



CHAPTER clvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunfermline District Water. A.D. 1913.
[15th August 1913.]

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

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

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

2. This Act may be cited as the Dunfermline District Water Order Confirmation Act 1913. Short title.

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S C H E D U L E.

DUNFERMLINE DISTRICT WATER.

Provisional Order to authorise the Dunfermline District Committee of the County Council of the county of Fife to construct additional waterworks to confer further powers on the said District Committee and the County Council of the county of Fife in relation to their water undertaking under the Dunfermline District Water Order 1904 and for other purposes.

WHEREAS by the Dunfermline District Water Order 1904 (hereinafter called "the Order of 1904") the Dunfermline District Committee of the County Council of the county of Fife (hereinafter called "the District Committee") were empowered to construct waterworks and supply water within the limits of supply therein defined comprising the parishes of Aberdour Beath Carnock Culross Dalgety Dunfermline Inverkeithing Saline Torryburn and Tulliallan (exclusive of the burgh of Dunfermline as constituted at the date of the passing of the Act confirming the Order of 1904 and the burghs of Inverkeithing Culross and Cowdenbeath) and the County Council of the county of Fife (hereinafter called "the County Council") were authorised for the purposes thereof to acquire lands and servitudes to levy assessments and borrow money:

And whereas the District Committee have constructed the waterworks authorised by the Order of 1904 and are supplying water within the said limits of supply and for the purposes of the said waterworks and the purchase of lands and servitudes in connection therewith have borrowed and expended sums amounting in the whole to two hundred and twelve thousand five hundred pounds whereof there was outstanding at the twenty-sixth day of December one thousand nine hundred and twelve one hundred and ninety-three thousand four hundred and thirty-nine pounds nine shillings and sevenpence:

And whereas under the provisions of the agreement between the District Committee of the one part and the Commissioners for executing the Office of Lord High Admiral of the United Kingdom of Great Britain and Ireland of the other part set

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forth in the First Schedule to the Order of 1904 the District Committee supply water to the naval establishments at Rosyth and Crombie situate within the limits of supply of the District Committee : A.D. 1913.

And whereas the population within the limits of supply of the District Committee is considerable and is rapidly increasing and a largely augmented supply of water is needed for the requirements of the said population and of the said naval establishments and the prospective development of Rosyth and it is expedient that the District Committee should be authorised to obtain an increased supply of water :

And whereas it is expedient that the District Committee should be empowered to make and maintain the additional waterworks by this Order authorised and to exercise such further powers in relation to their water undertaking as are in this Order provided :

And whereas it is expedient that the County Council should be authorised to acquire and hold lands for the purpose of the construction thereon by the District Committee of the said additional waterworks and for the other purposes of their water undertaking and that the County Council should be authorised to borrow further money for the purposes of this Order :

And whereas estimates have been prepared showing that the County Council will or may require to borrow for the purposes of the additional works by this Order, authorised the following sums (that is to say):—

For permanent works :—	£
Purchase of lands and servitudes - -	9,550
Reservoir (Work No. 1) and embankment (Work No. 2) - - - -	99,000
Service reservoir or tank (Work No. 6) -	4,400
Conduit or line of pipes (Work No. 5) -	28,700
Road of access (Work No. 3) and aqueduct or bridge (Work No. 4) - - - -	3,300
For subsidiary works - - - -	1,050

And whereas 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 several works authorised by this Order and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands

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A.D. 1913. — required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff clerks of the counties of Perth and Fife and are hereinafter respectively referred to as “the deposited plans sections and book of reference”:

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

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

Short and
collective
titles.

1. This Order may be cited as the *Dunfermline District Water Order 1913* and the Order of 1904 and this Order may be cited together as the *Dunfermline District Water Orders 1904 and 1913*.

Commence-
ment of
Order.

2. This Order shall come into operation at the date of the passing of the Act confirming the same which date is in this Order referred to as “the commencement of this Order.”

Incorporation
of Acts.

3. The following Acts and parts of Acts are hereby incorporated with this Order (namely):—

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 except the sections and provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the words in section 44 thereof “with the consent in writing of the “owner or reputed owner of any such house or of the “agent of such owner” and except sections 68 70 and 72 thereof;

The Waterworks Clauses Act 1863;

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 district committee “the railway” means the reservoir and embankment authorised by this Order and the works immediately connected therewith and “the centre of the railway” means any part of those works.

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4. In this Order the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts or the Act of 1889 have the same respective meanings unless there be something in the subject or context repugnant to such construction In this Order and in the Acts wholly or partially incorporated with this Order—

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Interpreta-
tion.

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

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

“The Order of 1904” means the Dunfermline District Water Order 1904;

“The county” means the county of Fife;

“The County Council” means the County Council of the county;

“The District Committee” means the Dunfermline District Committee of the County Council;

“The Standing Joint Committee” means the Standing Joint Committee of the County Council and the Commissioners of Supply of the county appointed in pursuance of the Act of 1889;

“The limits of supply” means the parishes of Aberdour Beath Carnock Culross Dalgety Dunfermline Inverkeithing Saline Torryburn and Tulliallan (exclusive of the area described in the schedule to this Order and the burghs of Inverkeithing Culross and Cowdenbeath);

“The special Act” means this Order;

“Sheriff” does not include sheriff-substitute;

“The undertakers” “the company” and “the promoters of the undertaking” mean respectively the District Committee and the County Council as the case may be;

“The undertaking” means the water undertaking of the District Committee.

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A.D. 1913. Power to District Committee to construct works.	5. Subject to the provisions of this Order the District Committee may on the lands to be acquired by the County Council as hereinafter provided make construct and lay down use and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter described.
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Description of works.	6. The works hereinbefore referred to and authorised by this Order will be situate in the counties of Perth and Fife and are—
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In the county of Perth—

- (1) A reservoir (Work No. 1) situate partly in the parish of Glendevon and partly in the parish of Blackford on the River Devon commencing at a point on the said river three thousand and seventy yards or thereby measured in a westerly direction following the said river from its point of confluence with the Frandy Burn and terminating at the embankment (Work No. 2) hereinafter described :
- (2) An embankment (Work No. 2) two hundred and eighty-two yards or thereby in length situate partly in the parish of Glendevon and partly in the parish of Blackford crossing the River Devon at a point in the centre of the said river four hundred yards or thereby measured in a westerly direction following the said river from its point of confluence with the Frandy Burn and commencing at a point two hundred yards or thereby measured in a southerly direction from the said point in the said river and terminating at a point two hundred and eighty-two yards or thereby measured in a northerly direction from the said point of commencement :
- (3) A road of access (Work No. 3) situate partly in the parish of Blackford and partly in the parish of Glendevon commencing in the parish of Blackford at a point on the north bank of the River Devon three hundred yards or thereby measured in a westerly direction from the point of confluence of the River Devon with the Frandy Burn and twelve yards or thereby measured in a northerly direction from the centre of the said river and terminating in the parish of Glendevon on the public road

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from Crieff to Yetts of Muckart at or near the thirteenth milestone measured from Crieff situate near Glenhead : A.D. 1913.

- (4) An aqueduct or bridge (Work No. 4) across the River Devon fifty yards or thereby in length situate wholly in the parish of Glendevon commencing at a point on the east bank of the said river fifty yards or thereby measured in a south-south-easterly direction from the milestone on the north-east end of Blacklinn Bridge and thirty yards or thereby measured in an easterly direction from the centre of the said river and terminating at a point on the west bank of the said river fifty yards or thereby measured in a south-westerly direction from the said point of commencement :
- (5) A conduit or line of pipes (Work No. 5) situate partly in the parish of Blackford and partly in the parish of Glendevon commencing in the parish of Blackford at a point in the embankment (Work No. 2) hereinbefore described six yards or thereby measured in a northerly direction from the centre of the River Devon and terminating in the parish of Glendevon on the public road from Crieff to Yetts of Muckart by a junction with the existing water main of the District Committee at a point seventy-seven yards or thereby measured in a north-westerly direction from the point of intersection of the said road with Rab's Burn near Easter Downhill :

In the county of Fife—

- (6) A service reservoir or tank (Work No. 6) wholly situate in the parish of Beath within the enclosure numbered 230 on the $\frac{1}{2500}$ scale Ordnance survey map (1896 edition) of that parish.

7. The District Committee in addition to the foregoing works 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 overflows weirs byewashes byepasses bridges roads accesses approaches ways wells tanks basins gauges filter beds stand pipes pumping stations sluices outlets outfalls drains discharge pipes washouts adits shafts tunnels aqueducts culverts cuts channels catchwaters conduits sewers

Power to
make sub-
sidiary
works.

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A.D. 1913. drains mains junction pipes junctions valves air valves engines
— machinery houses buildings telegraphs telephones posts wires
apparatus and other works and conveniences as may be necessary
or convenient in connection with or subsidiary to the said works
or any of them or necessary or convenient for the purposes of this
Order and for inspecting altering cleansing managing maintaining
and using those several works but nothing in this section shall
exonerate the District Committee from any action interdict 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
apparatus and other works made erected or maintained by the
District Committee shall not be used in contravention of the
exclusive privilege conferred upon the Postmaster-General by the
Telegraph Act 1869.

Limits of
deviation.

8. In the construction of the works by this Order authorised
the District Committee 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
they 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 except in the case of the
embankment (Work No. 2) to any extent downwards Provided
as follows (that is to say):—

The District Committee shall not construct any embankment
or wall of the reservoir (Work No. 1) 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 five feet in addition:

Except for the purposes of crossing over a stream no part of
the pipes shall be raised above the surface of the ground
unless and except so far as is shown on the deposited
sections.

Power to
take waters.

9. Subject to the provisions of this Order the District Com-
mittee may collect impound take use divert and appropriate for
the purposes of their waterworks the waters of the River Devon
intercepted by the reservoir (Work No. 1) by this Order
authorised.

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10. Whereas the water flowing from the lands draining into the River Devon above the embankment (Work No. 2) (hereinafter referred to as "the whole drainage area") is after allowing for compensation water more than is required for the purposes of the supply of water to be afforded by the District Committee under this Order and the water flowing from an area equal to sixty-five per centum of the whole drainage area is after allowing for compensation water sufficient for said purposes and the water flowing from the remaining thirty-five per centum of the whole drainage area does not require to be appropriated or dealt with by the District Committee for the purposes of this Order And whereas at the commencement of this Order the records of the rainfall upon the whole drainage area are insufficient to enable the total annual rainfall and the annual available amount of such rainfall and the one third of said available rainfall upon sixty-five per centum of the whole drainage area as the compensation water to be afforded under this Order to be accurately determined And whereas it is expedient that provision should accordingly as hereinafter in this section provided be made Be it enacted that for the purposes of this Order and for the protection of the County Council of the county of Clackmannan and the riparian proprietors and millowners and other persons interested on the River Devon below the said Work No. 2 (the said County Council and the said riparian proprietors and millowners and other persons interested being hereinafter in this section called "the interested parties") the following provisions shall have effect (that is to say):—

- (1) For the purpose of ascertaining determining adjusting settling and dealing with the matters and things which are specifically mentioned in this section as falling to be ascertained determined adjusted settled or dealt with by arbiters there shall be two arbiters William Archer Tait and John Alexander Warren both civil engineers and failing the said William Archer Tait from any cause whatever the interested parties shall nominate an arbiter in his room and place in manner provided in subsection (10) of this section and failing the said John Alexander Warren from any cause whatever the District Committee shall nominate an arbiter in his room and place and so from time to time Provided always that in the event of either the interested parties or the District Committee respectively failing to nominate an arbiter in

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succession as occasion arises such arbiter shall be nominated by the President for the time being of the Institution of Civil Engineers on the application of the District Committee or the interested parties respectively and after not less than three weeks' previous notice of the intention to make such application shall have been given by the applicants to the District Committee or as the case may be the interested parties In the event of the said arbiters or their successors differing in opinion they shall refer the matter in dispute to an oversman to be appointed by them and in the event of the failure of any oversman so appointed for any reason whatsoever then to any other oversman to be appointed by them and so from time to time and in the event of their failing to agree at any time upon an oversman an oversman shall be appointed by the said president on the application of the interested parties or of the District Committee The said arbiters and oversman and their successors are hereinafter in this section referred to as and included in the expression "the arbiters":

- (2) On or before the completion of the bye-wash channel and intake weir after-mentioned the arbiters shall determine the extent of (A) the whole drainage area (B) the drainage area above the intake weir after-mentioned and (c) the area draining direct into that portion of the said bye-wash channel between the intake weir and the point at which the said bye-wash channel will cross a prolongation in a southerly direction of the centre line of the embankment (Work No. 2):
- (3) Within three months from the commencement of this Order the arbiters shall subject to the consent of the owners affected (which shall not be unreasonably withheld) cause to be erected and for a period of seven years from the first day of January one thousand nine hundred and fourteen maintained such number of rain gauges and in such positions upon the lands draining into the River Devon above the said Work No. 2 as they shall think fit and shall within six months after the expiry of the said period of seven years determine after taking into account all the

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circumstances of the case the amount respectively of the total annual and the available annual rainfall upon the whole drainage area and also the daily equivalent in gallons of the one third of the said available rainfall upon the said sixty-five per centum of the whole drainage area being the amount of compensation water to be provided by the District Committee under this Order The said amount of compensation water as and when determined by the arbiters shall thereupon and thereafter be discharged daily in a regular and continuous flow from the said reservoir (Work No. 1) from or at the foot of the said Work No. 2 and over or through the recording gauge or meter after-mentioned :

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- (4) The District Committee shall not without the consent in writing of the interested parties take any water from the River Devon or from any portion of the whole drainage area for any purpose whatever unless and until the District Committee shall first construct an intake weir and a bye-wash channel capable of intercepting and conveying at all times the water flowing from not less than thirty-five per centum of the whole drainage area subject as hereinafter provided and which intake weir and bye-wash channel together with any proper and necessary overflow weirs hereinafter provided for under subsection (5) of this section shall be constructed within the limits of deviation shown on the deposited plans in accordance with plans sections and cross sections and specifications to be approved of and signed by the arbiters and such bye-wash channel shall commence at a point in the River Devon between points therein respectively one hundred yards and three hundred yards distant in a westerly direction from the commencement of the said Work No. 1 and terminate in and on the south bank of the River Devon at a point (below the compensation water gauge after-mentioned) not more than two hundred yards below the point at which the compensation water to be provided by the District Committee will be discharged from the said Work No. 1 into the River Devon The said intake weir and bye-wash

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channel and overflow weirs shall be constructed by the District Committee to the reasonable satisfaction in all respects of the said William Archer Tait or other person to be appointed in succession to him by the interested parties in manner provided in subsection (10) of this section. On the completion of the said intake weir and bye-wash channel and overflow weir or weirs the District Committee shall maintain the same to the like reasonable satisfaction. Provided always that the said intake weir and bye-wash channel shall be held to have been constructed of sufficient dimensions if the same are capable of intercepting and conveying the water flowing from not less than thirty-five per centum of the whole drainage area when the water flowing therefrom does not exceed five cubic feet per minute per acre :

- (5) On or before the completion of the said intake weir and bye-wash channel the arbiters shall by taking into computation (First) the whole drainage area (Second) the drainage area above the said intake weir and (Third) the area draining direct into that portion of the said bye-wash channel situated between the intake weir and the point where such bye-wash channel crosses the aforesaid prolongation of the centre line of the said Work No. 2 determine the proportion of the waters of the River Devon entering the said intake weir which added to the water from the said area (Third) above-mentioned draining direct into that portion of the bye-wash channel situated between the intake weir and the point where the said bye-wash channel crosses the said prolongation of the centre line of the said Work No. 2 shall together amount to thirty-five per centum of the water flowing from the whole drainage area and the said intake weir and bye-wash channel shall subject as provided in the immediately preceding subsection of this section be constructed and maintained so as to provide that not less than the said proportion of the waters of the River Devon at the said intake weir is together with the water from the said area (Third) above mentioned draining direct into the said bye-wash channel as aforesaid at all times regularly

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discharged by the said bye-wash channel into the River Devon Immediately on the completion of the said intake weir and bye-wash channel and thereafter in all time coming the District Committee shall cause to be taken conveyed and discharged by the said bye-wash channel into the River Devon at the point of termination of the bye-wash channel as fixed under subsection (4) of this section not less than the said proportion of the waters of the River Devon as the said intake weir together with the water from the said area (Third) above mentioned draining direct into the bye-wash channel as aforesaid and the District Committee shall not take or use under or for the purposes of this Order any of the water forming the said proportion or any of the water flowing from the said area (Third) above mentioned draining direct into the bye-wash channel Provided always that upon such occasions as the said dimensions of the said intake weir and bye-wash channel constructed as aforesaid prove inadequate to contain the said proportion of the waters of the River Devon and the water flowing from the said area draining into the bye-wash channel the waters in the said bye-wash channel may be permitted to overflow from the said bye-wash channel into the said reservoir by means of an overflow weir or weirs constructed to the satisfaction of the said William Archer Tait or other person to be appointed in succession to him as hereinbefore provided :

- (6) Up to and until the commencement of the impounding by the District Committee by means of the said Works Nos. 1 and 2 but subject to the provisions of subsections (4) and (5) of this section they may take from the River Devon at a point thereon to be approved by the arbiters situate near the said Work No. 2 but above the point at which the said bye-wash channel discharges into that river any water in excess of two million five hundred thousand gallons passing in each day down the River Devon at the point of abstraction For the purpose of measuring such two million five hundred thousand gallons of water the District Committee shall place at the sight and to the satisfaction of the arbiters a gauge weir across the

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River Devon at or immediately below the said point of abstraction. If during any day up to the commencement of the said impounding the flow of water in the River Devon at the point last mentioned shall be less than at the rate per diem of two million five hundred thousand gallons the District Committee shall not in any such day take any water from the River Devon :

- (7) During and after the first filling of the said Work No. 1 and until the amount of the compensation water shall have been determined by the arbiters in accordance with the provisions of subsection (3) of this section the District Committee shall in each day discharge or deliver in a regular and continuous flow therefrom into the River Devon through or over the compensation water gauge or meter hereinafter mentioned not less than two million five hundred thousand gallons of water :
- (8) The District Committee shall construct provide and maintain at the foot of the embankment a suitable recording gauge or meter over or through which the compensation water to be afforded by the District Committee shall flow or be delivered and they shall also construct provide and maintain at or near the said intake weir a suitable gauge over or through which the water flowing through the said intake weir into the bye-wash channel shall pass and they shall likewise construct provide and maintain on the bye-wash channel at a suitable point nearly opposite the prolongation of the centre line of the said Work No. 2 a suitable gauge over or through which the water in the bye-wash channel shall flow or be delivered. The said recording gauge or meter and the said gauges shall be approved by and erected at the sight and to the reasonable satisfaction of the arbiters and together with the records thereof shall be open to the inspection of the interested parties or any of them at all reasonable times. The said records shall be the property of the District Committee but for the further convenience of the interested parties shall be transmitted by them fortnightly to the clerk of the County Council of the county of Clackmannan or other person to be nomi-

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nated by the interested parties in manner provided in subsection (10) of this section and on the expiry of fourteen days from the date on which the same shall have been received by the said clerk or person shall be retransmitted to the clerk to the District Committee During the said period of fourteen days the said records shall be available for inspection at all reasonable times by the interested parties or any of them The reasonable charges and expenses of the said county clerk or other person not exceeding ten pounds per annum shall be paid by the District Committee :

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- (9) The reasonable fees of and the expenses reasonably incurred under this section by the arbiters and under subsection (4) of this section by the said William Archer Tait or any person appointed in his place shall be borne and paid by the District Committee :
- (10) If and when the interested parties require to act in connection with the giving of their consent under subsection (4) of this section or in connection with either the appointment of arbiters under subsection (1) of this section or the appointment of a successor to the said William Archer Tait under the said subsection (4) or subsection (5) or the appointment of a person to receive the records to be transmitted under subsection (8) of this section they shall act by means of the majority of a committee consisting of five persons of whom one shall be the convener of the county of Clackmannan for the time being or failing him some other person appointed by the County Council of the county of Clackmannan and four shall be nominated from among the interested parties other than the County Council of the county of Clackmannan two at least being millowners by the majority of such of the interested parties as are present in person or by proxy at a meeting to be held within the burgh of Alloa of which notice shall be given by advertisement as after-mentioned specifying the time and place at which such meeting is to be held and the notices of all such meetings shall be inserted by any two or more of the interested parties twice at at least in the Scotsman newspaper and twice at least in a newspaper published in Alloa not more than

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twenty nor less than five clear days previous to such meetings :

- (11) In case of any neglect or default on the part of the District Committee by or in consequence of which the said proportion of the waters of the River Devon at the said intake weir except as otherwise provided in subsection (5) of this section shall not be regularly discharged by the said intake weir and bye-wash channel into the River Devon as provided in the said subsection (5) or by or in consequence of which the water flowing from the area draining direct into the said bye-wash channel except as otherwise provided in the said subsection (5) shall not so flow the District Committee shall for every day on which such neglect or default occurs forfeit and pay to each of the interested parties the sum of five pounds to be recoverable by the interested parties or any of them before the sheriff of the county of Clackmannan and shall in addition make compensation for any loss damage or injury sustained by the interested parties or any of them :
- (12) In case of any neglect or default on the part of the District Committee to maintain the said intake weir and bye-wash channel and overflow weir or weirs and the said recording gauge or meter and any other gauge meter or weir specified in this section or any one or other of these things in a state of efficiency and in case of any other neglect or default by or in consequence of which the said amounts of compensation water shall not be discharged and flow in the manner and at the place provided for in subsection (3) or subsection (7) of this section the District Committee shall for every day on which such neglect or default occurs forfeit and pay to each of the interested parties the sum of five pounds to be recoverable by the interested parties or any of them before the sheriff of the county of Clackmannan and shall in addition make compensation for any loss damage or injury sustained by the interested parties or any of them :
- (13) All sewers drains pipes water supplies and other like matters and things belonging to the interested parties or any of them which may be interfered with by the

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District Committee during the construction or main- A.D. 1913.
tenance of the works by this Order authorised shall
be made good as soon as practicable by the District
Committee to the reasonable satisfaction of the
arbiters :

(14) During the construction of the said Work No. 2 the District Committee shall take such precautions and shall execute such works as may be agreed upon by the arbiters for the purposes of preventing pollution of the waters of the River Devon and any scour pipes which the District Committee may provide in connection with the conduit or line of pipes (Work No. 5) and which will discharge into the said river shall be used only for such purposes and at such times as the arbiters may within one month from the completion of the said Work No. 5 prescribe :

(15) If any difference shall arise between the District Committee and the interested parties or any of them with respect to any of the matters in this section contained such difference shall if not otherwise in this section provided be referred to and determined by an arbiter who unless otherwise agreed upon between the parties in difference shall on the application of either party after seven days' notice in writing to the other of them be nominated by the sheriff of the county of Clackmannan.

11. For the protection of Anna Maria Rutherford Lindsay Carnegie of Glendevon and her successors in estate (hereinafter together referred to in this section as "the owner") the following provisions shall unless otherwise agreed upon in writing between the District Committee and the owner have effect (that is to say) :—

For pro-
tection of
Glendevon
Estate.

(1) Nothing in this Order contained shall empower the County Council or the District Committee to interfere in any way without the consent in writing of the owner with the weir and sluice constructed by the owner on the north bank of the River Devon near Hunthall :

(2) If through the operations of the District Committee the flow of water entering by the said sluice from the River Devon into the lade connected therewith is

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diminished the District Committee shall at their own expense execute such alterations of the said weir and sluice as may be reasonably necessary to make good such deficiency :

(3) If the District Committee in executing any of the works by this Order authorised interfere with the said lade or the irrigation outlets connected therewith they shall at the sight and to the satisfaction of the said William Archer Tait or other person to be appointed in succession to him in manner provided in subsection (10) of the section of this Order whereof the marginal note is "Compensation water" make good the said lade and irrigation outlets or if found necessary construct a tail drain or tail drains with convenient pipes leading therefrom so as to intercept carry and discharge into the River Devon the water from the said irrigation outlets :

(4) Any difference under this section between the District Committee and the owner shall be referred to and determined by an arbiter to be mutually chosen or failing agreement appointed on the application of either party by the sheriff of the county of Perth and the decision of the arbiter so appointed shall be final.

Power to
take lands.

12. Subject to the provisions of this Order the County Council 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 Order authorised.

Power to
acquire
additional
lands by
agreement.

13. In addition to the lands which the County Council are by the Order of 1904 and this Order authorised to purchase compulsorily they may for any of the purposes of the Order of 1904 or this Order from time to time by agreement purchase any additional quantity of land not exceeding in the whole ten acres Provided that neither the County Council nor the District Committee shall upon any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with the undertaking.

Power to
acquire and
hold lands
for preven-

14.—(1) Section 10 (Power to hold lands needful to prevent fouling and to protect water) of the Order of 1904 is hereby repealed.

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

(2) The County Council may hold any lands acquired by them under the Order of 1904 or this Order and may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which may in the opinion of the District Committee be necessary or desirable for the purpose of securing the purity of the water in the drainage area of the waterworks of the District Committee and of protecting their water supply against pollution nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

A.D. 1913.
tion of pol-
lution.

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

(4) Nothing in this Order shall exonerate the County Council or the District Committee from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands acquired under the powers of this section and neither the County Council nor the District Committee shall erect or permit the erection of any buildings on such lands except such as are required in connection with the undertaking or for farm buildings.

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

Reservation
of water
rights on
sale.

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913.
Period for
compulsory
purchase of
lands.

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

Period for
completion
of works.

17. If the works authorised by 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 District Committee for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the District Committee from extending enlarging altering or renewing any of their weirs tanks conduits aqueducts mains pipes engines machinery and other works at any time and from time to time as occasion requires for the purpose of supplying water under the Order of 1904 and this Order.

Application
to works of
provisions
of Order of
1904.

18. The provisions of the following sections of the Order of 1904 shall subject to the provisions of this Order extend and apply mutatis mutandis to and in relation to the works authorised by this Order as fully and effectually as if the said works had been authorised by the Order of 1904 (that is to say):—

Section 7 (Power to take servitudes &c. by agreement);

Section 8 (Power to acquire servitudes only for lines of pipes);

Section 14 (Temporary occupation of lands);

Section 15 (Power to alter roads streets sewers &c. temporarily);

Section 18 (For protection of reservoir &c. from pollution);

Section 25 (District Committee may alter or increase number and size of works authorised by Order);

Section 26 (Power to lay pipes in streets not dedicated to public use);

Section 37 (Power to supply water by agreement beyond limits of supply);

Section 38 (Supply of water for other than domestic purposes not to affect domestic supply);

Section 59 (Application of penalties);

Section 70 (Audit of accounts);

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

Section 71 (Power to establish communication with works by means of electricity); A.D. 1913.

Section 72 (County Council and District Committee to be deemed to act as local authorities);

Section 73 (Prosecution of offences).

19. For the protection of the Right Honourable Robert Adam Philips Haldane-Duncan Earl of Camperdown and his successors in estate or other the owner or owners for the time being (all of whom are in this section included in the expression "the owner") of the estates of Gleneagles and others the following provisions shall unless otherwise agreed upon between the owner the County Council and the District Committee have effect (that is to say):—

For protection of Earl of Camperdown.

- (1) There shall be reserved to the owner all proprietary and other rights and privileges which he possessed and might exercise in or upon the lands situate within the drainage or catchment area of the reservoir and works by this Order authorised prior to the commencement of this Order in so far as such rights or privileges may not be acquired by the District Committee or the County Council under the provisions of this Order or in respect of which compensation shall not be paid to the owner and if any works shall be required in order to prevent the pollution of the water supply authorised by this Order arising from the exercise of any such rights or privileges by the owner the District Committee may on lands belonging to them or the County Council or which the County Council may acquire construct all such drains channels or other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting any of the reservoirs conduits or watercourses of the District Committee or water flowing into the same And the owner shall on such terms and for such considerations as may be agreed or failing agreement as may be fixed by an arbiter to be appointed by the sheriff of the county of Perth on the application of either party give to the District Committee all requisite and reasonable facilities for executing any such works on any lands belonging to the owner which may be necessary for effecting the said objects:

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913.
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- (2) The owner and his tenants and vassals shall be entitled to take and use so much of the water arising within or flowing through the said drainage or catchment area as shall be necessary for all buildings present and future on the estate of the owner and for estate and other private purposes within the said area in virtue of the reservation in his favour contained in the immediately preceding subsection and that without any payment or compensation made herefor to the District Committee :
- (3) The County Council shall at all times indemnify the owner and his tenants against all damage loss costs and expenses which he or they may suffer or incur by the flooding of their lands arising from the failure or breaking of any of the works of the District Committee or the escape of water therefrom :
- (4) The County Council shall not under the provisions of this Order except by agreement purchase and take any lands belonging to the owner which may be required for the purposes of the conduit or line of pipes (Work No. 5) and the works ancillary or subsidiary thereto but the County Council may acquire and the owner shall grant to the County Council such servitudes wayleaves or rights in and upon such of the lands of the owner as may be necessary for the purposes of constructing laying down renewing maintaining cleansing repairing and affording access to the said Work No. 5 the County Council paying to the owner and to the lessees and tenants of such lands compensation for all such servitudes wayleaves or rights and for all damage done to crops and surface which he or they may from time to time sustain through the exercise of any of the powers by this Order granted to the County Council and the District Committee such compensation failing agreement to be settled between the parties in the manner provided by the Lands Clauses Acts with respect to the acquisition of lands otherwise than by agreement and such servitudes wayleaves or rights so to be acquired shall be deemed to be lands so far as regards the proceedings for the acquisition thereof and also for the purposes of any arbitration :

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

- (5) The District Committee shall if required by the owner (but not otherwise) and to his reasonable satisfaction during the construction or repair of the said Work No. 5 fence off the whole or such part as he may require of the lands of the owner in or upon which the County Council acquire any servitudes wayleaves or rights required for the purposes of the said Work No. 5 from the adjoining lands of the owner and the District Committee shall where required by the owner provide and maintain in every such fence a suitable gate to give access to the lands so fenced or severed: A.D. 1913.
- (6) The owner and his lessees and tenants shall subject to the exercise of such servitudes wayleaves or rights at all times have the right to use and cultivate the lands affected by such servitudes wayleaves or rights for all purposes:
- (7) Nothing in this Order contained shall affect or restrict the rights of the owner to form lay out and make along or over or under the said Work No. 5 any roads walls fences sewers drains or pipes but any such roads walls fences sewers drains or pipes shall be so laid out as not to interfere with injure or render less accessible the said Work No. 5:
- (8) Notwithstanding anything contained in this Order or shown upon the deposited plans or described in the deposited book of reference the County Council shall not enter upon take or use any greater portion of the lands numbered 43 and 44 in the parish of Glendevon upon the said plans than is required for the purpose of laying therein a scour pipe to the River Devon:
- (9) The ground for the road of access (Work No. 3) shall be compulsorily acquired by the County Council under the provisions of the Lands Clauses Acts and the road shall be properly formed repaired and maintained in good order in all time coming by the District Committee to the reasonable satisfaction of the owner If and when required by the owner (but not otherwise) the District Committee shall be bound to erect and maintain suitable fences along the said road as may be required by the owner with suitable gates in such fences for access to his neighbouring lands

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913.

The District Committee shall be bound to erect and maintain a gate at the entrance to the said road from the public road from Crieff to Yetts of Muckart and nothing in this Order contained shall be deemed to constitute the said accommodation road a public road or create any public right of way thereover. The owner and his vassals tenants and servants shall have the perpetual right to use for estate and other private purposes the said road of access (Work No. 3) without any liability for the repair or maintenance thereof with right and liberty to carry drains and pipes thereunder for the convenience of his estate:

- (10) The owner shall have the sole and exclusive right and liberty of shooting sporting and fishing on all lands now belonging to him and which the County Council may acquire from him under the powers of this Order for the purposes of the reservoir (Work No. 1) and the owner and the lessees or tenants of his shooting sporting and fishing rights or any person having his or their written permission or authority shall be exclusively entitled to exercise the right to shoot over and upon and to fish with rod and line in and over all waters impounded in the said Work No. 1 and to reasonably stock and restock the said waters with fish and the owner and the lessees or tenants of his said shooting sporting and fishing rights shall also be entitled to erect and maintain a boathouse on such part of the lands acquired from him as may be convenient and also the right and liberty to place and use boats not exceeding twenty feet in length and two in number and not propelled by mechanical power for fishing on such reservoir or from such place on the banks thereof as the owner or lessees or tenants or any person having his or their written permission or authority as aforesaid shall see fit and to pass and repass to and from such boathouse or boat. Provided always that in the exercise of the powers in this subsection mentioned the owner and the lessees or tenants of his shooting sporting and fishing rights or any person having his or their authority as aforesaid shall not injure any part of the embankment of the said Work No. 1 or the works connected therewith or

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

interfere with the construction or maintenance of such works or do any act whereby the water therein will be fouled. Provided further that the District Committee shall notwithstanding anything in this subsection have full power and liberty by themselves their manager and servants to keep and use a boat upon the reservoir for the purpose of examining inspecting repairing and maintaining the same and the embankment and banks thereof at all times they may think proper but no other parties shall be entitled to keep or use boats on the reservoir within the limits of the property acquired from the owner: A.D. 1913.

- (11) All lands acquired by the County Council from the owner for the purposes of the said Work No. 1 and of the embankment (Work No. 2) shall be at all times fenced off by the District Committee at their expense:
- (12) The District Committee their contractors or sub-contractors shall not during the construction and repair of any works on the lands of the owner allow without the consent of the owner in writing any person employed on the works to keep any dog and shall if so required by the owner dismiss any such person found poaching or trespassing on the lands of the owner or to whom the owner may for any reasonable cause object:
- (13) The County Council shall make good any loss or damage which may be suffered by the owner or his tenants during the construction of the works by this Order authorised by reason of the killing of or injury to his or their sheep cattle horses or ponies by any animal belonging to or in the possession of any person in the employ of the District Committee or of their contractors or sub-contractors:
- (14) The County Council shall from time to time pay to the owner on demand the reasonable cost of the employment by him of an additional keeper or watcher for the protection of the game and for the prevention of persons trespassing on his lands or any part thereof near any of the works of the District Committee during the construction or repair of the same:

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913.
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- (15) All the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall apply to the breaking up of any accommodation road upon the lands of the owner for the purposes of laying down and maintaining any main pipes or of constructing and maintaining any works of the District Committee and the owner shall for the purposes of the said provisions be deemed to be the person having the control and management of such roads. Provided that not less than fourteen days' notice in writing of the intention to open or break up any such road shall be given to the owner by the District Committee except in cases of emergency :
- (16) If by reason of the construction of the works by this Order authorised or any of them or of any operations of the District Committee the existing supply of water of any tenant or resident on the estate of the owner shall be affected the District Committee shall make good any deficiency in such existing supply by affording to such tenant or resident a supply of water from the reservoir (Work No. 1) free of charge :
- (17) The District Committee shall provide a footbridge over the bye-wash channel mentioned in subsection (4) of the section of this Order whereof the marginal note is "Compensation water" at two points thereon to be agreed upon between the owner and the District Committee or failing agreement to be fixed in manner provided in the immediately succeeding subsection of this section :
- (18) Any difference arising between the owner and the County Council or the District Committee under the provisions of this section (other than a difference to which the provisions of the Lands Clauses Acts apply) shall be determined by a single arbiter to be appointed by the parties and consenting to act or if for one month after the difference shall have arisen the parties do not agree upon an arbiter who will consent to act then by an arbiter to be appointed by the sheriff of the county of Perth on the application of either party.

For protec-
tion of cen-
tral district

20. In the execution of the works and the exercise of the powers by this Order authorised and conferred so far as they

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

affect highways bridges and culverts in the county of Perth the following provisions for the protection of the central district committee of the county council of the county of Perth (hereinafter in this section called "the central district committee") shall (except so far as otherwise agreed upon in writing between the District Committee and the central district committee) have effect (that is to say):—

A.D. 1913.
—
committee
of county
council of
county of
Perth.

- (1) All aqueducts conduits tunnels or lines of pipes or other works to be laid by the District Committee in under or along any county highway or in under upon or across any county bridge shall so far as practicable be laid in such position in or at the side thereof as the central district committee in writing under the hand of their surveyor for the district may reasonably direct and all works and operations to be executed by the District Committee shall be so executed at the risk of the District Committee and the District Committee shall maintain the tracks thereof for at least twelve months after the completion of the works:
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all county highways and county bridges opened and broken up or interfered with by the District Committee in the execution of the works and the exercise of the powers of this Order Provided that the notice required by section 30 of that Act shall not be less than seven days instead of three days:
- (3) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and a short specification thereof and shall be delivered to the central district committee or their surveyor for the district by the District Committee not less than in the case of a county bridge one month and in all other cases fourteen days before they commence to break or open up any county highway or interfere with any county bridge for the purpose of executing the works:
- (4) No greater length than one hundred and fifty yards of any county highway shall be broken up at any one place at one time without the consent of the central

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913.

district committee A clear and sufficient carriageway shall be kept for the passage of carriages and traffic along every county highway and county bridge during any interference therewith by the District Committee unless where by arrangement with the central district committee a county highway or county bridge may be shut up and in case of default in compliance with this provision the central district committee may by their own servants and workmen clear any such carriageway and may recover the expenses of and incident thereto from the District Committee :

- (5) Nothing in this Order shall authorise the District Committee to interfere with the structural part of any county bridge or culvert without the consent in writing of the road surveyor for the central district committee which consent shall not be unreasonably withheld and may be given upon such conditions as the central district committee or the said surveyor may reasonably determine Provided that the central district committee shall be deemed to have given any consent required under this subsection and under subsection (1) of this section if within one month after plans have been submitted to the said surveyor he shall not have given written notice to the District Committee objecting thereto :
- (6) Nothing in this Order contained shall interfere with the right of the central district committee to alter the level of or divert widen or improve in any manner they think fit any county highway in under or along which any aqueduct conduit tunnel or line of pipes of the District Committee shall have been laid and the District Committee shall forthwith on receiving notice in writing under the hand of the clerk or surveyor of the central district committee alter the position of any such aqueduct conduit tunnel or line of pipes in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner hereinafter prescribed :
- (7) Nothing in this Order contained shall interfere with the right of the central district committee at any time

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

or times to remove alter or rebuild any county bridge or the approaches thereto or culvert over near or attached to which any aqueduct conduit tunnel or line of pipes of the District Committee is carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto or culvert if this Order had not been confirmed and such aqueduct conduit tunnel or line of pipes had not been constructed or laid over or near or attached to such bridge or culvert and in the event of any such bridge or the approaches thereto or culvert over or near or attached to which any such aqueduct conduit tunnel or line of pipes is laid being removed altered or rebuilt as aforesaid the District Committee shall at their own expense alter so far as the central district committee may reasonably require the position of such aqueduct conduit tunnel or line of pipes and any works by which such aqueduct conduit tunnel or line of pipes is carried over or near or attached to such bridge or the approaches thereto or culvert as aforesaid Provided that during the removal alteration or rebuilding of such bridge or the approaches thereto or culvert as aforesaid the central district committee shall afford all reasonable facilities for temporarily carrying such aqueduct conduit tunnel or line of pipes across or along any road or stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such aqueduct conduit tunnel or line of pipes :

- (8) The District Committee shall construct and maintain in connection with the aqueducts conduits tunnels or lines of pipes by this Order authorised crossing or passing along any highway or public road hydrants or other suitable apparatus or appliances not exceeding three in number one of which shall be placed at or near Tormaukin Inn for taking water from the said pipes which shall be placed along and at the side of such highways or public roads or at such places as shall be arranged between the District Committee and the central district committee and the central district committee shall be entitled to the use of the same and to take water thereby free of charge up to but

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
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not exceeding (except as hereinafter mentioned) twenty thousand gallons yearly through their servants and workmen for the purpose of their road engines and the renewal maintenance and repair of highways and public roads and bridges and for watering the same and the extinguishing of fires but the water shall not be so taken or used for any other purpose unless otherwise agreed upon as aforesaid. The central district committee shall pay to the District Committee for a supply of water exceeding twenty thousand gallons yearly such rates as may be agreed upon or failing agreement may be fixed by arbitration as hereinafter provided:

- (9) All works shall be so executed by the District Committee as not to stop the traffic and so far as reasonably practicable not in any way to impede or interfere with the traffic on any highway or over any county bridge or the approaches thereto and no material to be used in the construction of any works by the District Committee shall be loaded unloaded or discharged and no cart traction engine or waggon shall be drawn up by the District Committee for the purpose of such loading unloading or discharging on any highway or bridge belonging to the central district committee so as to impede the free passage of traffic on any such highway bridge or siding:
- (10) The central district committee shall not be liable for or in respect of any damage or injury done to any work of the District Committee by reason of such work being laid at a depth below the surface of any highway insufficient for its protection from injury arising from the reasonable use of any steam or other roller or traction engine for the repair of such county highway or from the passage of the traffic in such highway or in repairing any county bridge or the approaches thereto or culvert connected therewith:
- (11)—(A) For the purposes of section 57 of the Roads and Bridges (Scotland) Act 1878 the District Committee shall be deemed to be the person by whose order any excessive weight shall have been passed or any extra-

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

ordinary traffic conducted on the county highways in connection with the execution of the works by this Order authorised The District Committee shall make payment to the central district committee for and in respect of the carriage or haulage over any highway situate within the district of the central district committee of materials or things to be used by the District Committee in the construction repair or maintenance of the works or any of them by this Order authorised or in the reconstruction thereof of three-pence per ton for each mile for and in respect of such materials or things so carried or hauled by traction engine haulage and of twopence per ton for each mile for and in respect of such materials or things so carried or hauled in carts or wagons and the District Committee shall require their contractor and such contractor shall at the end of each month supply to the surveyor of the central district committee a detailed statement of the materials so carried or hauled during such month over such highways in carts or wagons together with the railway weigh-notes or other evidence of such quantities Provided always with regard to any portion of the highway which traverses boggy ground such rates shall be regarded as equivalent to and be deemed to be in respect only of the tear and wear of the surface of said highway and shall be exclusive of the expense of making good damage to such highway where the surface is broken through by the District Committee's operations or the constructing repairing maintaining or reconstructing the works or any of them as authorised by this Order Provided further that the District Committee shall be bound to relieve the central district committee of all claims for damages occasioned by any operations of the District Committee ;

A.D. 1913.

- (B) In respect that the highways over which the materials and things aforesaid may be carried traverses in places boggy ground and that the highways are in such places resting on peat without any solid foundation the District Committee shall in the event of the surface of the roadway being cut through or damaged by such traffic at their own expense make good the

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
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A.D. 1913.

surface of the roadway to the reasonable satisfaction of the surveyor of the central district committee and have the work done in such a manner and with such expedition as shall cause no undue inconvenience to the local traffic of the district ;

- (c) In the event of any damage being done to any bridge or highway supported by retaining walls belonging to or maintained by the central district committee by or through the carriage or haulage by the District Committee of materials or things the same shall be made good by the District Committee under the superintendence of the said surveyor and to his reasonable satisfaction and should the damage to any of the said bridges or retaining walls be such as in the joint opinion of the said surveyor and of the District Committee's engineer or in the opinion of the arbiter to be named by the sheriff of the county of Perth in the event of the said surveyor and engineer differing in opinion will necessitate their being rebuilt the District Committee shall be bound to rebuild the same at their own cost and to the reasonable satisfaction of the said surveyor and with regard to culverts the District Committee shall place strong planks at the time of haulage across any culverts which the said surveyor may point out ;
- (d) In the event of any part of the highways aforesaid being temporarily rendered impassable or so as to be dangerous for passenger or vehicular traffic or of any of the bridges or culverts being rendered unsafe by any operations of the District Committee during the construction of the works by this Order authorised the District Committee shall relieve the central district committee of all lawful claims in respect thereof and shall require their contractor to place and such contractor shall during any such operation as aforesaid place danger lights at night at the end and by the side of the parts of the highways aforesaid or of such bridges and culverts and shall keep the same burning from one hour before sunset to one hour after sunrise and employ watchmen so as to ensure the safety of the public until the highways bridges and culverts have been repaired and the District

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

Committee shall relieve the central district committee of all claims for damages occasioned by any such operations of the District Committee Provided always that the District Committee shall if they see fit be entitled in name of the county council of the county of Perth or of the central district committee to contest any such claim: A.D. 1913.

(12) The District Committee shall contribute the sum of eight hundred and fifty pounds towards the cost to be incurred by the central district committee in widening and the central district committee shall widen as and when required by the District Committee the bridge over the River Devon at Blacklinn so as to enable the District Committee to lay in the roadway thereof two water mains having each a diameter of not exceeding twenty-four inches:

(13) If any difference arises between the central district committee and the District Committee touching this section or anything to be done or not to be done hereunder such difference shall failing agreement be referred to the decision of an arbiter to be nominated (failing agreement of the parties to name an arbiter) by the sheriff of the county of Perth on the application of either party and the decision of such arbiter shall be final.

21. For the protection of the provost magistrates and councillors of the burgh of Inverkeithing (hereinafter in this section respectively referred to as "the Inverkeithing Corporation" and "the burgh") the following provisions shall unless otherwise agreed upon in writing between the District Committee and the Inverkeithing Corporation have effect (that is to say):—

For protection of Inverkeithing Corporation.

(1) In addition to the supply of water afforded by the District Committee to the Inverkeithing Corporation under the agreement set forth in the Second Schedule to the Order of 1904 the District Committee shall as soon as they are by means of the works by this Order authorised in a position to supply water supply in perpetuity water from such works in bulk to the Inverkeithing Corporation and the Inverkeithing Corporation shall take such daily quantity up to three hundred thousand gallons per diem as the Inverkeithing

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
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Corporation may from time to time by notice in writing to the District Committee require :

- (2) The payment to be made by the Inverkeithing Corporation to the District Committee in respect of a supply of water as aforesaid from the works by this Order authorised shall be calculated as follows:—

For the first fifty thousand gallons per day at the rate of fourpence for every one thousand gallons ;

Above fifty thousand and up to one hundred thousand gallons per day at the rate of threepence halfpenny for every one thousand gallons ;

Above one hundred thousand and up to two hundred thousand gallons per day at the rate of threepence for every one thousand gallons ; and

Above two hundred thousand and up to three hundred thousand gallons per day at the rate of twopence halfpenny for every one thousand gallons :

Such payment shall run from the date on which the supply is afforded and be payable half-yearly :

- (3) The water to be supplied to the Inverkeithing Corporation under this section shall be delivered from the conduits or pipes of the District Committee at such point at or near the boundary of the burgh as may be mutually agreed upon or failing agreement determined by arbitration as hereinafter in this section provided :
- (4) The quantity of water to be delivered to the Inverkeithing Corporation under this section shall be accurately recorded by a meter or meters placed in a meter-house to be provided and maintained in good working order by and at the expense of the Inverkeithing Corporation. The District Committee shall have right of access to the meter-house at such times as they may desire for the purpose of checking the register showing the quantity of water delivered and shall also have the right of inspecting any accounts and documents kept by the Inverkeithing Corporation showing or tending to show the quantity of water delivered :
- (5) The Inverkeithing Corporation shall not from the water supplied to them under this section supply water to

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
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any local authority company or person outside the burgh without the consent of the District Committee: A.D. 1913.

- (6) Any difference under this section between the District Committee and the Inverkeithing Corporation shall be referred to and determined by an arbiter to be mutually chosen or failing agreement appointed on the application of either party by the sheriff of Fife and Kinross and the decision of the arbiter so appointed shall be final.

22. For the protection of the provost magistrates and councillors of the burgh of Alloa (hereinafter in this section respectively referred to as "the town council" and "the burgh") the following provisions shall unless otherwise agreed upon between the District Committee and the town council have effect (that is to say):— For protection of town council of Alloa.

- (1) The town council shall if they so resolve within three months from the commencement of this Order intimate to the District Committee by notice in writing addressed and delivered personally or forwarded by post in a registered letter to the clerk of the District Committee at his office in Dunfermline prior to the expiry of the said period their desire to be afforded a supply of water by the District Committee from the works by this Order authorised for use within the limits of the Act as defined by section 25 of the Alloa Water Act 1891 and any future extension of such limits as also outwith said limits in so far as the town council by agreement or otherwise were on the thirty-first day of March one thousand nine hundred and thirteen giving a supply:
- (2) If such notice be given the town council within one year from the commencement of this Order shall by notice as aforesaid intimate to the District Committee the exercise by them of the option conferred on them by subsection (3) hereof to take from a point on the conduit or line of pipes (Work No. 5) above Glenquey Gate as soon as the District Committee shall by means of the works by this Order authorised be in a position to supply water a daily supply of water in terms of the provisions of this section and the District Committee shall thereupon be bound to give such supply:

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913.
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- (3) The quantity of water to be supplied as aforesaid shall be ascertained by meter and shall be delivered in a regular and continuous flow and shall be taken at a point on the conduit or line of pipes (Work No. 5) above Glenquey Gate to be mutually agreed upon by the respective engineers of the District Committee and the town council and failing agreement by arbitration as hereinafter provided :
- (4) The daily supply to be afforded by the District Committee shall be in the option of the town council either (A) a daily supply of not less than five hundred thousand gallons and not exceeding one million gallons to be paid for at the rate of twopence and one halfpenny for every one thousand gallons or portion of one thousand gallons Provided always that the said rate of twopence and one halfpenny per one thousand gallons shall on the repayment by the District Committee of the moneys borrowed and expended by them under the provisions of this Order on the purchase of lands and servitudes for the purposes of and on the construction of the reservoir (Work No. 1) the embankment (Work No. 2) and the portion of the said Work No. 5 situate between the said Work No. 2 and the point at which the supply of water is afforded be subject to such reduction in the said rate as may be agreed upon between the District Committee and the town council or as failing agreement the arbiter to be appointed as hereinafter in this section provided may having regard to all the circumstances of the case determine And provided further that the payments to be made by the town council to the District Committee shall not be less than the sum payable in respect of a daily supply of five hundred thousand gallons or (B) a daily supply not exceeding one million gallons upon payment by the town council to the District Committee of such sum as shall be equal to the cost price to the District Committee in respect of the affording of a daily supply of one million gallons at the point at which such supply is delivered or taken such cost price to include interest payment to sinking fund management and maintenance and to be calculated on the basis of a daily discharge of at least five

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

million gallons into the District Committee's conduit (Work No. 5): A.D. 1913.

Payments under this subsection to the District Committee shall be made half yearly at the terms of Whitsunday and Martinmas and shall run from the date on which the District Committee are in a position to give the supply from the works by this Order authorised:

- (5) The meter for measuring such supply and the house and land in which the same is fixed shall together with the necessary connections be provided by the District Committee at the expense of and to the reasonable satisfaction of the town council and shall be under the control of the District Committee and be open at all reasonable times to inspection by a person to be appointed by the town council. The said meter meter-house and connections shall be maintained in good and efficient order by the District Committee at the expense of the town council:
- (6) Any difference arising under this section between the District Committee and the town council including any difference as to cost price mentioned in subsection (3) hereof shall be referred to and determined by an arbiter to be mutually agreed upon or failing agreement to be appointed on the application of either the District Committee or the town council after seven days' notice in writing to the other by the sheriff of the county of Clackmannan and the decision of the arbiter so appointed shall be final.

23. For the protection of the provost magistrates and councillors of the burgh of Dunfermline (hereinafter in this section respectively called "the town council" and "the burgh") the following provisions shall unless otherwise agreed upon in writing between the District Committee and the town council have effect (that is to say):—

For protection of town council of Dunfermline.

- (1) Notwithstanding anything in section 29 (Saving as to water supply in districts annexed) of the Dunfermline Burgh Extension and Drainage Act 1911 contained the District Committee shall cease to supply and distribute and the town council may from and after

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
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A.D. 1913.

the commencement of this Order supply and distribute water within so much of the area described in the schedule to this Order as was formerly within the limits of supply of water of the District Committee :

- (2) The District Committee shall as soon as they are by means of the works by this Order authorised in a position so to do afford to the town council in perpetuity a daily supply of water in bulk by meter and subject to the proviso after-mentioned in a regular and continuous flow to the following amounts and at the following rates per diem (that is to say):—

For any quantity up to six hundred thousand gallons at the rate of one penny and $\cdot 75$ of one penny for every one thousand gallons;

For every additional one thousand gallons up to nine hundred thousand gallons at the rate of one penny and $\cdot 65$ of one penny for every one thousand gallons;

For every additional one thousand gallons up to one million two hundred thousand gallons at the rate of one penny and $\cdot 55$ of one penny for every one thousand gallons;

For every additional one thousand gallons up to one million five hundred thousand gallons at the rate of one penny and $\cdot 45$ of one penny for every one thousand gallons;

For every additional one thousand gallons up to two million gallons at such rate not exceeding one penny and $\cdot 45$ of one penny for every one thousand gallons as failing agreement shall be determined by arbitration as hereinafter provided. Provided that such last-mentioned five hundred thousand gallons shall only be afforded by the District Committee to the town council if and when the District Committee after satisfying all other demands for a supply of water by them under the provisions of this Order and the Order of 1904 to other bodies and persons shall have a surplus of water available therefor :

The water presently supplied by the District Committee to the town council for use within the area

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within the burgh known as "the Kingseat area and farms" shall be deemed to be included in and to form part of the quantities of water to be afforded by the District Committee to the town council as aforesaid all which quantities of water under this section shall be delivered by the District Committee at a point above and near Glenquey Gate The town council shall in consideration of the said daily supply of water by the District Committee pay at the rates aforesaid in half-yearly instalments at Whitsunday and Martinmas in each year commencing at the first term of Whitsunday or Martinmas after the District Committee shall have tendered such supply to the town council and the town council shall in any case pay for a minimum daily supply of not less than six hundred thousand gallons whether such supply or any portion thereof is or is not taken Provided that during the period of ten years subsequent to the commencement of the supply of water under this Order the town council shall be entitled to average the said minimum daily supply over the year but shall not be entitled to take more than one million five hundred thousand gallons in any one day:

A.D. 1913.

- (3) On the request in writing by the town council within six months after the expiry of the period of thirty-five years and also after the expiry of forty years from the date on which a supply of water from the works by this Order authorised shall first be afforded by the District Committee to the town council under this section the rates aforesaid shall be subject to revision and shall failing agreement be determined by arbitration as hereinafter provided:
- (4) If such request is made by the town council after the expiry of the said period of thirty-five years the moneys borrowed and expended by the District Committee on the construction (excluding lands and servitudes) of the portion of the conduit or line of pipes (Work No. 5) situate between the embankment (Work No. 2) and Glenquey Gate shall for the purpose of such arbitration be deemed to have been repaid by the District Committee as at the date of the expiry

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
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A.D. 1913.
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of the said period of thirty-five years and the rate of interest paid by the District Committee in respect of such moneys to have been at the rate of three and three-quarters per centum per annum during such period :

- (5) If such request is made by the town council after the expiry of the said period of forty years the moneys borrowed and expended by the District Committee on the purchase of lands and servitudes for and on the construction of the reservoir (Work No. 1) the said Work No. 2 and the portion of the said Work No. 5 situate between the said Work No. 2 and Glenquey Gate shall for the purposes of the said arbitration be deemed to have been repaid by the District Committee as at the date of the expiry of the said period of forty years and the rate of interest paid by the District Committee in respect of such moneys to have been at the rate of three and three-quarters per centum per annum during such period :
- (6) The meter for measuring such supply and the house and land in which the same is fixed shall together with the necessary connections be provided by the District Committee at the expense and to the reasonable satisfaction of the town council and shall be under the control of the District Committee and be open at all reasonable times to inspection by a person to be appointed by the town council The said meter meter-house and connections shall be maintained in good and efficient order by the District Committee at the expense of the town council :
- (7) The connection between the mains of the District Committee and the town council shall be made at the sight and to the reasonable satisfaction of the engineer of the District Committee :
- (8) The town council shall not sell for use beyond the area described in the schedule to this Order any of the water supplied by the District Committee to the town council under this section :
- (9) Any difference under this section between the District Committee and the town council shall be referred to

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
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and determined by an arbiter to be mutually chosen or failing agreement appointed on the application of either party by the sheriff of Fife and Kinross and the decision of the arbiter so appointed shall be final: A.D. 1913.

- (10) The town council shall compensate the District Committee for the loss sustained by the District Committee in consequence of the inclusion within the limits for the supply of water by the town council of so much of the area described in the schedule to this Order as was prior to the commencement of this Order situated within the limits for the supply of water of the District Committee and the principles upon which such compensation shall be fixed and the amount thereof shall failing agreement be determined within six month from the commencement of this Order by an arbiter for the District Committee and by an arbiter for the town council and if need be by an oversman to be mutually chosen by them The sum of money so awarded shall be paid by the town council forthwith on the issue of the award with interest at the rate of five per centum per annum thereon until the same shall have been paid.

24.—(1) The District Committee shall afford a supply of water in bulk by meter to any owner of lands abutting on the River Devon below the reservoir (Work No. 1) and above Yetts of Muckart desiring a supply The total daily supply of water afforded to such owners shall not exceed fifty thousand gallons per diem and the rate payable therefor shall be sixpence for every one thousand gallons or portion of one thousand gallons. Riparian
owners.

(2) The meter for measuring such supply and the house and land in which the same is fixed shall together with the necessary connections be provided by the District Committee at the expense and to the reasonable satisfaction of the owner and shall be under the control of the District Committee and be open at all reasonable times to inspection by a person to be appointed by the owner The meter meter-house and connections shall be maintained in good and efficient order by the District Committee at the expense of the owner.

25. For the protection of Isabella Robertson Christie or other the owner or owners for the time being of the estate of Cowden For pro-
tection of
Cowden and
Arndean.

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913. — and Arndean in the counties of Perth and Kinross (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed upon between the District Committee and the owner have effect (that is to say) :—

- (1) The District Committee as soon as they are by means of the works by this Order authorised in a position to supply water shall after demand by notice in writing by the owner afford to the owner at two points on the existing water pipe of the District Committee between Yetts of Muckart and Powmill to be fixed by the owner such daily supply of water in bulk by meter not exceeding twenty thousand gallons as may be specified in such notice at the rate of sixpence for every one thousand gallons or portion of one thousand gallons :
- (2) The owner may subject to the consent in writing of the road authority lay and maintain for the purpose of the supply of water to be afforded by the District Committee to the owner a water pipe in the road from Yetts of Muckart to Dollar the road from Powmill to Blairingone and the road from Yetts of Muckart to Caplawhead :
- (3) The meter for measuring such supply and the house and land in which the same is fixed shall together with the necessary connections be provided by the District Committee at the expense and to the reasonable satisfaction of the owner and shall be under the control of the District Committee and be open at all reasonable times to inspection by a person to be appointed by the owner The meter meter-house and connections shall be maintained in good and efficient order by the District Committee at the expense of the owner.

For protection of county council of county of Clackmannan.

26. For the protection of the county council of the county of Clackmannan (hereinafter in this section referred to as "the county authority") the following provisions shall unless otherwise agreed upon between the District Committee and the county authority have effect (that is to say) :—

- (1) The District Committee shall after completion of the works by this Order authorised if and when required

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by the county authority supply the county authority with such quantity of water as they shall from time to time require for the supply of any places or special water supply districts formed or to be formed within the county of Clackmannan but not exceeding in the aggregate seventy-five thousand gallons per day: A.D. 1913.

- (2) The quantity of water to be supplied as aforesaid shall be ascertained by meter and shall be delivered in a regular and continuous flow and shall subject to any arrangement to be made by the county authority with the provost magistrates and councillors of the burgh of Alloa (hereinafter in this section referred to as "the town council") under subsection (5) of this section be taken at a point on the conduit or line of pipes (Work No. 5) above Glenquey Gate to be mutually agreed upon by the respective engineers of the District Committee and the county authority and failing agreement by arbitration as hereinafter provided:
- (3) The meter for measuring such supply and the house and land for the same shall be provided by the District Committee at the expense of and to the reasonable satisfaction of the county authority and shall be under the control of the District Committee and be open at all reasonable times to inspection by a person to be appointed by the county authority. The said meter meter-house and connections shall be maintained in good and efficient order by the District Committee at the expense of the county authority:
- (4) The county authority shall pay to the District Committee for the supply so taken by half-yearly payments at the terms of Whitsunday and Martinmas at the rate of twopence and one halfpenny for every one thousand gallons or portion of one thousand gallons:
- (5) The county authority shall be entitled if they so arrange with the town council to take delivery of said daily supply by or through the meter and the pipes to be provided and laid down by the town council. Provided always that any supply taken by the county authority by or through the pipe of the town council shall be taken from said pipe by meter which shall be erected and maintained to the satisfaction of the

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Confirmation Act, 1913.

A.D. 1913.

District Committee and to which meter the District Committee shall have access at all reasonable times for inspection measurement and the like and monthly readings of said meter shall be transmitted by the county authority to the District Committee:

- (6) Any difference arising under this section between the District Committee and the county authority shall be referred to and determined by an arbiter to be mutually chosen or failing agreement to be appointed on the application of either party after seven days' notice in writing to the other party by the sheriff of the county of Clackmannan and the decision of the arbiter so appointed shall be final.

For protection of Kirkcaldy District Committee.

27. For the protection of the Kirkcaldy District Committee of the County Council (hereinafter in this section referred to as "the Kirkcaldy District Committee") the following provisions shall unless otherwise agreed upon between the District Committee and the Kirkcaldy District Committee have effect (that is to say):—

- (1) The District Committee shall after the completion of the works by this Order authorised if required by notice in writing by the Kirkcaldy District Committee prior to the expiry of the period of five years from the commencement of this Order afford a supply of water in perpetuity in bulk by meter to the Kirkcaldy District Committee of the minimum daily quantity of one hundred and twenty-five thousand gallons per diem (which shall be paid for whether taken or not) and of such further quantity up to four hundred thousand gallons per diem as the Kirkcaldy District Committee may from time to time by notice in writing to the District Committee require and subject to the provisions of this Order such additional quantity of water not exceeding one hundred thousand gallons per diem as the District Committee may be able to afford:
- (2) The supply shall be delivered by the District Committee from Work No. 6 through a pipe to be constructed by the District Committee at the expense of the Kirkcaldy District Committee The meter for measuring such supply and the house and land on which the same is fixed shall together with the necessary connections

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

be provided by the District Committee at the expense and to the reasonable satisfaction of the Kirkcaldy District Committee and shall be under the control of the District Committee and be open at all reasonable times to inspection by a person to be appointed by the Kirkcaldy District Committee. The said meter meter-house and connections shall be maintained in good and efficient order by the District Committee at the expense of the Kirkcaldy District Committee : A.D. 1913.

(3) In consideration of the right hereinbefore conferred upon the Kirkcaldy District Committee to demand from the District Committee a supply of water the Kirkcaldy District Committee shall in each year during the said period of five years up to the date on which such supply shall first be afforded pay to the District Committee in half-yearly instalments at Whitsunday and Martinmas the sum of forty pounds :

(4) The Kirkcaldy District Committee shall pay to the District Committee in consideration of the supply so afforded such price as may be determined by engineers to be appointed by the District Committee and the Kirkcaldy District Committee respectively and in the event of their differing in opinion by the convener of the county. In paying the said price the said engineers or the said convener shall determine at what periods and on what conditions the said price shall be subject to revision and on the expiry of these periods or on the fulfilment of these conditions the price to be paid by the Kirkcaldy District Committee to the District Committee shall failing agreement be fixed anew by arbitration as hereinbefore in this section provided.

28. The water to be supplied from any main or pipe of the District Committee whether existing or authorised to be constructed 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 can be supplied or afforded by gravitation Pressure.

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
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A.D. 1913. from the service reservoirs or tanks of the District Committee already existing or by this Order authorised from which the supply is given.

Accommo-
dation for
workmen &c.

29. The District Committee shall if and when required by the local authority of the district in which the works by this Order authorised are situate (in this section called "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 District Committee and the local authority as to the amount or nature or situation of the housing accommodation or 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 District Committee of any requirement of the local authority under this section either party may appeal to the Local Government Board for Scotland (in this section called "the Board") and the decision of the Board shall be final and binding on both parties:

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

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

For the purposes of this section the Board shall have the same powers of holding inquiries and of requiring reports to be

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
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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. 1913.

30. The District Committee may subject to the consent of the road authority at any time for the purposes of conveying water from any of the works authorised by the Order of 1904 or this Order or for distributing and supplying water beyond the limits of supply 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 and making full compensation to all persons injuriously affected by anything done under the provisions of this section: Laying mains in public roads.

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 on the application of either party by the sheriff of the county of Perth or the sheriff of Fife and Kinross as the case may be.

31. The District Committee may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of any reservoirs and works belonging to the District Committee with reference to the execution by the District Committee 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 authorised to be diverted collected and appropriated by the District Committee flowing to upon or from such lands directly or derivatively into such reservoirs and works. Power to agree as to drainage of lands &c.

32.—(1) The District Committee may make byelaws for preventing the pollution fouling or contamination of any water which they are authorised to impound and take and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water. Byelaws for preventing pollution of water.

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
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A.D. 1913.

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(2) The byelaws made under this section shall be in force within the areas from or through which the said waters flow or within so much of such areas as may be defined in the byelaws.

(3) All byelaws made under this section which affect any district beyond the limits of supply shall be subject to the approval of the local authority for such district Provided that such consent shall not be necessary where in the opinion of the Local Government Board for Scotland it has been unreasonably withheld.

(4) The provisions as to byelaws to be made by a local authority contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to byelaws made by the District Committee under this section.

(5) The District Committee shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

Power to
discharge
water tem-
porarily into
streams.

33. Subject to the provisions of this Order the District Committee may at any time for the purpose of repairing or of cleansing any of their existing works or any of the works authorised by this Order 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 District Committee shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

Power to
supply water
by agree-
ment.

34. Subject to the provisions of this Order the District Committee on the one hand and the provost magistrates and councillors of the city and royal burgh of Dunfermline the provost magistrates and councillors of the royal burgh of Inverkeithing the provost magistrates and councillors of the burgh of Cowdenbeath the provost magistrates and councillors of the burgh of Culross the provost magistrates and councillors of the burgh of Alloa the Kirkcaldy District Committee of the County Council

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
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and the County Council of the county of Clackmannan or any one or more of them on the other hand may enter into and carry into effect agreements for or with respect to the following purposes or any of them and all matters incidental thereto (that is to say) :—

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- (A) The supply to the District Committee by any such town council of water in bulk or otherwise or for the laying or acquisition of mains pipes or other works either within or beyond the limits of supply :
- (B) The supply by the District Committee out of any surplus water to any such town council of water in bulk or otherwise or for the laying or acquisition of mains pipes or other works either within or beyond the limits of supply :
- (c) The period during which any such supply of water is to be afforded and the payments to be made or other consideration to be given in respect of such supply and the application by the contracting parties of their respective funds for the purposes of any such agreement :

Provided that no such supply of water shall be given by the District Committee for use in any district beyond the limits of supply except with the consent of any company or person supplying water under parliamentary authority within such district and of the local authority of that district.

35. The District Committee on the one hand and the Admiralty on the other hand may enter into and carry into effect agreements for or with respect to the supply of water to the naval establishments at Rosyth and Crombie and for any other Government purposes within the limits of supply and any such agreement may be supplemental to or in substitution for the agreement set forth in the First Schedule to the Order of 1904.

Power to enter into agreements with Admiralty.

36.—(1) The District Committee shall up to the twenty-eighth day of April one thousand nine hundred and forty-four afford a supply of water in bulk by meter to the Admiralty at the Admiralty Tank at Castlandhill from the works by this Order authorised for the purposes specified in Article 7 of the agreement set forth in the First Schedule to the Order of 1904 The total daily supply of water so to be afforded shall be five hundred thousand gallons to be paid for by the Admiralty

Supply of water to Admiralty.

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913. — whether such supply or any portion thereof is or is not taken at the rate of twopence for every one thousand gallons or portion of one thousand gallons half-yearly at the terms of Whitsunday and Martinmas from the date on which the District Committee are in a position to afford the said supply from the said works The Admiralty shall be entitled to average such supply over each period of three months.

(2) The quantity of water to be delivered to the Admiralty as aforesaid shall be accurately recorded by a meter or meters placed in a meter house to be provided and maintained in good working order by the District Committee The Admiralty shall have right of access to the meter house and meter or meters at such times as they may desire for the purpose of checking the registers showing the quantity or quantities of water delivered and they shall also have the right of inspecting any accounts and documents kept by the District Committee showing or tending to show the quantity of water delivered If it shall be found that the meter or meters are out of order and are registering incorrectly it shall be assumed until the contrary is shown by the District Committee that they got out of order on the day preceding the day of the inspection on behalf of the Admiralty and if the District Committee can show on what other day since the last inspection of the meter or meters the same got out of order then whether the imperfection of the meter or meters was telling for or against the District Committee the quantity of water taken by the Admiralty from the day on which the meter or meters got out of order until the same shall be amended shall after the first year of supply be taken to be that supplied by the District Committee on each of the days in the preceding year corresponding with the days during which the meter or meters shall be out of order and the account shall be adjusted on that footing but it shall be open either to the Admiralty or the District Committee to show to an engineer to be selected by both as a referee between them what the quantity of water actually supplied by the District Committee per diem during the period in question was and the account between the Admiralty and the District Committee shall then be adjusted with reference to the finding and decision of such referee The Admiralty shall pay to the District Committee such reasonable rent for the meter or meters provided by the District Committee as may be agreed upon or failing agreement fixed by the said referee or the Admiralty may in their option themselves provide such meter or meters.

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

(3) The District Committee shall if so required by the Admiralty by six months' previous notice in writing continue for a period of forty years from the said twenty-eighth day of April One thousand nine hundred and forty-four and any subsequent period of forty years to afford to the Admiralty the supply of water as aforesaid from the works by this Order authorised subject to the terms and conditions prescribed by this section. A.D. 1913.

37. The District Committee may undertake to pay to the Postmaster-General any loss he may sustain by reason of the establishment or maintenance at their request of any post or telegraph office or of any additional facilities (postal or other) in connection with the works authorised by the Order of 1904 or this Order and any expenses incurred by the District Committee under such undertaking may be defrayed out of any revenue or funds of the District Committee. Postal facilities.

38. The District Committee shall not construct any works for taking or intercepting water from any lands acquired by the County Council unless the works are authorised by and the lands upon which the same are to be constructed are specified in the Order of 1904 or this Order or in an Act of Parliament or Order confirmed by Parliament. Limiting powers of District Committee to abstract water.

39. The existing waterworks of the District Committee and the works authorised by this Order shall for all purposes whatsoever be and be deemed to be part of the undertaking. Works to form part of undertaking.

40. The estimate authorised and required to be made up by the District Committee and the assessments or rates authorised and required to be imposed levied and recovered by the County Council under and for the purposes of the Order of 1904 shall from and after the commencement of this Order include and be sufficient for the purposes of defraying not only the annual expenses mentioned in section 53 (District Committee to estimate annual sum required) of the Order of 1904 but also the annual expenses incurred or to be incurred for the purposes of this Order including the sums necessary for payment of interest on and repayment of principal of any moneys borrowed under this Order the payments to the sinking fund and all other expenditure arising out of the exercise of the powers by this Order conferred. Estimates by District Committee and assessments &c. levied by County Council to include purposes of this Order.

41. The assessments or rates levied and received by the County Council under the authority of the Order of 1904 and this Order shall be applied not only in the manner and to the Application of assessments.

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913. — purposes mentioned in section 58 (Application of rates and charges) of the Order of 1904 but also in the like manner and to the same purposes so as to include the provision by the County Council of all such expenses interest repayment of principal and contributions to sinking fund so far as the same are caused or increased by or are attributable to the works authorised by and the carrying out of the purposes of this Order and the balance of the said assessments or rates shall be paid over to and applied by the District Committee for the purposes of water supply under the Order of 1904 and this Order in manner provided by the said section 58 of the Order of 1904.

Power to
County
Council
to borrow.

42. The County Council may with the consent of the standing joint committee from time to time borrow—

- (1) For the purchase of lands and servitudes the sum of nine thousand five hundred and fifty pounds;
- (2) For the purposes of the reservoir (Work No. 1) and the embankment (Work No. 2) by this Order authorised the sum of ninety-nine thousand pounds;
- (3) For the purposes of the service reservoir or tank (Work No. 6) by this Order authorised the sum of four thousand four hundred pounds;
- (4) For the purposes of the conduit or line of pipes (Work No. 5) by this Order authorised the sum of twenty-eight thousand seven hundred pounds;
- (5) For the purposes of the road of access (Work No. 3) and the aqueduct or bridge (Work No. 4) by this Order authorised the sum of three thousand three hundred pounds;
- (6) For subsidiary works the sum of one thousand and fifty pounds;
- (7) For the payment of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order the sum requisite for that purpose; and
- (8) For the purposes of the undertaking with the consent of the Secretary for Scotland but not otherwise such further moneys as the County Council may require and the Secretary for Scotland shall have and may exercise in relation to such consent as aforesaid all the powers of section 93 of the Act of 1889;

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

on the security of the assessments authorised by the Order of 1904 and this Order and the obligations of the Admiralty and of the provost magistrates and councillors of the royal burgh of Inverkeithing contained in the agreements respectively set forth in the First and Second Schedules to the Order of 1904 and the general assessments which may be imposed under the Public Health Acts or any of them and may assign any such assessments and obligations in security of the money so borrowed and the provisions of the Order of 1904 with reference to moneys borrowed under the authority of that Order and the repayment thereof shall subject to the provisions of this Order apply to moneys borrowed under the authority of this Order.

A.D. 1913.

43. The County Council shall pay off all moneys to be borrowed by them under this Order for the purposes of the undertaking within the respective periods following (that is to say):—

Periods for
repayment of
borrowed
moneys.

As to moneys borrowed for the purposes (1) and (2) mentioned in the immediately preceding section of this Order within sixty years from the date or dates of borrowing the same:

As to moneys borrowed for the purposes (3) and (4) mentioned in that section within thirty-five years from the date or dates of borrowing the same:

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

As to moneys borrowed for the purposes (7) mentioned in that section within five years from the commencement of this Order:

As to moneys borrowed with the approval of the Secretary for Scotland for the purposes (8) mentioned in that section within such period not exceeding sixty years as the Secretary for Scotland may notwithstanding anything in the Act of 1889 contained prescribe.

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

Application
of moneys
borrowed.

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913.

Application
to mortgages
of provisions
of Order of
1904.

45. The following sections of the Order of 1904 shall apply to mortgages granted by the County Council under the powers of this Order (that is to say):—

Section 63 (Form of mortgage);

Section 64 (Manner in which mortgages to be signed and executed);

Section 65 (Transfer of mortgages);

Section 66 (Transfer of mortgages in case of bankruptcy);

Section 67 (Mortgages of rates to be personal estate);

Section 68 (Discharge of mortgages).

Priority of
existing
mortgages.

46. All mortgages in respect of the undertaking granted by the County Council in pursuance of the powers of the Order of 1904 before the commencement of this Order and which shall be then subsisting shall during the continuance of such mortgages have priority over any mortgages to be granted after the commencement of this Order in respect of the undertaking.

Protection
of lender
from inquiry.

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

Saving for
County
Council and
standing
joint com-
mittee.

48. Except in so far as expressly provided nothing in this Order shall prejudice or affect the powers rights and liabilities of the County Council and the standing joint committee with regard to capital works rating and borrowing.

Costs of
Order.

49. The 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 County Council out of the assessments or rates to be levied or out of the moneys to be borrowed under this Order.

[3 & 4 GEO. 5.] *Dunfermline District Water Order* [Ch. clvi.]
Confirmation Act, 1913.

The SCHEDULE referred to in the foregoing Order.

A.D. 1913.

DESCRIPTION OF AREA MENTIONED IN THE SECTIONS OF THIS
ORDER WHEREOF THE MARGINAL NOTES ARE RESPECTIVELY
"INTERPRETATION" AND "FOR PROTECTION OF TOWN COUNCIL
OF DUNFERMLINE."

Commencing at a point on the existing boundary of the city and royal burgh of Dunfermline on the south-eastern side of the plantation near the junction of the Whitefield and Kingseat Roads one hundred and thirty-two yards or thereby north-eastwards from the south-western corner of enclosure numbered 330 on the Ordnance survey map 25106 scale first edition 1896 (new series) thence south-eastwards southwards and south-eastwards along the burgh boundary to a point on the southern side of the Halbeath Road at the north-eastern corner of the enclosure numbered 599 on the said map thence south-eastwards and southwards along the burgh boundary to a point in the centre of the Aberdour Road one hundred yards or thereby eastwards from the junction of the centre line of the Masterton Road with the centre line of the said Aberdour Road thence southwards and south-eastwards along the burgh boundary to where the boundary of the parish of Dunfermline intersects the south-western boundary of the Inverkeithing and Perth section of the North British Railway thence south-westwards southwards westwards southwards and south-eastwards along the burgh boundary to the Ordnance survey bench mark on the southern side of Dunfermline Wynd and marked B.M. 195.0 on said map thence southwards and south-westwards along the burgh boundary to the southern corner of enclosure numbered 431 on said map thence south-westwards in a straight line in continuation of the south-eastern boundary of said enclosure numbered 431 to the south-western side of the Dunfermline and North Queensferry Road thence north-westwards north-eastwards and north-westwards along the south-western north-western and south-western side of the said road to the southern side of the new Admiralty Road thence westwards along the southern side of said Admiralty Road and the southern side of the Rosyth Road to the burgh boundary at Brucehaven thence northwards westwards northwards north-westwards and northwards along the burgh boundary to a point where the western boundary of the road or pathway leading past Burnside Cottages to Bellknowes plantation joins the southern boundary of the enclosure numbered 1212 on said map thence eastwards northwards westwards northwards westwards northwards eastwards and northwards along the burgh boundary to the southern side of the road leading from

[Ch. clvi.] *Dunfermline District Water Order* [3 & 4 GEO. 5.]
Confirmation Act, 1913.

A.D. 1913. Leckerstone Cottage to Wester Gellet thence northwards and north-westwards along the burgh boundary to the Lyne Burn near Elbowend Junction thence north-eastwards eastwards northwards and eastwards along the burgh boundary to where the parliamentary burgh boundary intersects said burgh boundary on the northern side of the M'Kane Park thence north-westwards along the said parliamentary burgh boundary to the centre of Urquhart Bridge under the Dunfermline and Torryburn Road thence north-westwards along the said parliamentary burgh boundary to the centre of the bridge at Milesmark carrying the West of Fife section of the North British Railway over the road leading from Dunfermline to Carnock thence north-eastwards along the said parliamentary burgh boundary to the centre of the bridge over the Baldrige Burn near Blackburn thence eastwards along the said parliamentary burgh boundary to where said boundary intersects the burgh boundary of the said city and royal burgh of Dunfermline at Headwell Bleach Works thence north-eastwards south-westwards eastwards northwards eastwards north-westwards and north-eastwards along the burgh boundary to the south-eastern corner of enclosure numbered 680 on said map thence eastwards northwards eastwards northwards north-eastwards eastwards and northwards along the burgh boundary to the north-eastern corner of enclosure numbered 195 on said map thence north-eastwards along the burgh boundary following the windings of Meldrum's mill burn and said boundary to Loch Fitty thence south-eastwards southwards south-eastwards southwards eastwards and south-eastwards along the burgh boundary to the eastmost corner of the city and royal burgh of Dunfermline at Kingseat thence south-westward along the burgh boundary to the point first above described.

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