their waterworks and gasworks undertakings and the Corporation were by the said Orders

authorised to borrow further moneys for the purposes of the said undertakings : A.D. 1929.

And whereas by the Inverness Water and Gas Order 1920 further powers were conferred on the Corporation in respect of their waterworks and gasworks undertakings and the Corporation were by the said Order authorised to borrow further moneys for the purposes of their gas undertaking :

And whereas the Corporation's existing waterworks and water supply are inadequate and insufficient to meet the wants and conveniences of the population trade and manufactures within the limits of supply of the Corporation and the increased and increasing demand for water therein and it is expedient that the Corporation should be empowered to make and maintain the waterworks hereinafter in this Order described and that they should be authorised to borrow money for the construction of those works and the purchase of land and other purposes of their water undertaking as hereinafter in this Order provided :

And whereas the demand for gas within the limits of supply of the Corporation has increased and is increasing and it is expedient that the Corporation should be authorised to enlarge extend and improve their gasworks and the plant and works connected therewith and be authorised to borrow further moneys therefor and for the other purposes of their gas undertaking as hereinafter in this Order provided :

And whereas estimates have been prepared by the Corporation for the purchase of lands and servitudes and for the construction of the works before mentioned and such estimates are as follows :—

#### WATERWORKS PURPOSES.

	£
Purchase of land and water rights - -	1,000
Wayleaves for water pipes roads &c. -	500
Buildings—intake gauge chamber and pumping station - - - -	1,200
Steel mains - - - - -	4,500
Concrete and fireclay mains - - -	800

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Impounding of Loch Duntelchaig as storage reservoir with masonry or concrete dam with sluice overflow byewash and fish pass - - - -	£ 2,000
Improvement formation or diversion of access and service roads - - -	200
Pumping and gauging plant and machinery - - - - -	800

## GASWORKS PURPOSES.

Retort bench and coke handling plant -	13,400
Condensing plant - - - - -	600
Washing plant - - - - -	600
Purifiers - - - - -	5,400
Gasholder - - - - -	15,000
Gas heating appliances - - - -	7,800
Gas mains - - - - -	4,000
Gas meters - - - - -	3,000

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

And whereas plans and sections showing the lines and levels of the waterworks authorised by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the office at Inverness of the sheriff clerk of the county of Inverness and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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

And whereas the purposes aforesaid cannot be effected without an Order 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 as read with the Secretaries

of State Act 1926 the Secretary of State orders as A.D. 1929.  
follows :—

## PART I.

### PRELIMINARY.

1. This Order may be cited as the Inverness Water and Gas Order 1929 and may together with the Inverness Water and Gas Acts 1875 to 1920 be cited as the Inverness Water and Gas Acts 1875 to 1929. Short title.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Gas.

Part IV.—Miscellaneous.

Division  
of Order  
into Parts.

3. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as “the commencement of this Order.” Commence-  
ment of  
Order.

4. The following Acts and parts of Acts so far as the same respectively are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order are hereby incorporated with and form part of this Order :— Incorpora-  
tion of  
Acts.

The Lands Clauses Acts except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845;

The Waterworks Clauses Act 1847 with the exceptions specified in the Act of 1875;

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads or other interference therewith :

Provided that the bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be under the seal of the Corporation and shall be sufficient without the securities mentioned in the said section.

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

Interpreta-  
tion.

5. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings and the several words and expressions to which meanings are assigned by the recited Acts shall so far as applicable and subject to the provisions of this Order have the same respective meanings and the following words shall have the meanings hereby assigned to them (namely) :—

“ Act of 1875 ” means the Inverness Water and Gas Act 1875;

“ Burgh ” means the burgh of Inverness;

“ Corporation ” means the provost magistrates and councillors of the burgh;

“ Gas undertaking ” means the existing gasworks and gas undertaking of the Corporation and any additional gasworks which may be constructed by virtue of the powers conferred by this Order;

“ Orders of 1879 to 1920 ” means the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Inverness) Act 1879 the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Inverness) Act 1892 the Inverness Gas and Water Order 1905 the Inverness Water and Gas Order 1914 and the Inverness Water and Gas Order 1920;

“ Proprietors committee ” means the committee of riparian proprietors for the time being appointed and acting in terms of the section of this Order of which the marginal note is “ Appointment &c. of committee of riparian proprietors ”;

“ Recited Acts ” means the Inverness Water and Gas Acts 1875 to 1920.



“ Sheriff ” means the sheriff of Inverness Elgin A.D. 1929.  
and Nairn or his substitute at Inverness; —

“ Water limits ” means the limits referred to in  
the Act of 1875 as “ the limits of this Act ”;

“ Water undertaking ” means the existing water-  
works and water undertaking of the Corporation  
and the works and undertaking authorised by  
Part II (Water) of this Order.

In the Acts wholly or partially incorporated with  
this Order—

The expressions “ the company ” “ the undertakers ”  
and “ the promoters of the undertaking ”  
and other like expressions mean for the  
purposes of this Order the Corporation;

The expressions “ railway ” “ work ” and “ the  
undertaking ” or other like expressions in  
the Lands Clauses Acts and in the provisions  
of the Railways Clauses Consolidation (Scotland)  
Act 1845 incorporated with this Order mean  
for the purposes of this Order the works  
authorised by Part II (Water) of this Order  
and the expression “ centre of the railway ”  
in the last-mentioned provisions means for  
the purposes of this Order any part of those  
works.

## PART II.

### WATER.

6. The Corporation may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the additional waterworks hereinafter described The waterworks hereinbefore referred to and authorised by this Part of this Order are :—

Power  
to make  
works.

Work No. 1 A reservoir (being an enlargement  
of Lochs Duntelchaig and Nan Geadas) partly  
in the parish of Dores and partly in the  
parish of Daviot and Dunlichity all in the  
county of Inverness commencing in the parish  
of Dores at a point three hundred and fifty  
yards or thereabouts measured in a southerly  
direction from the farm steading of Achnabat

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and terminating in the parish of Daviot and Dunlichity at the embankment or dam (Work No. 2) hereinafter described;

Work No. 2 An embankment or dam seventy-seven yards or thereabouts in length wholly in the parish of Daviot and Dunlichity and the county of Inverness commencing at a point twenty-five yards or thereabouts south and terminating at a point fifty-two yards or thereabouts north of the centre of Allt Eadar dha Lochan at the outlet of Loch Duntelchaig;

Work No. 3 A deepening of the outlet of Loch Duntelchaig by excavating a channel three hundred and thirty yards or thereabouts in length in the bed of the said loch and in the bed of Allt Eadar dha Lochan wholly in the parish of Daviot and Dunlichity and the county of Inverness commencing at a point in the bed of the said loch thirty yards or thereabouts west and terminating at a point three hundred yards or thereabouts east of the centre line of the embankment or dam (Work No. 2) hereinbefore described;

Work No. 4 A diversion of the service road from the farm of Leiterchullin for a length of eighty yards or thereabouts wholly in the parish of Daviot and Dunlichity and the county of Inverness commencing at a point forty yards or thereabouts south and terminating at a point thirty-five yards or thereabouts north of the centre of Allt Eadar dha Lochan at the outlet of Loch Duntelchaig;

Work No. 5 An intake in Loch Duntelchaig wholly in the parish of Dores and the county of Inverness situate at a point five hundred and fifty yards or thereabouts measured in a southerly direction from the farm steading of Midtown;

Work No. 6 A conduit or line of pipes wholly in the parish of Dores and the county of Inverness commencing at a point five hundred and fifty yards or thereabouts measured in a southerly direction from the farm steading of Midtown



thence proceeding in a north-westerly direction for a distance of seventy yards or thereabouts and terminating at a point four hundred and eighty yards or thereabouts measured also in a southerly direction from the said farm steading; A.D. 1929.  
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Work No. 7 A pumping station wholly in the parish of Dores and the county of Inverness situate at a point four hundred and eighty yards or thereabouts measured in a southerly direction from the farm steading of Midtown;

Work No. 8 A conduit or line of pipes wholly in the parish of Dores and the county of Inverness commencing at the pumping station (Work No. 7) hereinbefore described at a point four hundred and eighty yards or thereabouts measured in a southerly direction from the farm steading of Midtown thence proceeding in a north-westerly northerly and north-easterly direction for a distance of seven hundred and twenty yards or thereabouts and terminating at a point on the north side of the public road from Dores to Dunlichity two hundred yards or thereabouts measured in a northerly direction from the said farm steading;

Work No. 9 A gauge chamber wholly in the parish of Dores and the county of Inverness situate at the termination of the conduit or line of pipes (Work No. 8) hereinbefore described at a point two hundred yards or thereabouts measured in a northerly direction from the farm steading of Midtown;

Work No. 10 A conduit or line of pipes wholly in the parish of Dores and the County of Inverness commencing by a junction with the gauge chamber (Work No. 9) hereinbefore described at a point two hundred yards or thereabouts measured in a northerly direction from the farm steading of Midtown thence proceeding in a northerly direction for a distance of five hundred and eighty yards or thereabouts and terminating at a point on the margin of Loch Ashie seven hundred and seventy yards or thereabouts measured in a northerly direction from the said farm steading;

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Work No. 11 A conduit or line of pipes wholly in the parish of Dores and the county of Inverness commencing by a junction with the gauge chamber (Work No. 9) hereinbefore described at a point two hundred yards or thereabouts measured in a northerly direction from the farm steading of Midtown thence proceeding in a north-easterly direction for a distance of two thousand seven hundred and seventy yards or thereabouts and terminating by a junction with the existing supply pipe from Loch Ashie to the service reservoir at a point twenty yards or thereabouts measured in an easterly direction from the existing screening chamber on the said supply pipe;

Work No. 12 A road of access wholly in the parish of Dores and the county of Inverness commencing by a junction with the public road from Dores to Dunlichity at a point one hundred and seventy yards or thereabouts measured in a northerly direction from the farm steading of Midtown thence proceeding in a south-westerly and south-easterly direction for a distance of seven hundred and eighty yards or thereabouts and terminating at the pumping station (Work No. 7) hereinbefore described.

Power  
to make  
subsidiary  
works.

7. In addition to the waterworks by this Part of this Order authorised and in connection therewith the Corporation may upon or in the lands delineated on the deposited plans and described in the deposited book of reference make erect and maintain all such embankments dams fords weirs intake weirs bye-washes fish-passes channels bridges gangways roads screens wells gauges gauge chambers sluices outlets overflows drains aqueducts shafts cuts pipes pumps pumping stations engines machinery buildings telegraphs telephones posts wires and other works and conveniences as may be necessary or convenient in connection with or subsidiary to the said waterworks or any of them but nothing in this section shall exonerate the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them Provided that any telegraphs telephones posts wires and other works made erected or maintained by the Corporation

shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line. A.D. 1929.  
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8. The Corporation may in constructing the works by this Part of this Order authorised deviate laterally from the lines and position thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and the Corporation may also deviate vertically from the levels of the various works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that except for the purposes of crossing over a stream no part of any pipe shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections Provided also that the Corporation shall not construct any embankment or retaining wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and five feet in addition. Power to deviate.

9. For the purposes and during the execution of the several works which the Corporation are by this Part of this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Corporation may temporarily from time to time break up or cross over or under alter or stop up any streets highways roads lanes paths bridges passages sewers drains watercourses and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway road lane path bridge or passage or the flow of water sewage or electricity or telephonic communication in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with any Power to open roads &c.

A.D. 1929. telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General  
 — Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1928 otherwise than in accordance with the provisions of section 15 of the Electric Lighting Act 1882.

Power to take waters. 10. Subject to the provisions of this Order the Corporation may by means of the works by this Part of this Order authorised or some of them or some part or parts thereof collect impound take use divert and appropriate the waters of Loch Duntelchaig and Loch nan Geadas and all lochs streams or tributaries the waters of which drain or flow into the said lochs above the site of the embankment or dam (Work No. 2) and all such streams springs and waters as may be intercepted by the said works and the Corporation may from the works authorised by this Part of this Order and the existing waterworks of the Corporation or some of them or some part or parts thereof supply water to such persons and within such limits as the Corporation are by the recited Acts authorised and empowered to supply water.

Power to vary level of water in Lochs Duntelchaig and nan Geadas. 11. The Corporation may during and for the purposes of the construction of the works by this Part of this Order authorised lower the level of the water in Lochs Duntelchaig and nan Geadas to such extent as the Corporation may deem necessary or expedient.

Restrictions on taking waters. 12.—(1) The powers of the Corporation under the section of this Order of which the marginal note is "Power to take waters" shall be subject to the following restrictions and conditions :—

(a) The maximum quantity of water which the Corporation may appropriate in any one year from the first day of July to the thirtieth day of June both days inclusive shall be three hundred and sixty-five million gallons and the pumping and other necessary operations in connection therewith shall take place during the months of November December January February March and April Provided that pumping and other operations may also take place during the months of May and June if in the opinion of

the water engineer of the Corporation the same are necessary in order to safeguard the supply of water for the burgh; A.D. 1929.  
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- (b) No pumping or other operations shall take place at any time after the surface of the water in Lochs Duntelchaig and nan Geadas is at a level of seven hundred and one feet or less above Ordnance datum except with the consent of the proprietors committee;
- (c) The sluices to be constructed by the Corporation for regulating the issue of the waters from Lochs Duntelchaig and nan Geadas into the river Nairn shall be vested in the Corporation and the said sluices and any other sluices constructed by the Corporation shall be under the sole management and control of the Corporation subject to the right of the proprietors committee to require periodical flushings of the river Nairn as hereinafter provided and all the said sluices and the passes therein shall be maintained and regulated by the Corporation so that periodical flushings of the river Nairn may take place from time to time upon such terms and conditions as may be agreed between the Corporation on the one hand and the proprietors committee on the other hand or as failing agreement shall be determined by an arbiter to be agreed upon between the parties or appointed by the sheriff on the application of either party;
- (d) Except with the consent of the Corporation no flushing of the river Nairn shall take place during the months of November December January February March and April nor at any time after the surface of the water in Lochs Duntelchaig and nan Geadas is at a level of seven hundred and one feet or less above Ordnance datum Provided that in the event of excessive drought in the month of November in any year the proprietors committee may require flushings to be carried out on not more than three occasions during the said month and in any such case the consent of the Corporation shall not be unreasonably withheld and if any



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difference arises as to whether such consent is unreasonably withheld such difference shall be referred to an arbiter to be agreed upon between the parties or failing agreement to be appointed by the sheriff on the application of either party.

(2) The Corporation shall for the purpose of ascertaining the quantity of water daily appropriated for the purpose of water supply before taking any of the supply hereby authorised construct and shall thereafter in all time maintain such suitable and sufficient measuring gauge or other apparatus through which the whole supply taken shall flow and such gauge or other apparatus and the daily records thereof shall be kept by the Corporation and shall at all reasonable times be open to the inspection and examination of the proprietors committee or any person appointed by the said committee.

(3) In case of any neglect or default on the part of the Corporation to maintain the said gauge or other apparatus in a state of efficiency the Corporation shall be liable to pay to the proprietors committee a penalty at the rate of five pounds per day for every day during which such gauge or other apparatus is out of order and in case of the quantity of water authorised by this Order to be taken being at any time exceeded the Corporation shall be liable to pay to the proprietors committee a penalty of five pounds and thereafter except with the consent of the proprietors committee the Corporation shall not during the year in respect of which the penalty has been incurred be entitled to take any further quantity of water.

(4) All penalties under this section shall be recoverable by the proprietors committee and may be sued for summarily in the sheriff court of Inverness Elgin and Nairn at Inverness at the instance of the proprietors committee or their clerk and shall be recoverable along with the expenses of process and on recovery shall be paid to the proprietors committee.

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all waters which the Corporation can collect impound take use divert or appropriate by means of the works by this Part of this Order authorised.



13.—(1) At eleven o'clock in the forenoon on the third Thursday in the month of September in every year a general meeting of the riparian proprietors of Loch Duntelchaig Loch nan Geadas Allt Eadar dha Lochan Loch a Chlachain Allt a Chlachain and the river Nairn shall be held in the town house Inverness or in such other place as the proprietors committee hereinafter described may from time to time resolve and such of the said proprietors as are present at such meeting or any adjournment thereof shall appoint a committee (not exceeding five in number) from the riparian proprietors first mentioned in this section (in this Order referred to as the "proprietors committee") and the proprietors committee shall be and are hereby empowered to act on behalf of the riparian proprietors in this section referred to in respect of any matters arising in reference to the provisions contained in the section of this Order of which the marginal note is "Restrictions on taking waters" and any proprietors committee appointed in terms of this section shall act until the appointment of another proprietors committee.

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Appoint-  
ment &c. of  
committee  
of riparian  
proprietors.

(2) Four riparian proprietors present at the meeting referred to in subsection (1) of this section shall form a quorum and they shall appoint a chairman from among their number who shall preside at the said meeting Provided that in the absence of a quorum the clerk to the proprietors committee may fix a date for the holding of the meeting and shall give notice of such date to all the riparian proprietors.

(3) Three members of the proprietors committee shall form a quorum The proprietors committee shall have power to elect a chairman from among their number who shall hold office until his successor is appointed In the absence of such chairman or on the failure to appoint a chairman as aforesaid the members of the proprietors committee present at the meeting shall appoint a chairman who shall preside at such meeting The proprietors committee shall also have power to appoint a clerk and such other officials as they may think fit.

(4) All questions arising at any general meeting of the riparian proprietors in this section referred to and at any meeting of the proprietors committee shall be decided by the majority of the persons present and

A.D. 1929. — voting and in case of an equality of votes the chairman of any such meeting shall have and exercise a casting vote.

(5) All actings of the riparian proprietors present at the said general meetings in this section referred to and all actings of the proprietors committee in connection with this Order shall be binding on the riparian proprietors for the time being of Loch Duntelchaig Loch nan Geadas Allt Eadar dha Lochan Loch a Chlachain Allt a Chlachain and the river Nairn and shall not be challengeable at the instance of the said proprietors or any one or more of them.

Compensation for damage.

14. The Corporation shall make full compensation to all persons for all damage injury losses and expenses which may from time to time be incurred or suffered by reason or in consequence of the leaking bursting or giving way of any of the works by this Part of this Order authorised.

Power to take lands.

15. Subject to the provisions of this Order the Corporation may purchase acquire hold enter upon appropriate take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works by this Part of this Order authorised.

Owners may be required to sell parts only of certain lands and buildings.

16. Whereas in the construction of the works authorised by this Part of this Order or otherwise in exercise of the powers of this Order it may happen that portions only of the lands and properties shown on the deposited plans and described in the schedule to this Order may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the said lands and properties and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the official arbiter or other authority to be appointed under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the said properties so required without

the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested by severance or otherwise. A.D. 1929.

17.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Part of this Order where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for such purposes and may give notice to treat in respect of such servitudes describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such servitudes as fully as if the same were lands within the meaning of those Acts. Corporation may acquire servitudes only in certain cases.

(2) As regards any lands in respect of which the Corporation have acquired servitudes only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such servitudes have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Corporation to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this provision.

18. The powers of the Corporation for the compulsory purchase of lands for the works authorised by this Part of this Order shall cease after the expiration of three years from the commencement of this Order. Period for purchase of lands.

19. If the works authorised to be constructed by this Part of this Order are not completed within seven years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Corporation for executing any works not Period for completion of works.

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Corporation  
may enlarge  
or increase  
number of  
pipes.

20. The Corporation may from time to time subject to the provisions of this Order and notwithstanding the expiration of the period limited for the completion of the works by this Order authorised lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) mains pipes filters filter beds tanks channels and other works and conveniences from time to time in use or required for filtering storing conveying and 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 over which the Corporation have acquired a servitude or which may be acquired by them by agreement or in roads and streets which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes.

Corporation  
to have  
powers of  
a local  
authority  
for laying  
mains  
within water  
limits.

21. The Corporation shall within the water limits have and may exercise for the purpose of laying water mains and pipes other than the works described in the section of this Order whereof the marginal note is "Power to make works" elsewhere than in any public road or street all the powers of a local authority under the Public Health (Scotland) Act 1897 with respect to the laying of water mains and pipes inside the district of such local authority.

Power to  
lay mains  
outside  
water  
limits.

22. The Corporation shall have and may exercise in relation to the carrying of water mains and pipes without the water limits for the purpose of affording a supply of water within those limits the like powers subject to the like restrictions (including the liability to make compensation for damage caused by the exercise of such powers) as are conferred and imposed on a local authority by the Public Health (Scotland) Act 1897 in relation to the carrying of sewers without the district of the local authority Provided that in exercising the powers conferred by this section the Corporation shall be subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets except section 29 of that Act and that for the protection of railways and canals and any bridge tunnel or other

work in connection therewith section 107 of the Public Health (Scotland) Act 1897 shall apply. A.D. 1929.

23. The Corporation may at any time for the purpose of constructing repairing examining emptying or cleansing any of the waterworks of the Corporation cause the water in any such works to be temporarily discharged into any available drain stream or watercourse.

Power to discharge water temporarily into streams.

In the exercise of the power conferred by this section the 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 the amount of compensation to be settled in case of difference by an arbiter agreed on between the parties or failing agreement appointed by the sheriff on the application of either party.

24. The Corporation may hold retain and use for the purposes of the water undertaking any lands already acquired for the purposes of their existing waterworks.

Power to hold lands already acquired.

25. 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 this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Persons under disability may grant servitudes &c. by agreement.

26. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in like manner as if such rights were to be compulsorily acquired by the Corporation under this Order.

As to private rights of way over lands taken compulsorily.

27. The Corporation may hold any lands acquired by them for the purposes of or in connection with their existing waterworks and any lands acquired by them

Power to acquire and hold lands



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—  
for pro-  
tection of  
works and  
prevention  
of pollution.

under this Order and may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which they may deem necessary or desirable for the purpose of securing the purity of the water in the drainage areas of any of the reservoirs of the Corporation and of protecting their water supply against pollution fouling contamination nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of this Order or the Lands Clauses Acts respectively Provided that the Corporation shall not create or permit a nuisance on any such lands and shall not erect or permit the erection of any buildings thereon other than offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with the water undertaking or farm buildings.

Power to  
dispose of  
lands.

28. 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.

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

29. The Corporation may on any lands which they may acquire under the powers of this Order or otherwise construct all such drains channels and other works as they may think necessary or desirable for preventing sewage or polluting liquids or contaminated or impure water from entering or polluting any of the reservoirs conduits watercourses or waterworks of the Corporation or any waters flowing into the same.

Power to  
agree as to  
drainage  
of lands.

30. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage areas of any of the reservoirs of the Corporation with reference to the execution by the Corporation or such owners lessees or occupiers of



such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by the recited Acts and this Order authorised to be diverted collected and appropriated by the Corporation flowing to upon or from such lands directly or derivatively into such reservoir and works.

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31. In addition to any money which the Corporation have borrowed or are authorised to borrow for the purposes of the water undertaking the Corporation may from time to time borrow by way of mortgage or otherwise any sums not exceeding the following sums (namely):—

Additional  
borrowing  
powers for  
water  
under-  
taking.

- (a) For the purchase of lands and servitudes by this Part of this Order authorised the sum of one thousand five hundred pounds;
- (b) For the construction of the works by this Part of this Order authorised the sum of nine thousand five hundred pounds;
- (c) For paying part of the costs charges and expenses of and in relation to this Order and the confirmation of the same such sum as may be necessary for that purpose;
- (d) For the purposes of the water undertaking with the consent of the Secretary of State but not otherwise such further moneys as the Corporation may require and the Secretary of State shall have and may exercise in relation to such consent as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889.

32. The provisions as to security repayment of borrowed moneys reborrowing borrowing on cash account sinking fund mortgages appointment of a judicial factor and the other provisions contained in the Act of 1875 with reference to the sum therein authorised to be borrowed shall apply to the additional money authorised to be borrowed under this Part of this Order Provided that the prescribed periods for repayment of any money to be borrowed under this Part of this Order shall be as follows (that is to say):—

Application  
of pro-  
visions of  
Act of 1875  
as to  
borrowing  
&c.

- (a) As to moneys borrowed for the purchase of lands and servitudes and for the construction

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of the works by this Part of this Order authorised within thirty-three and one-third years from the date or dates of borrowing the same;

- (b) As to moneys borrowed for the purpose of paying part of the costs charges and expenses of this Order as aforesaid within five years from the commencement of this Order;
- (c) As to moneys borrowed with the approval of the Secretary of State within such period and by such method as the Secretary of State may prescribe.

Annual  
estimates  
&c. to  
include  
purposes of  
this Part of  
this Order.

33. The annual estimate required to be made under and for the purposes of the Act of 1875 shall also include the annual sums required to be provided for the purposes of this Part of this Order and the payment of the interest on money which may be borrowed or raised under the powers of this Part of this Order and the payments to the sinking fund and all other annual sums required to be provided and the expenses of maintaining and managing the waterworks and water supply authorised by this Order and all other annual expenditure arising out of the exercise of the powers by this Order conferred or consequent on the construction maintenance and use of the works so authorised.

Works to  
form part  
of water  
under-  
taking.

34. Subject to the provisions of this Order the works by this Part of this Order authorised and the lands acquired under this Part of this Order shall form part of the water undertaking.

### PART III.

#### GAS.

Additional  
borrowing  
powers for  
gas under-  
taking.

35.—(1) In addition to any money which the Corporation have borrowed or are authorised to borrow for the purposes of the gas undertaking the Corporation may on the security of the gas undertaking and of the rents charges and revenues accruing to them under the Act of 1875 borrow for the purposes of the gas undertaking and for the purpose of paying part of the costs charges and expenses of and in relation to this Order and the confirmation of the same the further sum of fifty thousand pounds and as from the commencement

of this Order section 75 of the Act of 1875 as amended by the Orders of 1879 to 1920 shall be read as if the words "One hundred and seventy thousand pounds" had been inserted therein instead of the words "One hundred and twenty thousand pounds":

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—

Provided that the prescribed periods for repayment of any money to be borrowed under this subsection shall be as follows (that is to say):—

- (a) As to moneys borrowed other than for the purchase of gas meters and stoves within twenty-five years from the date or dates of borrowing the same;
- (b) As to moneys borrowed for the purchase of gas meters and stoves within ten years from the date or dates of borrowing the same;
- (c) As to moneys borrowed for the purpose of paying part of the costs charges and expenses of this Order as aforesaid within five years from the commencement of this Order.

(2) The Corporation may also from time to time after the commencement of this Order with the consent of the Secretary of State but not otherwise and subject to such conditions as to repayment or otherwise as he may prescribe borrow on mortgage or otherwise at interest for the purposes of the gas undertaking such sums as may be required and the Secretary of State shall have and may exercise in relation to such consent all the powers of section 93 of the Local Government (Scotland) Act 1889 and subject as aforesaid any money so borrowed shall be deemed to have been borrowed under the powers of section 75 of the Act of 1875 as amended by the Orders of 1879 to 1920 and this Part of this Order and the maximum amount which may be borrowed under the said Act is hereby increased accordingly.

#### PART IV.

##### MISCELLANEOUS.

36. The sums borrowed by the Corporation under the authority of this Order shall be applied only to purposes to which capital is properly applicable.

Application  
of moneys  
borrowed.

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Protection  
of lender  
from  
inquiry.

37. No person lending money to the Corporation shall be bound to inquire as to the observance by the Corporation of any provision of this Order or be bound to see to the application or be answerable for any loss or non-application of any such money or any part thereof.

Priority of  
existing  
mortgages.

38. All mortgages assignments or other securities on the rates rents charges and other revenues leviable and receivable by the Corporation granted by the Corporation in pursuance of the powers and provisions of the recited Acts before and subsisting at the commencement of this Order shall during the continuance of such mortgages assignments or securities have priority over any mortgages assignments or securities on the same rates rents charges and other revenues of the Corporation granted under the powers of this Order after the commencement of this Order. Provided that all securities thereafter granted by the Corporation for money borrowed or raised for the water undertaking or the gas undertaking respectively shall rank together *pari passu* without preference or priority the one over the other. All mortgages granted by the Corporation after the commencement of this Order shall contain an indorsation to that effect.

Costs of  
Order.

39. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation from and out of moneys to be borrowed for that purpose under this Order or the revenues of the water and gas undertakings and shall be allocated between those undertakings as the Corporation may deem expedient.

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The SCHEDULE referred to in the foregoing Order.

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(Referred to in the section of this Order of which the marginal note is “ Owners may be required to sell parts only of certain lands and buildings.”)

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