



CHAPTER v.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dumfries Waterworks. A.D. 1930,
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[19th December 1930.]

WHEREAS 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 is hereby confirmed. Confirmation
of Order in
schedule.

2. This Act may be cited as the Dumfries Waterworks Order Confirmation Act 1930. Short title.

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SCHEDULE.

DUMFRIES WATERWORKS.

Provisional Order to authorise the provost magistrates and councillors of the burgh of Dumfries to construct additional waterworks to confer further powers upon them with regard to their water undertaking to authorise them to borrow further moneys and for other purposes.

WHEREAS by the Dumfries and Maxwelltown Waterworks Act 1850 and the Dumfries and Maxwelltown Waterworks (Additional Powers) Act 1897 the Dumfries and Maxwelltown Waterworks Commissioners (hereinafter called "the Commissioners") were authorised to supply with water the parliamentary burgh of Dumfries the burghs of Dumfries and Maxwelltown administered under the Burgh Police (Scotland) Act 1892 and the parishes of Lochrutton Terregles and Troqueer in the stewartry of Kirkcudbright and of Dumfries in the county of Dumfries :

And whereas the Commissioners in pursuance of the said Acts and the Dumfries and Maxwelltown Waterworks Order 1922 have constructed waterworks and supply water within the said burghs and parishes :

And whereas by the Dumfries and Maxwelltown Burghs Amalgamation Order 1929 the Commissioners were dissolved and their undertaking and property were transferred to and vested in the provost magistrates and councillors of the burgh of Dumfries (hereinafter called "the Corporation") :

And whereas the supply of water which is now derived from the existing waterworks of the Corporation is inadequate to meet the present and growing demands upon their water undertaking and it is expedient that a more abundant supply of water should be provided for use within their limits of water supply and that the Corporation should be empowered to construct the additional waterworks authorised by this Order and to

acquire lands for the purposes thereof and for protecting their waterworks from pollution : A.D. 1930.

And whereas it is expedient that the further powers in relation to their water undertaking contained in this Order should be conferred upon the Corporation :

And whereas it is expedient that the Corporation should be empowered to borrow further money for the purposes of the waterworks by this Order authorised and for the general purposes of their water undertaking :

And whereas estimates have been prepared by the Corporation for and in relation to the purposes hereinafter mentioned in respect of which they are by this Order authorised to borrow money and such estimates are as follows :—

For and in connection with the purchase of lands and permanent rights	£ 3,120
For and in connection with the construction of the reservoir and embankment authorised by this Order -	75,459
For and in connection with the purchase of servitudes for water pipes and scours - - - - -	500
For and in connection with the reinstatement of an access road and the construction of drainage works -	1,065
For and in connection with the provision and laying of mains - -	16,038
For and in connection with the construction of the road diversion authorised by this Order - - -	5,163

And whereas the several works included in such estimates 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 situations and levels of the several works authorised by this Order and plans showing the lands which may be taken compulsorily for the purposes or under the powers of this Order and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of such lands

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were duly deposited with the sheriff clerk of the eastern division of the sheriffdom of Dumfries and Galloway and such plans sections and book of reference are in this Order respectively referred to as the deposited plans sections and book of reference :

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

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 follows :—

Short title.

1.—(1) This Order may be cited as the Dumfries Waterworks Order 1930.

(2) This Order and the Dumfries and Maxwelltown Waterworks Acts 1850 to 1922 may be cited together as the Dumfries Waterworks Acts 1850 to 1930.

Commence-
ment of
Order.

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

Incorpora-
tion of
Acts.

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

(1) The Waterworks Clauses Act 1847 except—

(a) Sections 44 to 47 with respect to the communication pipes to be laid by the undertakers ;

(b) Sections 68 70 71 and 72 ;

(c) Sections 75 to 82 with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts :

(2) The Waterworks Clauses Act 1863 :

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In construing the provisions of the foregoing Acts "the undertakers" "the company" and "the promoters of the undertaking" shall mean the Corporation :

(3) The Lands Clauses Acts :

(4) The sections and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said sections and provisions "the company" means the Corporation "the railway" means the works authorised by this Order and the works connected therewith and "the centre of the railway" means any part of those works.

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

4. In this Order the several words terms and expressions to which by the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Order unless the context otherwise requires—

"The Corporation" means the provost magistrates and councillors of the burgh of Dumfries;

"The Act of 1850" means the Dumfries and Maxwelltown Waterworks Act 1850;

"The Act of 1897" means the Dumfries and Maxwelltown Waterworks (Additional Powers) Act 1897;

"The Order of 1922" means the Dumfries and Maxwelltown Waterworks Order 1922;

"The tribunal" means the arbiter or other authority to whom any question of disputed purchase money or compensation is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919;

"The sheriff" means the sheriff of Dumfries and Galloway and includes his substitutes;

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“ The water limits ” means the limits of the Dumfries Waterworks Acts 1850 to 1930 as defined by the section of this Order of which the marginal note is “ Limits of supply and compulsory limits of supply ” ;

“ The water undertaking ” means the existing waterworks and water undertaking of the Corporation and the waterworks and water undertaking authorised by this Order.

Power to
make works.

5. Subject to the provisions of this Order the Corporation in the lines and situation and upon the lands delineated on the deposited plans and described in the deposited book of reference may make and maintain the following works shown on the deposited plans and sections (that is to say) :—

In the county of the stewartry of Kirkcudbright—

Work No. 1 A reservoir in the parish of Kirkpatrick Irongray commencing at a point on the Marglolly Burn north-west of Cornlee Bridge and terminating at the embankment (Work No. 2) by this Order authorised ;

Work No. 2 An embankment in the said parish across the Old Water of Cluden at a point 252 yards or thereby measured in a northerly direction from the north-easterly corner of Glenkiln Farm buildings ;

Work No. 3 A diversion in the said parish of the public road leading from Shawhead to Milton and Dunscore ;

Work No. 4 A conduit or line of pipes commencing in the said parish in the embankment (Work No. 2) by this Order authorised and terminating at a point in the parish of Lochrutton at the main entrance to the waterworks of the Corporation situate north of Lochfoot.

Subsidiary
works.

6. In addition to the works set forth in the section of this Order of which the marginal note is “ Power to make works ” the Corporation may upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain all such buildings machinery works and apparatus of whatever

character as may be necessary or convenient in connection with or subsidiary to the before-mentioned works or any or either of them but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. A.D. 1930.

7. In the construction of the works by this Order authorised the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the Corporation may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the cases of the reservoir (Work No. 1) and the embankment (Work No. 2) by this Order authorised three feet upwards and in the case of other works five feet upwards and in the case of all the said works to any extent downwards Provided as follows (that is to say) :—

The Corporation shall not construct any embankment or wall of such reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition ;

Except for the purpose of crossing a stream or railway no part of any pipe shall be raised above the surface of the ground unless and except so far as shown on the deposited sections.

8. Subject to the provisions of this Order the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the Old Water of Cluden and all streams and tributaries the waters of which drain or flow into the said river above Work No. 2 by this Order authorised and all such springs streams and waters as may be intercepted by the works by this Order authorised. Power to take waters.

9.—(1) Until the date of completion of the reservoir (Work No. 1) by this Order authorised the Corporation may take from the Old Water of Cluden any water they may require subject to the following restrictions :—

(a) They shall place a gauge weir across the said river at or near the proposed intake through

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an aperture in which such quantity of water as may be flowing down the river not exceeding four hundred thousand gallons shall be allowed to pass and flow down the river every day of twenty-four hours;

- (b) On any such day during such time as the flow of water in the said river shall be less than at the rate of four hundred thousand gallons per day of twenty-four hours the Corporation shall not be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the Corporation may take all or such part of the excess as they may require.

(2) After the completion of the said reservoir and the embankment (Work No. 2) by this Order authorised the following provisions shall apply:—

- (a) The Corporation shall during every day of twenty-four hours discharge or deliver into the said river at a point therein situate not more than two hundred yards below the foot of the said embankment not less than six hundred thousand gallons of water in a continuous flow;
- (b) For the purpose of measuring the quantity of water to be so discharged or delivered into the said river the Corporation shall erect and maintain at a point on the said river not more than two hundred yards below the foot of the said embankment a proper and suitable measuring gauge over or through which the said compensation water shall flow and such gauge shall be under the sole management and control of the Corporation and shall be open to the inspection and examination of all persons interested therein.

(3) In case of any neglect on the part of the Corporation to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of compensation water shall not so flow the Corporation shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(4) If any difference arises between the Corporation and any person so interested with respect to the construction or use of any gauge or the state of repair or condition thereof such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the sheriff.

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(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all the waters of the Old Water of Cluden and the streams and tributaries flowing into the said river which the Corporation can divert collect impound or appropriate by means of the works by this Order authorised except in respect of any lands situate between the foot of the said embankment and the said point of discharge of water into the said river.

10. Subject to the provisions of this Order the existing waterworks of the Corporation and the works to be constructed under the authority of this Order shall for all purposes whatsoever be and be deemed to be part of the water undertaking.

Existing
waterworks
and new
works to
form one un-
dertaking.

11. The Corporation with the consent of the road authority at any time for the purposes of conveying water from any of the existing waterworks of the Corporation or of the works by this Order authorised or for distributing and supplying water beyond the water limits may lay down make maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway and 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 or highway and making full compensation to all persons injuriously affected by anything done under the provisions of this section Provided that the consent aforesaid of the road authority shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be referred to and determined by an arbiter to be nominated failing agreement by the sheriff on the application of either party and the decision of such arbiter shall be final Provided also that nothing

Laying
mains on
public
roads.

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Power to alter roads &c. temporarily.

12. For the purposes and during the execution of the several works which the Corporation are by 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 footways footpaths bridges passages sewers drains watercourses gas pipes 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 the Corporation 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 footway footpath bridge or passage or the flow of water gas 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 telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General Provided further 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 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section.

Corporation may enlarge or increase number of pipes.

13. 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.

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14. 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.

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

15. 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.

Power to lay mains outside water limits.

16. For the protection of the county council of the stewartry of Kirkcudbright (in this section referred to as "the county council") the following provisions unless otherwise agreed between the county council and the Corporation shall apply and have effect (that is to say):—

For protection of Kirkcudbright County Council.

- (1) The Corporation shall make full compensation to the county council for all loss damage or expense which they may sustain or incur including reparation to third parties by reason or in consequence of any injury or damage to any road street bridge sewer drain pipe waterwork channel conduit or other property under the

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jurisdiction of or vested in the county council consequent upon or arising from the construction or existence of the works authorised by this Order or the exercise or use of any power by this Order conferred upon the Corporation or due to or arising from water in or escaping from the said works of the Corporation and whether or not such loss or damage shall have occurred or arisen by reason or in consequence of any act or default of the Corporation and the Corporation shall indemnify the county council from all liability including reparation to third parties in respect of such loss or damage Provided always that the county council shall forthwith give to the Corporation notice of any claim made upon the county council for any such loss damage or expense and that the Corporation shall be at liberty at their own expense and if they so desire in the name of the county council to resist defend or compromise any such claim and that the county council will at the expense of the Corporation afford the Corporation all reasonable information and assistance for such purposes :

- (2) In the event of the abandonment by the Corporation of any portion of the works by this Order authorised subsequent to the construction or partial construction thereof on receipt of notice from the county council given in writing within one year from the date of the said abandonment the Corporation if they so agree or failing their agreeing on an order made by an arbiter appointed as aftermentioned shall remove all embankments dams roads approaches ways pumping works turbines tanks weirs sluices culverts tunnels aqueducts channels catch-waters sewers drains pipes and other apparatus and property which shall be so abandoned and reinstate the rivers and lands and the roads and bridges and any sewers pipes drains or other works of the county council affected by such removal to the reasonable satisfaction of the county council and if the Corporation shall for three months after such

notice or order as the case may be neglect or delay so to do the county council may themselves remove such works of the Corporation and reinstate such roads bridges sewers pipes drains and works of the county council as aforesaid and recover the cost of so doing from the Corporation and the county council may sell the works so removed and apply the proceeds in reimbursement of their costs and outlays which shall be a first and preferable charge thereon and shall pay over any balance of such proceeds to the Corporation :

(3) If in the opinion of the county council any bridge belonging to them is not of such construction as to allow of any aqueduct conduit tunnel pipe or other apparatus of the Corporation being carried in under or upon the footway or roadway or structure thereof the county council shall give notice to this effect to the Corporation requiring them to make provision for carrying such aqueduct conduit tunnel pipe or other apparatus separate from and not in any way attached to the said bridge or alternatively to strengthen such bridge in accordance with plans to be submitted to and reasonably approved by the county council :

(4) (a) For the purpose of section 57 of the Roads and Bridges (Scotland) Act 1878 as amended by section 24 of the Local Government (Scotland) Act 1908 the Corporation shall be deemed to be the person by or in consequence of whose order any excessive weight shall have been passed or any extraordinary traffic conducted on the county highways if such excessive weight is passed or such traffic is conducted in connection with the execution of the works by this Order authorised ;

(b) Where in the case of roads over which the plant materials and other things necessary for the execution of the works by this Order authorised are to be carried the county council find it necessary to increase the expenditure thereon in order to keep those roads in a proper and sufficient state of repair the Corporation shall

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be bound to pay to the county council such increased cost of maintenance during the period of construction of the works and also the cost of making good the surface where the same is cut through or damaged by such traffic as the same may be agreed upon or as may be determined by arbitration under this section. On completion of any of the works by this Order authorised the Corporation shall pay to the county council the cost of restoring and reinstating every road bridge and culvert in along or over which any haulage of plant materials and things used in connection with the said works has taken place as the same may be agreed upon or as may be determined by arbitration under this section;

(c) If the county council shall at any time give notice to the Corporation that any bridge or culvert on any highway to be used by them for the carriage or haulage of plant materials and things as aforesaid is incapable of carrying any load in excess of a specified weight then the Corporation shall be bound before crossing any such bridge or culvert with any load in excess of the weight specified temporarily to strengthen any such bridge or culvert and in the event of any damage being done to any such bridge or culvert through such crossing the Corporation shall make good all such damage to the satisfaction of an engineer to be agreed upon by the county council and the Corporation or failing agreement to be nominated by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and if the Corporation shall fail forthwith to carry out such works then the county council shall be entitled to carry out the work and to recover the actual cost from the Corporation. Provided always that if the Corporation shall consider that any weight specified as aforesaid is below the carrying capacity of the bridge or culvert the weight which such bridge or culvert is capable of carrying shall failing agreement between the

parties be determined by arbitration under this section. The provisions in this section contained shall not in any way affect or detract from the statutory provisions regulating the use of locomotives on highways in Scotland contained in the Locomotives Act 1861 and Acts amending the same;

(d) In the event of any part of the highways aforesaid being temporarily rendered impassable or dangerous for passenger or vehicular traffic or of any of the bridges or culverts being destroyed or rendered unsafe by or through any operations of the Corporation during the construction of the works by this Order authorised the Corporation shall relieve the county council of all lawful claims in respect thereof and shall cause danger lights to be placed at night at the ends and by the side of the parts of the highways aforesaid or of such bridges and culverts (which danger lights shall be kept burning from one hour after sunset to one hour before sunrise) and shall employ watchmen so as to ensure the safety of the public until the highways bridges and culverts have been repaired :

- (5) If the county council shall find it necessary to appoint additional public health officials in connection with the supervision of the housing accommodation and sanitary requirements of the persons employed in constructing the works by this Order authorised or to provide additional hospital accommodation therefor the Corporation shall pay to the county council the cost of such additional public health officials or additional accommodation as the same may failing agreement be determined by the Department of Health for Scotland. Provided that in the event of the occurrence of infectious disease among the persons employed in constructing the said works the Corporation shall have the option of removing any such person for treatment to a suitable institution within their own burgh but the county council shall not be responsible for the treatment nor cost of hospital

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accommodation of any such person and any expense incurred by the county council in respect of the same shall be repaid to them by the Corporation :

- (6) Section 2 of the Police (Scotland) Act 1858 which provides for the appointment of additional constables shall apply to the works by this Order authorised and the Corporation shall comply with the provisions of that section :
- (7) If any difference shall arise between the county council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be referred to the decision of an arbiter to be named (failing agreement of the parties to an arbiter) by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other and the decision of such arbiter shall be final.

Power to discharge water temporarily into streams.

17. 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.

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.

Power to hold lands already acquired.

18. 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 acquire lands.

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

20.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by 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.

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Power to
acquire
servitudes
only in cer-
tain 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 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.

21. 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 pri-
vate rights
of way over
lands taken
com-
pulsorily.

22. The following sections of the Order of 1922 shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order (namely):—

Application
of provi-
sions of
Order of
1922.

Section 5 (Power to hold lands needful to prevent fouling and to protect water);

Section 6 (Persons under disability may grant servitudes &c.);

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Section 7 (Reservation of water rights &c.);

Section 9 (Power to agree as to drainage of lands &c.).

For protec-
tion of
reservoirs
&c. from
pollution.

23. 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.

Sheep wash-
ing or
dipping.

24.—(1) If in the opinion of the Corporation it shall be expedient in order to preserve the purity of the water which they are by this or any other Order or Act authorised to take to prohibit the washing or dipping of sheep in any of the waters within the drainage areas of any of the reservoirs of the Corporation the Corporation shall have power to prohibit such washing or dipping of sheep. Provided that before the Corporation carry this provision into effect in respect of any place where it has been the practice to wash or dip sheep they shall give notice to the owners and occupiers of any such washing or dipping place by advertisement in a newspaper circulating in the district in which such washing or dipping place is situate and shall also provide and maintain in the nearest convenient and available situation another suitable washing or dipping place and also a suitable folding place in the vicinity thereof.

(2) Any person aggrieved by any prohibition issued by the Corporation under this section may within three months after the issue thereof appeal to the sheriff provided that he gives not less than fourteen days' notice of the appeal and of the grounds thereof to the Corporation.

(3) In the event of any such appeal the sheriff shall have power to cancel the prohibition or to allow the same unconditionally or subject to such conditions as to the area within which the same shall take effect or as to the provision and maintenance of another suitable washing or dipping place or otherwise as he may think fit and to award costs which costs shall be recoverable as a civil debt.

25. The Corporation may from time to time for the purposes of the water undertaking purchase by agreement in addition to the lands by this Order authorised to be acquired by compulsion any lands not exceeding in the whole twenty acres but nothing in this Order shall exonerate the Corporation from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section and no house or building shall be erected on any such lands other than any houses or buildings which may be required in connection with the water undertaking.

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Power to
acquire
lands by
agreement.

26. The Corporation may plant with trees any land vested in them or acquired by them under this Order or otherwise acquired by them for the purposes of or in connection with the water undertaking which may be suitable for afforestation. The exercise of the power conferred by this section shall be deemed to be a purpose of this Order to which capital may be applied and in respect of which the Corporation may borrow in terms of the section of this Order whereof the marginal note is "Power to borrow."

Power to
afforest
lands.

27. 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 this Order or some other Order confirmed by or having the effect of an Act of Parliament or in some Act of Parliament.

Limiting
powers of
Corporation
to abstract
water.

28. The powers of the Corporation for the compulsory purchase of lands for the purposes of this Order shall cease on the first day of October nineteen hundred and thirty-three.

Period for
compulsory
purchase of
lands.

29. If the works in this Order described are not completed within five 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 the same shall cease except as to so much thereof as is then completed.

Period for
completion
of works.

30. The Corporation shall if and when required by the local authority of the district in which the works authorised by this Order are situate (in this section called

Accommo-
dation for
workmen
&c.

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“ the local authority ”) make provision to the satisfaction of the local authority for the proper housing and sanitary requirements of the persons employed in constructing the said works and for the treatment of cases of sickness (other than infectious disease) and accident occurring among the said persons during the construction of the said works. In considering what provision ought to be made for the said purposes the local authority shall take into consideration the provision already available in the neighbourhood of or conveniently accessible from the said works.

In the event of any dispute arising between the Corporation and the local authority as to the amount or nature or situation of the housing accommodation and sanitary requirements to be provided or as to the sufficiency of the provision for the treatment of cases of sickness (other than infectious disease) and accident or as to the time within which such accommodation shall be provided and such provision made or as to the carrying out by the Corporation of any requirement of the local authority under this section either party may appeal to the Department of Health for Scotland (in this section called “ the department ”) and their decision shall be final and binding on both parties :

Provided that if it appear to the department at any time that sufficient provision for the aforesaid purposes is not made they shall have power to require the Corporation to make provision or additional provision therefor to the satisfaction of the department.

In the event of the Corporation or the local authority failing to comply with any order or requirement of the department under this section they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day during which such failure continues and such penalties shall be recoverable with expenses at the instance of the Lord Advocate on behalf of the department in any competent court.

For the purposes of this section the department shall have the same powers of holding inquiries and of requiring reports to be made by local authorities and their officials as they have under the Public Health (Scotland) Act 1897 for the purposes of that Act and the provisions of

the said Act relating to such inquiries and reports shall apply accordingly. A.D. 1930.

31. The Corporation may purchase or take on lease dwelling-houses for such of the keepers of reservoirs water officers foremen or workmen employed by them for the purposes of 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 may erect maintain and let dwelling-houses with all necessary conveniences and appurtenances for such persons upon any lands for the time being belonging to the Corporation for the purposes of the said undertaking and (subject to the terms of the lease) upon any lands for the time being leased to the Corporation for the purposes of the said undertaking and with the consent of the Department of Health for Scotland upon any other lands for the time being belonging to or leased to the Corporation.

Dwelling-houses for persons employed by Corporation.

32.—(1) The water to be supplied from any main or pipe of the Corporation whether existing or authorised to be constructed or reconstructed by this Order 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 above or at a greater height than that which can be supplied or afforded by gravitation from the existing service reservoirs or tanks of the Corporation or from the waterworks by this Order authorised from which the supply is given.

Pressure.

(2) Section 14 (Pressure) of the Act of 1897 and section 13 (Suspension of constant pressure during repairs &c.) of the Order of 1922 are hereby repealed.

33. Every person who fraudulently takes or uses water belonging to the Corporation for any purpose other than domestic or drinking purposes shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty of five pounds for each day any such offence continues after conviction.

Penalty for taking water except for domestic use.

34. All penalties exigible under the provisions of this Order and of the Acts wholly or partially incorporated herewith (excepting any penalties which may be imposed upon the Corporation) shall be paid over to the Corporation instead of being applied in the manner provided in the said Acts or the Acts therein referred to.

Application of penalties.

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Prosecution
of offenders.

35. All offenders against any of the provisions of this Order or of any of the Acts wholly or partially incorporated herewith or against any of the byelaws or regulations of the Corporation relating to the water undertaking may be prosecuted and all penalties in respect of offences against any of such provisions byelaws or regulations may be recovered summarily by the Corporation under the Summary Jurisdiction (Scotland) Act 1908.

Power to
lay pipes in
private
streets.

36. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street laid out but not dedicated to the public use supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if section 29 of the Waterworks Clauses Act 1847 had been excepted from the incorporation of that Act in this Order :

Provided that the provisions of this section shall not apply to any street belonging to or maintained by a railway company except with the consent of such railway company in writing which consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be determined by the sheriff in a summary manner upon the application of the Corporation and the decision of the sheriff shall be final.

As to break-
ing up
ground for
maintaining
communica-
tion pipes.

37. For the purpose of complying with any obligation under any Act or Order of the Corporation to maintain any water 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.

Corporation
to connect
communica-
tion pipes
with mains.

38. 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

execute on any such main 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 any work which shall be necessary to connect the communication or service pipe of such owner or occupier therewith and any expenses incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting and shall be recoverable as a civil debt.

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39. If in the opinion of the Corporation any waste of water or injury or risk of injury to person or property is caused or likely to be caused by reason of any injury to or defect in any communication pipe which the Corporation are not under obligation to maintain it shall be lawful for the Corporation to execute such repairs to the communication pipe as may be necessary or expedient in the circumstances without being requested so to do and if any injury to or defect in the communication pipe shall have been found the expense reasonably incurred by the Corporation for the purposes of ascertaining the injury or defect and executing the repairs (including the expense of breaking up filling in reinstating and making good any road pavement or soil for those purposes) shall be recoverable by the Corporation in like manner as the water rates in respect of the premises are recoverable Provided that (except in emergency) the Corporation shall not under the powers of this section enter into any house or private premises unless they shall have given to the occupier of such house or premises and if the water rates in respect of the house or premises are payable by the owner thereof to such owner not less than twenty-four hours' previous notice of their intention so to enter.

Power to
Corporation
to repair
communica-
tion pipes.

40. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time being entitled to a supply or the continuance of a supply of water by the Corporation who shall without the authority of the Corporation turn on any valve cock or other work or apparatus attached to any service main or pipe connected with any main of the Corporation and provided or available for the purpose of affording a supply of water to such house or building or part of a house or building or premises shall be deemed to commit an

Penalty for
interfering
with valves
&c.

A.D. 1930. — offence under section 60 (Penalty for destroying valves drawing off water &c.) of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for closing valves and apparatus.

41. Every person who shall (without the consent of the Corporation) 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 the amount of any damage by them sustained Provided that this section shall not apply to a consumer closing any valve on his communication pipe.

Supply of water to county councils.

42.—(1) The Corporation—

- (a) upon being required by notice in writing to do so by the county council of the stewartry of Kirkcudbright (in this section referred to as “the Kirkcudbright County Council”) shall give and continue to give to the Kirkcudbright County Council at the reservoir (Work No. 1) authorised by this Order and if desired by the Kirkcudbright County Council in such notice at such points on Work No. 4 by this Order authorised and on the Corporation’s aqueduct so far as within the said stewartry from their waterworks at Lochrutton to the burgh of Dumfries as the county council may reasonably require a supply of water in bulk;
- (b) upon being required by notice in writing to do so by the county council of the county of Dumfries (in this section referred to as “the Dumfriesshire County Council”) shall give and continue to give to the Dumfriesshire County Council either at the reservoir (Work No. 1) authorised by this Order or from Work No. 4 authorised by this Order at some point immediately below the said reservoir as the Dumfriesshire County Council may reasonably require a supply of water in bulk.

(2) If the Kirkcudbright County Council or the Dumfriesshire County Council only shall require a supply of water in bulk under subsection (1) of this section the following provisions shall apply:—

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(a) The price per one thousand gallons to be paid by the county council taking the supply (in this section referred to as "the county council") to the Corporation in any year for water supplied under the provisions of this section (except in so far as may be otherwise agreed between the Corporation and the county council) shall be the net cost per one thousand gallons in that year to the Corporation of water supplied from the reservoir (Work No. 1) authorised by this Order to their own ratepayers ascertained as provided in this subsection and the county council shall in addition pay to the Corporation annually from the date of any notice under subsection (1) of this section a sum representing what would be the annual charge in respect of interest and sinking fund payments on the total sum which the county council would have been required to pay as their proportion of the total interest and sinking fund payments on the capital expenditure on the said reservoir from the date of the first of such payments by the Corporation to the date of the notice under subsection (1) of this section if the county council had taken from the date of such first payment the quantity of water required under the said notice the period for the repayment of such total sum being the period between the date of the said notice and the date by which the loan in respect of the capital expenditure on the construction of the said reservoir is to be repaid;

(b) The cost to the Corporation of the water supplied from the said reservoir to their own ratepayers in any year shall include the following expenses—

(i) the loan charge payable in respect of the capital expenditure on the construction of the said reservoir;

(ii) the necessary expenditure on the management repair and maintenance of the said

A.D. 1930.
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reservoir and the analyses of and the metering the water and the filtration treatment if required and any other annual charges which may be exigible under deduction of (a) all grants and contributions towards the loan charges received from Government departments and others (b) all sums received from local authorities and others (except the county council) in respect of water sold or supplied for use outside the burgh of Dumfries after completion of the works by this Order authorised and (c) all other sums of whatever nature receivable in respect of the existence or use of the said reservoir or the supply of water therefrom;

(c) The capital cost of constructing the said reservoir shall be deemed to include and consist of—

(i) the whole costs charges and expenses necessarily incurred in obtaining this Order; and

(ii) the price of and necessary expenses incidental to the acquisition of lands required for the construction and use of the said reservoir; and

(iii) the necessary cost of constructing the said reservoir and other works necessary at the said reservoir and the costs of filters and a clear water tank for the water impounded in the said reservoir but only if these are required by the Corporation;

under deduction of all grants and contributions received from Government departments local authorities and all others towards or in respect of such capital cost of constructing the said reservoir;

(d) The net cost per one thousand gallons in any year to the Corporation of the water supplied from the said reservoir to their own ratepayers shall be ascertained by dividing the aggregate of the expenses referred to in paragraph (b) of this subsection by the aggregate of the quantities of water supplied by the Corporation to consumers in their limits of supply and other bodies or persons and to the county council.

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(3) If the Kirkcudbright County Council and the Dumfriesshire County Council shall both take a supply of water in bulk the price per one thousand gallons to be paid by the Kirkcudbright County Council and the Dumfriesshire County Council to the Corporation in any year for the water supplied to each of the said county councils under the provisions of this section (except in so far as may be otherwise agreed between the Corporation and the said county councils or either of them) shall be the net cost per one thousand gallons in that year to the Corporation of water supplied from the reservoir (Work No. 1) authorised by this Order to their own ratepayers ascertained as provided in paragraph (b) of subsection (2) of this section with the modifications set forth in the proviso to this subsection and the Kirkcudbright County Council and the Dumfriesshire County Council shall in addition respectively pay to the Corporation annually from the respective dates of the notices given by the said county councils respectively under subsection (1) of this section the sums representing what would be the annual charges in respect of interest and sinking fund payments on the total sums which the said county councils would have been required respectively to pay as their respective proportions of the total interest and sinking fund payments on the capital expenditure on the said reservoir from the date of the first of such payments by the Corporation to the dates of such respective notices if such county councils respectively had taken from the date of the first payment the quantities of water required under the said notices respectively the period in each case for the repayment of such total sum being the period between the date of such respective notice and the date by which the loan in respect of the capital expenditure on the construction of the said reservoir is to be repaid. Provided that subparagraph (ii) (b) of paragraph (b) and paragraph (d) of subsection (2) of this section shall be read and have effect as if the words "Kirkcudbright County Council and the Dumfriesshire County Council" were substituted for the words "county council" in such subparagraph and paragraph respectively.

(4) The giving of a supply of water to the Kirkcudbright County Council at any point or points on the Corporation's aqueduct from their waterworks at Lochrutton to the burgh of Dumfries shall not necessitate the

A.D. 1930., enlargement of the said aqueduct or the distribution
— mains connected therewith.

(5) The whole expenses of making the necessary connections (including the valves and stop cocks) at the points at which a supply of water is given to either of the said county councils shall be paid by the county council concerned.

(6) The Kirkcudbright County Council and the Dumfriesshire County Council on requiring from time to time a supply of water at any stated point of intake shall serve a notice in writing upon the Corporation in the case of the Kirkcudbright County Council stating that the supply is required at the reservoir (Work No. 1) or specifying the point or points on the aqueducts referred to in subsection (1) of this section or either of them at which such supply of water is required to be supplied and in the case of the Dumfriesshire County Council stating that the supply is required at the reservoir (Work No. 1) or below it and in the case of each county council the day on which the supply is required (not being an earlier day than a reasonable time after the date of the service of such notice having regard to the situation of the point or points at which the supply is required to be given).

(7) The supply of water to be taken at the said reservoir or at any such point or points shall be measured by a meter every such meter to be provided and laid down by the Corporation at the joint cost of the Corporation and the county council concerned and the quantity of water taken by the Corporation from the said reservoir for all other purposes shall be measured by a meter to be provided and laid down by the Corporation at their own expense. Every such meter provided at the joint expense of the Corporation and either of the county councils shall be placed in such position as may be agreed between the respective engineers of the Corporation and the county council concerned or as failing agreement may be determined by an arbiter to be agreed or failing agreement to be appointed by the sheriff on the application of either party after notice in writing to the other.

(8) The total quantity of water to be supplied under the provisions of this section (except in so far as may be otherwise agreed between the Corporation and the county

council concerned) shall not exceed in all (a) in the case of the Kirkcudbright County Council one hundred thousand gallons per day and shall be used by that county council exclusively for the use and needs of their ratepayers in the parishes of Irongray Terregles Lochrutton and Troqueer (Landward) and (b) in the case of the Dumfriesshire County Council whether under subsection (1) or subsection (10) of this section two hundred and forty thousand gallons per day and shall be used by that county council for the domestic dairying trading manufacturing and other uses and needs of ratepayers within and inhabitants of their area.

(9) If a supply of water be taken at any point or points on the line of the aqueduct from the said waterworks at Lochrutton to the burgh of Dumfries the Kirkcudbright County Council shall pay to the Corporation in addition to the sums payable under paragraph (a) of subsection (2) of this section a charge per one thousand gallons for the filtration of the water at the said waterworks at Lochrutton to be ascertained and determined by dividing the aggregate of such of the expenses referred to in paragraph (b) of subsection (2) of this section as relate to such filtration water passing through the said aqueduct by the aggregate of the quantities of water supplied from the last mentioned aqueduct to the Corporation and the Kirkcudbright County Council respectively.

(10) In the event of the Dumfriesshire County Council intimating to the Corporation that they are unable to exercise or do not intend to exercise their option to obtain a supply of water under subsection (1) of this section the Corporation shall upon being required by notice in writing to do so by the Dumfriesshire County Council give and continue to give from their main water pipes at such points at or in the vicinity of the boundaries of the burgh of Dumfries as the Dumfriesshire County Council may reasonably require a supply of water in bulk on such terms as may be mutually agreed between the Corporation and the Dumfriesshire County Council or as failing such agreement may be determined by an arbiter mutually chosen or as may in the event of difference be nominated by the Secretary of State which arbiter shall also be empowered to determine whether or not the said county council are reasonable in their

A.D. 1930. — requirements as to the points at which such supply shall be given.

(11) Upon a supply of water being given by the Corporation to the Dumfriesshire County Council under subsection (1) or subsection (10) of this section and arrangements being completed by that county council for such water being distributed within a special water supply district or special water supply districts formed by them all existing agreements applicable to supplies of water by the Corporation to the Dumfriesshire County Council and to individual consumers within such special water supply district or districts shall cease and determine.

(12) Such supply of water as may be given by the Corporation to the Dumfriesshire County Council under subsection (1) or subsection (10) of this section shall continue in perpetuity or until discontinued by agreement between the Corporation and the Dumfriesshire County Council or until determined by Parliament or by Provisional Order made by the Secretary of State and confirmed by Parliament.

(13) Any difference which arises under this section (other than a difference to be determined in accordance with subsection (10) thereof) between the Corporation and the Kirkcudbright County Council or the Dumfriesshire County Council shall be determined in the same manner as a difference under subsection (7) of this section.

Power to Corporation to supply water to local authorities and others.

43. The Corporation may enter into and carry into effect agreements with any local authority company or person for the supply of water beyond the water limits to any such authority company or person respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon and may with the consent of the local and road authority lay mains and execute works for that purpose in any area beyond the water limits :

Provided that such supply shall not be given except with the consent of any local authority company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district nor if and so long as such supply would interfere with the supply of water for any purpose within the water limits.

44. In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the waterworks engineer of the Corporation or any person duly authorised by him in writing may at all reasonable times between the hour of four o'clock in the afternoon and one hour after sunset enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such engineer or authorised person from entering or making such examination as aforesaid he shall for every such offence be liable to a penalty not exceeding five pounds.

A.D. 1930.

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Extension of
power to
inspect
premises.

45.—(1) Where water is supplied by measure the register of the meter or other instrument for measuring water shall be prima facie evidence of the quantity of water consumed and in respect of which any water rate is charged and sought to be recovered by the Corporation.

Register of
meter to be
prima facie
evidence.

(2) Provided that if the Corporation and the person to whom the water is supplied differ as to the quantity consumed such difference shall be determined upon the application of either party by the sheriff in a summary manner who may also order by which of the parties any costs of the proceedings before him shall be paid and the decision of the sheriff shall be final and binding on all parties.

46. The charge for water supplied for use in the erection of any building or part of a building shall not exceed fifteen shillings per one hundred pounds of the contract price for the building or if there is no such contract price of the estimated total cost of the building and reasonable allowance shall be made by the Corporation for decorative or timber iron or steel work not requiring the use of water.

Price of
supply for
building
purposes.

47. Where a person who takes a supply of water from the Corporation otherwise than by meter desires to use for or in connection with a refrigerating apparatus any of the water so supplied the Corporation may if they think fit require that all water used for or in connection with the said apparatus shall be taken by meter on the conditions and paid for at the rates for the time being in force for the supply of water by meter Provided

Charges for
refrigerating
apparatus.

A.D. 1930. — that if the person is only taking a supply of water from the Corporation for domestic purposes the minimum sum per quarter which may be demanded by the Corporation for the water used for or in connection with the refrigerating apparatus shall not exceed ten shillings.

Supply by
hose to
stables &c.

48. When water supplied for domestic purposes is used for washing horses or carriages or motor cars or for other purposes in premises where horses carriages or motor cars are kept for private use the Corporation may if a hose-pipe or other similar apparatus is used charge such additional sum not exceeding one pound per annum as they may prescribe and (where more motor cars than one are kept) a further sum not exceeding ten shillings for every motor car beyond the first and any sum charged under the provisions of this section shall be in addition to the rates for the time being authorised for the supply of water for domestic purposes and shall be recoverable in the same manner as water rates.

Water for
road &c.
purposes.

49. Water supplied to any local or road authority for road purposes and for flushing sewers shall be supplied through a stand pipe the diameter of the orifice of which shall be determined by the Corporation.

Power to
borrow.

50.—(1) The Corporation may from time to time borrow at interest for and in connection with the purposes mentioned in the first column of the following table the respective sums mentioned in the second column thereof and the Corporation shall pay off all moneys so borrowed within the respective periods (each of which is in this Order referred to as "the prescribed period") mentioned in the third column thereof (namely):—

Purpose.	Amount.	Period for repayment.
(a) For and in connection with the purchase of lands and permanent rights.	£ 3,120	Sixty years from the date or dates of borrowing.
(b) For and in connection with the construction of the reservoir and embankment authorised by this Order.	75,459	Sixty years from the date or dates of borrowing.
(c) For and in connection with the purchase of servitudes for water pipes and scours.	500	Sixty years from the date or dates of borrowing.

A.D. 1930.

Purpose.	Amount.	Period for repayment.
(d) For and in connection with the reinstatement of an access road and the construction of drainage works.	£ 1,065	Forty years from the date or dates of borrowing.
(e) For and in connection with the construction of the road diversion authorised by this Order.	5,163	Fifty years from the date or dates of borrowing.
(f) For and in connection with the construction of the conduit or line of pipes authorised by this Order.	16,038	Forty years from the date or dates of borrowing.
(g) For and in connection with afforestation.	2,000	Fifty years from the date or dates of borrowing.
(h) For paying the costs charges and expenses of this Order.	The sum requisite.	Five years from the commencement of this Order.

(2) (a) In addition to the moneys which the Corporation are by the foregoing provisions of this section authorised to borrow they may borrow such sums of money for the purposes of the water undertaking as the Secretary of State may sanction.

(b) Any money borrowed under this subsection shall be repaid within such period and by such method as the Secretary of State may prescribe.

(c) The Secretary of State shall have and may exercise in relation to any such sanction as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889 and such sanction shall be subject to such conditions (if any) as the Secretary of State may consider proper.

51. The provisions of the following sections of the Order of 1922 so far as not varied by or inconsistent with the provisions of this Order shall with any necessary modifications extend and apply to the exercise of the powers of this Order as if the same were re-enacted in this Order (that is to say):—

Subsection (1) of section 21 (Mode of repayment of borrowed moneys);

Section 22 (Sinking fund);

Section 23 (Power to re-borrow);

Section 26 (Application of moneys borrowed);

Application of provisions of Order of 1922.

A.D. 1930.

- Section 27 (Reservation of prior mortgages);
 Section 28 (Protection of lender from inquiry);
 Section 29 (Commissioners not to regard trusts);
 Section 30 (For appointment of judicial factor).

Return to
 Secretary of
 State with
 respect to
 repayment
 of debt.

52.—(1) The town clerk of the burgh of Dumfries shall if and when he is requested by the Secretary of State so to do transmit to the Secretary of State a return showing the provision made for the repayment of any loans raised by the Corporation under any statutory borrowing power conferred by any local Act or Order.

(2) The return shall show such particulars and shall be made up to such date and in such form as the Secretary of State may require and shall if so required by him be verified by statutory declaration of the treasurer of the said burgh and be transmitted within one month after the making of the request and in the event of his failing to make such return the said town clerk shall for each offence be liable to a penalty not exceeding twenty pounds to be recovered by the Secretary of State as a debt to the Crown is recoverable and notwithstanding the recovery of such penalty the making of the return shall be enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

(3) If it appears to the Secretary of State by such a return as aforesaid or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required to be set apart for any sinking fund (whether such instalment or annual payment or sum is required by any enactment relating to the statutory borrowing power or by the Secretary of State in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Secretary of State may by order direct that the sum in such order mentioned not exceeding the amount in respect of which default has been made shall be paid or applied in the manner and by the date in such order mentioned and the Corporation shall notify the Secretary of State as soon as the order is complied with and any such order shall be enforceable by decree of either division of the Inner House of the Court of Session pronounced in a summary application presented for that purpose.

(4) Any provision of any enactment in any local Act or Order now in force requiring an annual return to be made by the Corporation or any of their officers to the Secretary of State with regard to the repayment of debt is hereby repealed. A.D. 1930.
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53.—(1) The limits of the Dumfries Waterworks Acts 1850 to 1930 for the supply of water by the Corporation shall comprise and include the burgh of Dumfries and the parishes of Lochrutton Terregles and Troqueer in the stewartry of Kirkcudbright and of Dumfries in the county of Dumfries and the limits of the said Acts for the compulsory supply of water shall comprise and include the burgh of Dumfries. Limits of supply and compulsory limits of supply.

(2) Section 3 (Limits of Act) of the Dumfries and Maxwelltown Waterworks Act 1850 and section 6 (Extension of limits of Acts) of the Dumfries and Maxwelltown Waterworks (Additional Powers) Act 1897 are hereby repealed.

54. The Corporation shall make compensation for the damage or injury (if any) which may be sustained by His Majesty or His tenants in respect of His right of salmon fishing through the exercise of the powers of this Order and in case the amount of such compensation shall not be agreed upon the same shall be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed the one by the Commissioners of Crown Lands and the other by the Corporation or of an oversman to be named by the said arbiters to act in the event of their differing in opinion and the Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section. As to Crown rights in respect of salmon fishing.

55. 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 out of any moneys in their hands (not being of the nature of capital) or out of any moneys borrowed by them under this Order for that purpose. Costs of Order.

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