



CHAPTER clvii.

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

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A.D. 1913. district committee should cease to supply water and to levy water assessments within any part of the extended area of compulsory supply of the Town Council:

And whereas it is expedient that the Town Council should be authorised to raise money by rates assessments and charges and by borrowing for the purposes of this Order and of their water supply as hereinafter provided:

And whereas it is expedient that provision should be made for the repayment of any money to be borrowed under the authority of this Order:

And whereas it is expedient that further powers should be conferred on the Town Council in relation to their waterworks and water supply:

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

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

Short title
and com-
mencement
of Order.

1. This Order may be cited for all purposes as the Dunfermline Corporation Water Order 1913 and shall come into operation at the date of the passing of the Act confirming the same which date is referred to in this Order as “the commencement of this Order.”

Interpreta-
tion.

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

“The burgh” means the burgh of Dunfermline according to the boundaries thereof existing at the commencement of this Order as fixed and defined by the Act of 1911;

“The Town Council” means the provost magistrates and councillors of the burgh;

“The county council” means the county council of the county of Fife;

“The district committee” means the Dunfermline district committee of the county council;

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“The Water Act of 1847” means the Act passed in the A.D. 1913.
tenth and eleventh years of the reign of Her late
Majesty Queen Victoria intituled “An Act for the
“ better supplying the town of Dunfermline and places
“ adjacent thereto with water”;

“The Act of 1876” means the Dunfermline Water Act 1876;

“The Act of 1911” means the Dumfermline Burgh Extension
and Drainage Act 1911;

“The Police Acts” means the Burgh Police (Scotland) Acts
1892 to 1911;

“The sheriff” means the sheriff of Fife and Kinross and
except where otherwise provided includes any of his
substitutes in the county of Fife;

The words “lands and premises” shall have the same
meaning as in the Police Acts.

3. From and after the commencement of this Order the Act of 1876 is hereby repealed to the extent set forth in the Second Schedule to this Order. Repeal of
sections of
Act of 1876.

4. The following Acts and part of Acts (except where varied by or inconsistent with the provisions of this Order) are hereby incorporated with this Order:— Incorporation of Acts.

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the communication pipes to be laid by the undertakers and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and also with the exception of clauses 68 70 71 and 72;

The Waterworks Clauses Act 1863.

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

5.—(1) The Town Council may hold any lands presently belonging to them and may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which may in their opinion be necessary or desirable for the purpose of securing the purity of the water in the drainage area of the existing waterworks of the Town Council 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. Power to
acquire and
hold lands
for protec-
tion of works
and preven-
tion of pol-
lution.

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(2) The Town 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 Town Council may seem fit and as 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 Town Council shall only be applied to the purposes of this Order to which capital is properly applicable.

(3) Nothing in this Order shall exonerate the Town Council 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 the Town Council shall not erect or permit the erection of any buildings on such lands except such as are required in connection with their water undertaking or for farm buildings.

Byelaws for preventing pollution of water.

6.—(1) The Town Council may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to impound and take under the Water Act of 1847 and the Act of 1876 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.

(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 compulsory supply shall be subject to the approval of the local authority of such district Provided that such approval shall not be necessary where in the opinion of the Local Government Board for Scotland it has been unreasonably withheld and any such local authority may apply to the said Board to cancel any byelaws made by the Town Council and in force within the district of such local authority and the said Board may cancel the same accordingly.

(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 Town Council under this section.

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(5) The Town Council 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. A.D. 1913.

7. The Town Council shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this or some other Order or Act of Parliament. Limiting powers of Town Council to abstract water.

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

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

10. All offenders against any of the provisions of this Order or of any of the Acts incorporated with the same respectively or against any of the byelaws of the Town Council may be prosecuted and all penalties in respect of offences against any of such provisions or byelaws may be recovered summarily by the Town Council under the Summary Jurisdiction (Scotland) Act 1908. Prosecution of offences.

11. The Town Council may on the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not dedicated to the public use situate within the limits of compulsory supply supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and for that purpose the Waterworks Clauses Acts 1847 and 1863 shall apply as if such street were a Power to lay pipes in streets not dedicated to public use.

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A.D. 1913. street within the meaning of those Acts and as if section 29 of the Waterworks Clauses Act 1847 had been excepted from the incorporation of that Act in this Order.

Extension of limits of compulsory supply. 12.—(1) The limits for the compulsory supply of water by the Town Council shall for the purposes of the Water Act of 1847 and the Act of 1876 and of this Order be the area described in the First Schedule to this Order which extended limits are in this Order referred to as “the limits of compulsory supply.”

(2) The county council and the district committee or either of them shall not except with the consent of the Town Council after the commencement of this Order supply water or levy water assessments within any part of the limits of compulsory supply and the Dunfermline District Water Order 1904 and section 29 (Saving as to water supply in districts annexed) of the Act of 1911 and any other Act or Order so far as the same authorise such supply are hereby repealed.

Payment of proportion of water assessment to county council. 13. In consideration of the water assessment being levied by the Town Council within so much of the area described in the First Schedule to this Order as was prior to the commencement of this Order situate within the limits of supply of water of the district committee (in this section referred to as “the added area”) during the period between Whitsunday one thousand nine hundred and thirteen and the commencement of this Order the Town Council shall pay over to the county council a proportion of the water assessment which the county council would but for the confirmation of this Order have levied within the added area corresponding to the said period.

Supply of water by district committee. 14.—(1) The district committee shall as soon as they are by means of the works authorised by the Dunfermline District Water Order 1913 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 1·75*d.* for every one thousand gallons :

For every additional one thousand gallons up to nine hundred thousand gallons at the rate of 1·65*d.* for every one thousand gallons :

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For every additional one thousand gallons up to one million two hundred thousand gallons at the rate of 1·55*d.* for every one thousand gallons: A.D. 1913.
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For every additional one thousand gallons up to one million five hundred thousand gallons at the rate of 1·45*d.* for every one thousand gallons:

For every additional one thousand gallons up to two million gallons at such rate not exceeding 1·45*d.* 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 the Dunfermline District Water Orders 1904 and 1913 to other bodies and persons shall have a surplus of water available therefor.

(2) The water presently supplied by the district committee to the Town Council for use within the area 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.

(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

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A.D. 1913. — a supply of water from the works authorised by the Dunfermline District Water Order 1913 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) authorised by the Dunfermline District Water Order 1913 situate between the embankment (Work No. 2) of said last-mentioned Order 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 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) of the said last-mentioned Order 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. A.D. 1913.

(8) The Town Council shall not sell for use beyond the area described in the First Schedule to this Order any of the water supplied by the district committee to them under this section.

(9) Any difference under this section between the district committee and the Town Council 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 and the decision of the arbiter so appointed shall be final.

(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 of compulsory supply of so much of the area described in the First 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 months 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 such arbiters. 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.

(11) In this section the expression "the sheriff" does not include sheriff substitutes.

15. The Town Council shall subject to the provisions of this Order cause pipes to be laid so far as not already laid and water to be brought through all streets and roads or portions of streets or roads along which houses are built within the limits of compulsory supply and shall as soon as conveniently may be at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the limits of compulsory supply or any person entitled to demand a supply of water under the provisions herein contained furnish to such person by means of communication pipes and other

Supply of water for domestic use within limits of compulsory supply.

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A.D. 1913. — necessary and proper apparatus to be provided laid down and maintained by and at the cost of such person unless otherwise agreed between him and the Town Council a sufficient supply of water for domestic purposes in any such house or dwelling (including a supply for private waterclosets and private fixed baths in each such dwelling-house) including the office houses yards and other pertinents of the same Provided that no person shall be entitled to demand such supply of water or to require the Town Council to lay down pipes or fire plugs unless some pipe of the Town Council shall have been laid within one hundred feet of the premises in respect of which such supply of water or pipes or fire plugs are demanded or in the case of tenements situated in a private close or place unless a water pipe of the Town Council shall have been laid within one hundred feet of the entrance to such close or place Provided further that as regards all persons who shall be the owners or occupiers of any dwelling-houses or of tenements in a private close or place they shall not be liable to be assessed in respect thereof for the water assessment unless such dwelling-houses or tenements shall have been actually supplied with water under this Order or unless some pipe of the Town Council shall be laid within one hundred feet of any such dwelling-houses or in the case of tenements unless such pipe shall be laid within one hundred feet of the entrance to such close or place.

Town Council may supply water for other than domestic purposes.

16. The Town Council may furnish to any person within the limits of compulsory supply a supply of water for other than domestic purposes to shops offices and warehouses and for steam engines or railway purposes or for warming or ventilating any premises other than dwelling-houses or for working any machine or apparatus or for cattle or for horses or for washing carriages or motor cars or for gardens fountains or ornamental purposes or for any trade manufacture business or occupation or for hotels taverns or for any other purpose not domestic and either in bulk or otherwise such respective supplies being so furnished at such rates and upon such terms and conditions as shall be fixed from time to time by the Town Council and in the event of disagreement either as to the ability of the Town Council to give the supply or as to the rate terms or conditions on or in respect of which the supply is to be given the same shall be fixed by the sheriff upon summary application by either of the parties and the decision of the sheriff shall be final Provided always that so far as possible the rate for such supply

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of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply and the charges for such supply shall be recoverable in the same manner as any other water assessment rates or charges may be recovered by the Town Council under the authority of this Order. Provided further that when water is so supplied the Town Council shall not charge the persons obtaining the same with the water assessment and also charge for water supplied to the same premises by meter but the Town Council shall have the option either to charge the persons obtaining such supply with the water assessment in respect of the premises for which such supply is given or to charge for the same by meter or they may charge in addition to the water assessment such special rates as may be fixed as aforesaid for water supplied otherwise than by meter for the purposes or any of them in this section mentioned. Provided also that the supply of water under this section shall not prejudicially affect or restrict the supply of water from time to time required for domestic use within the limits of compulsory supply.

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17. The water to be supplied from any main or pipe of the Town Council need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations.

Pressure.

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

Town Council not bound to supply several houses by one pipe.

19. A notice to the Town Council from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Town Council or be given by the consumer personally at the office of the Town Council.

Notice of discontinuance.

20.—(1) The Town Council may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water

Byelaws for preventing waste &c. of water.

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A.D. 1913. fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination.

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

(3) Such byelaws shall apply only in the case of premises to which the Town Council are bound to afford and do in fact afford or are prepared on demand to afford a constant supply and the provisions with respect to byelaws contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to all byelaws so made.

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

Supply to
houses partly
used for
trade &c.

21. The Town Council shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Power to
sell or let
meters &c.

22. The Town Council may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

The provisions of section 14 of the Waterworks Clauses Act 1863 shall extend to authorise the Town Council to let for hire any water fittings to any person supplied by them with water.

Notice to
Town Coun-
cil of con-
necting or
disconnect-
ing meters.

23. Before any person connects or disconnects any meter by means of which any of the water of the Town Council is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Town Council of his

intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the Town Council and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings. A.D. 1913.

24. The Town Council may at any time subject to the provisions of this Order lay down maintain use extend alter renew relay replace enlarge and increase the number and size of any mains pipes and other conveniences of the Town Council at any time existing for conveying and distributing water Provided always that such laying down extension enlargement or increase shall be executed only on lands or property belonging to the Town Council or over which the Town Council have acquired a servitude or which may be acquired by agreement or which they are by the Waterworks Clauses Acts 1847 and 1863 or this Order entitled to open and break up for such purposes. Town Council may enlarge or increase number of pipes.

25. The Town Council may enter into and carry into effect agreements with any local authority company or person for the supply of water in bulk to any such authority company or person respectively beyond the limits of compulsory supply and for such remuneration and on such terms and conditions and for such periods as may be agreed upon Provided that such supply shall not be given except with the consent of any local authority company or person supplying water under parliamentary authority within the district to be supplied and of the local authority of that district. Contracts for supplying water in bulk.

26. The Town Council may if they see fit furnish a supply of water for the purposes of watering or cleansing streets or of flushing or cleansing sewers and drains or for public baths or washhouses or for public fountains or wells either gratuitously or at such charge or reduced charge and upon such terms and conditions as they shall think proper. Cleansing sewers &c.

27. For the purpose of providing for the better distribution of the water supply among the inhabitants within the limits of compulsory supply the Town Council may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street within the limits of compulsory supply in which the pipes of the Town Council are laid to take a supply of water for such house or tenement by connecting a Owners to provide and maintain service pipes.

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A.D. 1913. — service pipe with the main pipe of the Town Council in any such street (such connection to be made by the Town Council or some person to be employed by them at the expense of the owner) and to provide lay and maintain in good and sufficient repair such service pipes stand pipes or taps cisterns and other means and apparatus and in such positions as may be necessary for that purpose and in the event of refusal or delay on the part of such owner to comply with such requisition it shall be lawful for the Town Council to enter such house or tenement and premises connected therewith and to provide lay and maintain such service pipes stand pipes or taps cisterns and other means and apparatus in such positions as aforesaid and to recover the expense thereof from such owner in the same manner as the water assessments rates or charges are recoverable by the Town Council under this Order and the Waterworks Clauses Acts 1847 and 1863 Provided always that in the case of houses not exceeding four pounds of yearly rent or value such owner shall not be required to introduce water into each house but only such means of supply for each tenement of houses as the Town Council may deem necessary Provided that in case of any question or difference between the Town Council and any owner to whom this section applies with respect to the necessity for such supply or as to any other matter arising under this section the same shall be determined by the sheriff on summary application by either of the parties and the decision of the sheriff shall be final.

Tube or
hose not
to be affixed
to mains or
pipes with-
out consent
of Town
Council.

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

Rent for
water may
be ascer-
tained by
meter.

29. The Town Council may agree with any person for supplying him with water by measure and may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure In both cases a meter

for ascertaining the quantity consumed shall be provided by the Town Council at a reasonable rent to be fixed by the Town Council. A.D. 1913.

30. The Town Council in addition to the sums already borrowed by them for water purposes may subject to the provisions of this Order in the manner and under the powers and provisions of the Police Acts from time to time borrow the sums following:— Power to borrow.

- (1) For distributing pipes twenty thousand pounds:
- (2) For payment of any compensation which under this Order may be found to be payable by the Town Council to the district committee the sum necessary for that purpose:
- (3) For the payment of the costs charges and expenses of and incidental to preparing for obtaining and confirming this Order the sum requisite for the said purposes:

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

31. The Town Council shall pay off all moneys borrowed and to be borrowed by them for the purposes of this Order within the respective periods following (hereinafter referred to as "the prescribed period") (that is to say):— Periods of repayment of borrowed money.

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

As to money borrowed for the purpose (2) mentioned in the immediately preceding section of this Order within twenty-five years from the date or dates of borrowing the same:

As to money borrowed for the payment of the costs charges and expenses of and incidental to preparing for obtaining and confirming this Order within five years from the commencement of this Order.

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Mode of
repayment
of borrowed
money.

32. The Town Council shall pay off all moneys borrowed by them (other than money borrowed for current expenses) under this Order either by means of a sinking fund formed under the provisions of this Order or by equal yearly or half-yearly instalments of principal or of principal and interest combined or partly by one of those methods and partly by another or others of them.

Sinking
fund.

33.—(1) If the Town Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Order such sinking fund shall be formed and maintained either—

- (A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed. A sinking fund so formed is hereinafter called a “non-accumulating sinking fund”; or
- (B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed. A sinking fund so formed is hereinafter called an “accumulating sinking fund.”

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in securities in which trustees are by law for the time being authorised to invest or in mortgages bonds debentures debenture stock stock or other securities (not being annuity certificates or securities payable to bearer) duly issued by any local authority other than the Town Council the Town Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Town Council towards the equal annual payments to the fund.

(4) The Town Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the

Town Council shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based. A.D. 1913.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Town Council :

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Order shall be paid by the Town Council in addition to the payments provided for by this Order.

(7) If it appears to the Secretary for Scotland or to the Town Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Town Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose.

(8) If the Town Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Order together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Town Council be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund

[Ch. clvii.] *Dunfermline Corporation Water* [3 & 4 GEO. 5.]
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A.D. 1913. — is formed the Town Council may with the consent of the Secretary for Scotland reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Town Council be sufficient to repay the loan in respect of which it is formed within the prescribed period the Town Council may with the consent of the Secretary for Scotland discontinue the annual payments to such sinking fund.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Town Council may determine.

Power to
reborrow.

34. If after having borrowed the sums of money by this Order authorised or any part thereof the Town Council shall pay off the same or any part thereof otherwise than by means of annuities or instalments or of the sinking fund provided by this Order it shall be lawful for the Town Council again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were secured and so from time to time.

Town
Council
may borrow
on cash
account.

35. The Town Council may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Town Council according to the usage of bankers in Scotland to the extent of the amount which the Town Council require at the time to borrow under this Order or any part thereof and may make and grant mortgages or other securities of the water assessment and rents rates and charges in the manner authorised by the Police Acts in security of the payment of the amount of such credit or of the sums advanced from time to time on such cash account with interest thereon Provided always that the whole sums due and owing by the Town Council on such cash account and otherwise borrowed by them shall not when taken together exceed the aggregate amount of the sum by this Order authorised to be borrowed.

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36. In the application to the burgh of section 49 (Power to borrow temporarily) of the Burgh Police (Scotland) Act 1903 the expression "any public general Act" shall be deemed to include this Order.

A.D. 1913.
 Borrowing
 power for
 current
 expenses.

37. The provisions of the Police Acts with respect to water supply and the provisions of the Water Act of 1847 and of the Act of 1876 so far as the said two last-mentioned Acts are not repealed shall so far as not inconsistent with this Order be incorporated with this Order and shall apply to the supply of water within the limits of compulsory supply by the Town Council from their existing waterworks and from any additional water supply under the section of this Order of which the marginal note is "Supply of water by district committee."

Application
 of Police
 Acts, &c.

38. The chamberlain of the burgh shall within four months after the expiration of each year during which any sum is required to be paid as an instalment or to be set apart for a sinking fund under this Order transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland and verified by statutory declaration if so required by him showing the amount which has been so paid or set apart in respect of that year and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of such sinking fund and the interest or income thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any default in making such return such chamberlain so making default shall be liable to a penalty not exceeding twenty pounds which shall be recoverable by the Secretary for Scotland as a debt to the Crown is recoverable. If it appear to the Secretary for Scotland by any such return or otherwise that the Town Council have failed to pay any instalment or to set apart the sum required by this Order to be set apart for the sinking fund or to make any increased payment thereto by this Order required or have applied any portion of the moneys set apart for that fund or any interest or income thereof to any purposes other than those authorised by this Order the Secretary for Scotland may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by decree of either division of the Inner House of the Court of Session in Scotland pronounced in a summary application presented for that purpose.

Annual
 return to
 Secretary
 for Scotland
 with respect
 to sinking
 fund.

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

A.D. 1913.
—
Application
of moneys
borrowed.

39. All sums borrowed by the Town Council under this Order on mortgage or cash account or otherwise (except any sums borrowed for current expenses) shall be applied only to purposes to which capital is properly applicable.

Application
of rates.

40. The water assessments rates and charges levied under the authority of this Order and the Police Acts shall be applied in manner following (that is to say):—

First In defraying the expenses of management and maintenance of the water undertaking of the Town Council including the annual costs charges and expenses of providing and supplying water and in payment of any feu duties ground annuals or other charges exigible in respect of any lands streams or property required for the purposes of the said undertaking:

Second In payment of the annuity payable to the shareholders of the water company incorporated by the Water Act of 1847:

Third In payment of the interest of money borrowed under the authority of the Act of 1876:

Fourth In payment of the sum directed by the Act of 1876 to be set apart as a sinking fund:

Fifth In payment of the interest of money borrowed under the authority of this Order:

Sixth In payment of the sum directed by this Order to be paid as instalments or to be set apart as a sinking fund:

Seventh In payment of such portion of the cost of laying down extending altering renewing relaying replacing enlarging or increasing the number and size of any works mains pipes and other conveniences as may properly be charged against the revenue of the year and of any other necessary annual expenditure.

Reservation
of prior
mortgages.

41. Nothing in this Order shall prejudice or affect the priority or other rights or remedies under any mortgages or securities or obligations granted by the Town Council before the commencement of this Order and then subsisting.

Protection
of lender
from inquiry.

42. No person lending money to the Town Council shall be bound to inquire as to the observance by the Town Council of any provision of the Police Acts or this Order or be bound to

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see to the application or be answerable for any loss or non- application of such money or any part thereof. A.D. 1913.

43. The mortgagees of the Town Council under the Act of 1876 or this Order may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than five thousand pounds.

For appoint-
ment of a
judicial
factor.

44. Subject to the provisions of this Order the existing waterworks of the Town Council and the additional water supply secured under this Order shall for all purposes whatsoever be and be deemed to be the water undertaking of the Town Council.

Existing
waterworks
and addi-
tional water
supply to
form one
undertaking.

45. The costs charges and expenses incurred in preparing for and obtaining and confirming this Order and incidental thereto shall be paid by the Town Council out of any moneys in their hands (not being capital moneys) or out of any moneys borrowed by them under this Order for that purpose.

Costs of
Order.

A.D. 1913.

THE FIRST SCHEDULE.

THE LIMITS OF COMPULSORY SUPPLY.

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 $\frac{1}{25100}$ 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 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

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boundary to where the parliamentary burgh boundary intersects said A.D. 1913.
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-westwards
along the burgh boundary to the point first above described.

THE SECOND SCHEDULE.

Act.	Extent of Repeal.
The Act of 1876 - - -	Section 5. ,, 23 to 29 inclusive. ,, 31. ,, 34 to 52 inclusive. ,, 54 to 57 inclusive. ,, 63 to 65 inclusive. ,, 67 to 69 inclusive. Schedule A.

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