



CHAPTER I.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Dunfermline District Water. [21st November 1918.] A.D. 1918.

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 1918. Short title.

A.D. 1918.

SCHEDULE.

DUNFERMLINE DISTRICT WATER.

Provisional Order to confer further powers on the Dunfermline District Committee of the County Council of the County of Fife and the County Council of the County of Fife in relation to their Water Undertaking under the Dunfermline District Water Orders 1904 and 1913 and for other purposes.

WHEREAS by the Dunfermline District Water Order 1904 (hereinafter called "the Order of 1904") and the Dunfermline District Water Order 1913 (hereinafter called "the Order of 1913") 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 defined in the Order of 1904 as varied by the Order of 1913 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 have also constructed the conduit or line of pipes (Work No. 5) and are proceeding with the construction of the reservoir (Work No. 1) the embankment (Work No. 2) and the road of access (Work No. 3) authorised by the Order of 1913 and the District Committee are supplying water within the said limits of supply:

And whereas for the purposes of the waterworks authorised by the Order of 1904 and the Order of 1913 and the purchase of lands and servitudes in connection therewith the County Council have borrowed sums amounting in the whole to three hundred and seventy-nine thousand one hundred and seventy-six pounds whereof there was outstanding at the twenty-sixth day of December one thousand nine hundred and seventeen three hundred and thirty-seven thousand nine hundred and eighty-one pounds nine shillings and fivepence:

And whereas the District Committee supply water to the Admiralty for the naval establishments at Rosyth and Crombie and an order dated the twentieth day of February one thousand nine hundred and seventeen made by a competent naval authority under the provisions of the Defence of the Realm (Consolidation) Regulations 1914 authorised the extension of the twenty-four inch cast iron pipe at Glendevon (being the conduit or line of pipes (Work No. 5) authorised by the Order of 1913) two hundred yards further up the stream and the taking of further additional water from time to time from the River Devon as may be required for the purpose of the defence of the realm : A.D. 1918.

And whereas to enable them to take such further additional water the District Committee have constructed a weir and intake on the River Devon and the extension of the said pipe at Glendevon and it is expedient that such works should be sanctioned and confirmed as by this Order provided :

And whereas it is expedient that the District Committee should be empowered to make and maintain the additional waterworks by this Order authorised :

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 whereas by section 23 (For protection of town council of Dunfermline) of the Order of 1913 and by section 14 (Supply of water by District Committee) of the Dunfermline Corporation Water Order 1913 provision is made for the supply by the District Committee to the provost magistrates and councillors of the city and royal burgh of Dunfermline of water by means of the works authorised by the Order of 1913 and it is expedient that the rates at which such supply is to be afforded should in the event of the District Committee constructing an additional reservoir or providing increased reservoir accommodation be subject to revision and that the provisions of the said sections be varied as by this Order provided :

And whereas the period limited by the Order of 1913 for the completion of the works thereby authorised will expire on the fifteenth day of August one thousand nine hundred and twenty :

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And whereas it is expedient that the period limited as aforesaid for the completion of the reservoir (Work No. 1) the embankment (Work No. 2) and the road of access (Work No. 3) authorised by the Order of 1913 should be extended and that the District Committee should be authorised to abandon the construction of the aqueduct or bridge (Work No. 4) and the service reservoir or tank (Work No. 6) authorised by that Order:

And whereas the estimates for the construction of the works authorised by the Order of 1913 have been found to be insufficient by the sum of fifty thousand pounds:

And whereas it is expedient that the County Council should be authorised to borrow the said sum of fifty thousand pounds and also to borrow further money for the purposes of the works authorised by this Order and of the water undertaking of the District Committee:

And whereas estimates have been prepared for the purchase of the land and for the execution of the works by this Order authorised and works connected therewith and such estimates are as follows:—

For permanent works:	£
Purchase of lands and servitudes - - -	2,857
Conduit or line of pipes (Work No. 3) - -	64,340
Conduits or lines of pipes (Works Nos. 4 and 5)	9,460
Service reservoirs or tanks (Works Nos. 6 and 7)	20,000
Road of access (Work No. 8) - - - -	2,172
For subsidiary works - - - - -	1,000

And whereas it is expedient that the cost of the said works 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 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 Kinross and Fife and are hereinafter respectively referred to as "the deposited plans sections and book of reference":

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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: A.D. 1918.

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

1. This Order may be cited as the Dunfermline District Water Order 1918 and the Order of 1904 the Order of 1913 and this Order may be cited together as the Dunfermline District Water Orders 1904 to 1918. Short and collective titles.

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.” Commencement of Order.

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

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;

Sections 25 and 26 of the Railways Clauses Consolidation (Scotland) Act 1845 and in construing the said sections “the company” means the District Committee “the railway” means the works authorised by this Order “the centre of the railway” means the boundaries of those works and “the prescribed limits” shall be two hundred yards from such boundaries.

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 Interpretation.

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A.D. 1918. and in the Acts wholly or partially incorporated with this Order :—

“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” and “the Order of 1913” mean respectively the Dunfermline District Water Order 1904 and the Dunfermline District Water Order 1913;

“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 town council” means the provost magistrates and councillors of the city and royal burgh of Dunfermline;

“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.

Confirma-
tion of
construc-
tion of
existing
works.

5. Subject to the provisions of this Order the construction and maintenance by the District Committee of the existing works shown on the deposited plans and sections and hereinafter in this section described are hereby sanctioned and confirmed and the County Council may retain hold and use for the purposes of the undertaking any lands or any interests therein which have been already acquired by them or which may be acquired under this Order for the purposes of or in connection with the said works and the expenditure by the District Committee of moneys for the purposes of the said works and lands is also hereby sanctioned and confirmed.

The existing works hereinbefore referred to are situate in the county of Perth and are:— A.D. 1918.

(1) A weir and intake (Work No. 1) crossing the River Devon at a point four hundred and eighty-one yards or thereby measured in a north-westerly direction along the centre line of the said river from the centre of the embankment (Work No. 2) authorised by the Order of 1913 commencing in the parish of Glendevon at a point sixteen yards or thereby measured in a southerly direction from the centre of the said river and terminating in the parish of Blackford at a point fifteen yards or thereby measured in a northerly direction from the centre of the said river:

(2) A conduit or line of pipes (Work No. 2) wholly situate in the parish of Blackford commencing at a point in the weir (Work No. 1) sanctioned by this Order fourteen yards or thereby measured in a northerly direction from the centre of the River Devon and terminating by a junction with the conduit or line of pipes (Work No. 5) authorised by the Order of 1913 at its commencement at a point in the embankment (Work No. 2) authorised by that Order six yards or thereby measured in a northerly direction from the centre of the said river.

6. 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. Power to District Committee to construct additional works.

The works hereinbefore referred to and authorised by this Order are:—

In the counties of Perth Kinross and Fife—

(1) A conduit or line of pipes (Work No. 3) commencing in the parish of Glendevon in the county of Perth by a junction with the existing water main of the District Committee in the public road from Crieff to Yetts of Muckhart at a point seventy-seven yards or thereby measured in a north-westerly

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direction from the point of intersection of the said road with Rab's Burn near Easter Downhill and terminating in the parish of Saline in the county of Fife at the service reservoir or tank (Work No. 6) authorised by this Order:

In the county of Fife—

- (2) A conduit or line of pipes (Work No. 4) wholly situate in the parish of Saline commencing in the service reservoir or tank (Work No. 6) authorised by this Order and terminating by a junction with the existing water main of the District Committee in the public road from Saline to Kelty at a point three hundred and twenty yards or thereby measured in a south-westerly direction from West Sunnybraes:
- (3) A conduit or line of pipes (Work No. 5) wholly situate in the parish of Saline commencing by a junction with the existing water main of the District Committee in the public road at Saline at a point eighty yards or thereby measured in a north-westerly direction from the parish church and terminating by a junction with the conduit or line of pipes (Work No. 3) authorised by this Order at a point two hundred yards or thereby measured in a north-westerly direction from Killernie farm steading:
- (4) A service reservoir or tank (Work No. 6) wholly situate in the parish of Saline within the inclosure numbered 363 on the $\frac{1}{2500}$ scale Ordnance Survey map (1915 edition) of that parish:
- (5) A service reservoir or tank (Work No. 7) wholly situate in the parish of Beath within the inclosure numbered 230 on the $\frac{1}{2500}$ scale Ordnance Survey map (1915 edition) of that parish:
- (6) A road of access (Work No. 8) wholly situate in the parish of Saline commencing in the public road from Saline to Kelty at a point at or near the junction of that road with Castle Terrace Steelend and terminating at the service reservoir or tank (Work No. 6) authorised by this Order.

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7. 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 to any extent downwards Provided that 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.

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Limits of
deviation.

8. 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 sanctioned and authorised.

Power to
take lands.

9. In addition to the lands which the County Council are by the Order of 1904 the Order of 1913 and this Order authorised to purchase compulsorily they may for any of the purposes of the Order of 1904 the Order of 1913 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
additional
lands by
agreement.

10. 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
compulsory
purchase of
lands.

11. If the works authorised by this Order are not completed within ten 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

Period for
completion
of works.

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A.D. 1918. 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 the Order of 1913 and this Order.

Applica-
tion to
works of
provisions
of Orders
of 1904 and
1913.

12. The provisions of the following sections of the Order of 1904 and the Order of 1913 shall subject to the provisions of this Order so far as applicable extend and apply mutatis mutandis to and in relation to the works by this Order sanctioned and authorised and to the purposes of this Order (that is to say) :—

The Order of 1904—

- Section 7 (Power to take servitudes &c. by agreement);
- Section 8 (Power to acquire servitudes only for lines of pipes);
- 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 37 (Power to supply water by agreement beyond limits of supply);
- Section 59 (Application of penalties);
- Section 70 (Audit of accounts);
- Section 71 (Power to establish communication with works by means of electricity);
- Section 72 (County Council and District Committee to be deemed to act as local authorities);
- Section 73 (Prosecution of offences);

The Order of 1913—

- Section 7 (Power to make subsidiary works);
- Section 10 (Compensation water);
- Section 14 (Power to acquire and hold lands for prevention of pollution);
- Section 15 (Reservation of water rights on sale);
- Section 28 (Pressure);
- Section 29 (Accommodation for workmen &c.);

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- Section 30 (Laying mains in public roads);
Section 33 (Power to discharge water temporarily into streams);
Section 38 (Limiting powers of District Committee to abstract water);
Section 39 (Works to form part of undertaking);
Section 40 (Estimates by District Committee and assessments &c. levied by County Council to include purposes of this Order);
Section 41 (Application of assessments).

13. Whereas by section 10 (Compensation water) of the Order of 1913 it was inter alia provided that the District Committee should 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 should first have constructed an intake weir and a byewash 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 in accordance with the provisions of that section and provision was made as to the compensation water to be afforded by the District Committee for the purposes of that Order And whereas the committee of interested parties appointed in terms of that section have agreed that the provisions of the said section should be modified as hereinafter in this section provided Be it therefore enacted that notwithstanding anything contained in the said section the following provisions shall have effect (that is to say):—

As to compensation water under Order of 1913.

- (1) The District Committee notwithstanding that they have not yet constructed the said intake weir and byewash channel may take water from the River Devon above the embankment (Work No. 2) authorised by the Order of 1913 or from any portion of the whole drainage area above the said embankment subject to the following restrictions:—

(a) Until the date of the completion and filling of the reservoir (Work No. 1) authorised by the Order of 1913 the District Committee shall not on any day of twenty-four hours during such time as the flow of water in the said river at the weir and intake (Work No. 1) sanctioned by this Order shall

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be less than at the rate of three million seven hundred and fifty thousand gallons per day be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the District Committee may take any quantity not exceeding two million gallons per day of the excess as they may require;

(b) After the date on which the said reservoir is completed and filled the District Committee shall during every day of twenty-four hours discharge or deliver in a regular and continuous flow therefrom into the River Devon over or through the recording gauge or meter referred to in subsection (8) of the said section 10 of the Order of 1913 not less than three million seven hundred and fifty thousand gallons of water until the amount of compensation water shall have been determined by the arbiters in accordance with the provisions of subsection (3) of the said section 10 as varied by this subsection and thereafter not less than the full amount of compensation water as determined as aforesaid Provided that notwithstanding anything in the said section 10 or this section the amount of compensation water shall be one-third of the total available yield of rainfall upon the whole drainage area above the said embankment (Work No. 2) authorised by the Order of 1913 Provided further that until the District Committee shall have constructed an additional reservoir or provided increased reservoir accommodation as hereinafter in this section provided the District Committee shall not abstract more than four million five hundred thousand gallons of water in any one day of twenty-four hours:

- (2) In case of any neglect or default on the part of the District Committee to maintain the weir and intake (Work No. 1) sanctioned by this Order in a state of efficiency or in case of any neglect or default by or in consequence of which the District Committee fail to comply with any of the requirements of the immediately preceding subsection 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 without modification by the interested parties or any of them before the sheriff of Stirling Dumbarton and Clackmannan and shall in addition make compensation for any loss damage or injury sustained by the interested parties or any of them :

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- (3) The District Committee shall be relieved of the obligation to construct the said intake weir and byewash channel referred to in the said section 10 of the Order of 1913 and to take convey and discharge water thereby for the period of ten years from the commencement of this Order but subject as aforesaid such obligation shall subsist and remain binding upon the District Committee notwithstanding anything contained in the Order of 1913 or this Order unless and until the District Committee shall have constructed an additional reservoir or provided increased reservoir accommodation as hereinafter in this section provided :
- (4) On the expiry of the said period of ten years from the commencement of this Order the District Committee shall subject as hereinafter in this section provided construct an additional reservoir or provide increased reservoir accommodation unless the arbiters shall determine after taking into consideration the requirements of the district the amount of compensation water to be provided the dry weather flow and the quantity of water then being abstracted and thereafter to be abstracted that no such additional reservoir or increased reservoir accommodation is then required Provided that the arbiters shall in such event continue the reference and shall from time to time resume consideration thereof if and when the committee of interested parties shall reasonably call upon the arbiters so to do and if at any time the arbiters determine that increased reservoir accommodation is required the District Committee shall subject as hereinafter in this section provided construct an additional reservoir or provide increased reservoir accommodation as may be determined by the arbiters The reasonable expenses of the parties to the proceedings before the arbiters including the fees of the

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arbiters and their clerk shall be borne and paid by the District Committee. The District Committee shall furnish the arbiters with such regular record as may be prescribed by the arbiters of the quantity of water flowing over or through the weir and intake (Work No. 1) sanctioned by this Order including both the water taken by the District Committee and the water discharged into the river:

- (5) In the event of the District Committee deciding to construct an additional reservoir or to provide increased reservoir accommodation or of the arbiters at any time determining as aforesaid that an additional reservoir or increased reservoir accommodation is required the minimum extent of the additional storage accommodation to be provided by the District Committee shall also be determined by the arbiters:
- (6) If and when the arbiters shall have determined that an additional reservoir or increased reservoir accommodation is required and the extent of the additional storage accommodation to be provided by the District Committee as aforesaid the District Committee shall as soon as possible thereafter make application to the Secretary for Scotland for and use their best endeavours to obtain a Provisional Order authorising them to construct the necessary works and in the event of such Provisional Order being granted by the Secretary for Scotland and confirmed by Parliament shall proceed with all reasonable despatch to execute such works and on the completion and filling of such works the obligation imposed by the said section 10 of the Order of 1913 on the District Committee to construct the said intake weir and byewash channel shall absolutely cease and determine:
- (7) The said section 10 of the Order of 1913 shall be read and construed as varied by this section but except as aforesaid shall have full force and effect except so far as may be otherwise agreed in writing between the committee of interested parties and the District Committee:
- (8) The provisions of the said section 10 of the Order of 1913 as varied by this section shall be accepted and

taken by the interested parties as full compensation for all water of the River Devon which the District Committee can collect impound or appropriate by means of the works authorised by the Order of 1913 and this Order and any other works they may be authorised to construct within the limits of the whole drainage area: A.D. 1918.

(9) In this section the expressions "the interested parties" "the arbiters" and "the whole drainage area" have the meanings respectively assigned to them by the said section 10 of the Order of 1913.

14.—(1) Notwithstanding anything contained in section 23 (For protection of town council of Dunfermline) of the Order of 1913 and in section 14 (Supply of water by District Committee) of the Dunfermline Corporation Water Order 1913 the rates at which the District Committee are by means of the works authorised by the Order of 1913 to afford to the town council in perpetuity a daily supply of water in bulk mentioned in subsection (2) of the said section 23 of the Order of 1913 and in subsection (1) of the said section 14 of the Dunfermline Corporation Water Order 1913 shall in the event of the District Committee constructing an additional reservoir or providing increased reservoir accommodation as provided by the section of this Order whereof the marginal note is "As to compensation water under Order of 1913" be subject to revision at the instance of either the District Committee or of the town council and shall failing agreement be determined by arbitration as provided by the said sections and the arbiter shall also failing agreement be entitled to determine what (if any) additional supply the town council should receive from the District Committee over and above the quantities specified in the said sections and the rate or rates to be paid therefor. As to supply of water to Dunfermline Town Council.

(2) The said section 23 of the Order of 1913 and the said section 14 of the Dunfermline Corporation Water Order 1913 shall be read and have effect as if the words "within six months from the commencement of this Order" in subsection (10) of those sections had been omitted therefrom. Provided that the arbitration to determine the amount of the said compensation shall not be commenced until after the expiry of one year from the termination of the present war.

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For pro-
tection of
Dunfermline
Town
Council.

15. For the protection of the town council the following provisions shall unless otherwise agreed upon between the District Committee and the town council apply and have effect (that is to say):--

- (1) Wherever the District Committee shall have power to lay relay or enlarge a water pipe or conduit or line of pipes in a highway or other road containing a water pipe or conduit or line of pipes which is the property of the town council or in a highway or other road in which the town council have power to lay a water pipe or conduit or line of pipes the District Committee shall lay their water pipe or conduit or line of pipes on the opposite side of such highway or other road from that in which the town council's pipe or pipes have been or may be laid that is to say the District Committee shall lay the conduit or line of pipes (Work No. 3) authorised by this Order alongside of and on the same side of the road as their existing line of water pipes subject always as the road surveyor of the district may direct:
- (2) Before constructing any works authorised by this Order or any subsequent repairs thereof the execution of which may in any way interfere with or affect any water pipes or other works belonging to the town council the District Committee shall give to the town council not less than ten days' notice in writing accompanied by a plan showing the line on which such works are proposed to be laid which plan shall be subject to the reasonable approval of the town council previously to such works being commenced and no water pipes or other work or property of the town council shall be in any way altered or interfered with except in accordance with such plan Provided that if the town council do not within seven days after service of such notice on them intimate to the District Committee their approval or disapproval of the said plan the District Committee may proceed to execute the works in accordance therewith and provided further that in cases of emergency such notice only as is reasonably practicable shall be given:

(3) Particularly and without prejudice to the foregoing provisions of this section (a) in crossing any existing or authorised pipe of the town council the District Committee shall not alter the levels of the town council's pipes without the previous consent in writing of the town council and (b) in laying the conduit or line of pipes (Work No. 3) authorised by this Order across Auchlinsky Burn the District Committee shall deviate the line of such conduit or line of pipes so as to avoid crossing and re-crossing the pipe authorised by the Dunfermline Corporation Water Order 1914: A.D. 1918.

(4) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the town council from laying maintaining repairing renewing deviating widening enlarging altering or reconstructing the pipes property works and other subjects belonging to or maintainable by them without incurring any liability to the District Committee for any loss injury damages or expenses which may arise therefrom unless the same shall arise from some neglect or default of the town council or their agents workmen or servants in the execution of such maintenance repair renewal deviation widening enlarging alteration or reconstruction Provided that in the event of the town council exercising any of such powers they shall do so in such manner as to cause as little damage and interference as practicable to and with the works of the District Committee and shall give (except in case of emergency in which case notice shall be given as soon as possible after the work has been commenced) ten days' previous notice in writing to the District Committee before commencing any such operations as may affect any of the said works of the District Committee Provided further that any extra expense which the town council may incur in such reconstruction maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of the said works of the District Committee shall be paid by the District Committee :

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(5) All reasonable costs charges and expenses which may be incurred by the town council in connection with the approval and superintendence foresaid and all extra expense which can be shown to be due to the construction of any works authorised by this Order which may be incurred by the town council in carrying out any powers vested in them by any Act of Parliament passed before the commencement of this Order shall be repaid to the town council by the District Committee:

(6) If any difference shall at any time arise between the District Committee and the town council with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be appointed by the parties mutually or failing agreement by the sheriff of Fife and Kinross on the application of either the District Committee or the town council:

(7) This section shall apply and have effect mutatis mutandis for the protection of the District Committee.

Amending
section 27 of
Order of
1913.

16. Section 27 (For protection of Kirkcaldy District Committee) of the Order of 1913 shall be read and have effect as if:—

(a) In subsection (1) of that section the words “not later than six months after the receipt by the Kirkcaldy District Committee of notice from the District Committee that the said works have been completed” had been inserted in lieu of the words “prior to the expiry of the period of five years from the commencement of this Order”; and

(b) In subsection (3) of that section the words “during the construction of the works by this Order authorised” had been inserted in lieu of the words “during the said period of five years.”

For pro-
tection of
Lochgelly
Corporation.

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

(1) The District Committee shall after the completion of the works authorised by the Order of 1913 and this Order if so required by the corporation by notice in writing not later than six months after the receipt by the corporation of notice from the District Committee that the said works have been completed supply ten million gallons of water per annum in perpetuity in bulk by meter to the corporation and such quantity shall be paid for by the corporation at the rate of sevenpence and one halfpenny for every one thousand gallons whether the supply or any portion thereof is or is not taken by the corporation. The District Committee may also afford the corporation any additional supply of water which may be required by the corporation and which the District Committee may in their absolute discretion be able to afford and such additional supply (if any) shall be paid for by the corporation at the rate of sixpence for every one thousand gallons or portion of one thousand gallons supplied by the District Committee. The corporation shall pay for water supplied to them by the District Committee under this section half-yearly at the terms of 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 corporation. Provided that the corporation shall not be entitled to take more than eighty thousand gallons of water in any one day:

(2) The water to be supplied to the corporation under this section shall be delivered by the District Committee at such point in the vicinity of Kelty as may be agreed between the corporation and the District Committee:

(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 corporation 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 corporation. The said meter meter-house and connections shall be maintained in good

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and efficient order by the District Committee at the expense of the corporation :

- (4) The connection between the mains of the District Committee and the meter shall be made by the District Committee at the expense of the corporation :
- (5) The corporation shall not supply for use beyond the burgh any of the water supplied by the District Committee to the corporation under this section :
- (6) Any difference under this section between the District Committee and the 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.

For protection of
North
British
Railway
Company.

18. The following provisions for the protection of the North British Railway Company (hereinafter called "the North British Company") shall unless otherwise agreed between the North British Company and the County Council and the District Committee apply and have effect (that is to say) :—

- (1) The County Council shall not under the powers of this Order take or acquire by compulsion any lands or property of the North British Company but shall be entitled to acquire such servitudes in and under the lands and property of the North British Company as may be required for making and maintaining any works carried out by the District Committee in accordance with the provisions of this Order :
- (2) Before commencing the construction under the powers of this Order of the said works in so far as affecting the lands or property of the North British Company the District Committee shall submit plans sections and specifications of their works to the North British Company for their approval and the said works shall be constructed and carried out in conformity only with such plans sections and specifications as approved and at the sight and to the reasonable satisfaction of the engineer of the North British Company and such work shall thereafter be maintained by the District Committee to the reasonable satisfaction of such engineer Provided that the approval of the North

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British Company shall not be unreasonably withheld and that it shall be deemed to have been given unless the North British Company signify their disapproval within twenty-eight days after submission of the said plans sections and specifications Provided also that any expenses which the North British Company may reasonably incur for inspection or superintendence of the said works during execution or in connection with the maintenance or repair of these works at any time or in protecting their property during or in connection with the construction maintenance or repair of the said works shall be repaid to them by the District Committee:

- (3) All the works and operations of the District Committee under this Order shall be constructed executed and completed so as not to injuriously affect the structure of any bridge or other works of the North British Company or to cause any injury thereto or to any railway of that company or any interruption to the passage or conduct of traffic on any such railway and if any injury or interruption shall arise from or be in any way owing to the works or operations of the District Committee or the bursting leakage or failure of the said works or any of them the District Committee shall forthwith make good or remove such injury or interruption at their own expense or the North British Company may do the same and the District Committee shall pay to the North British Company all proper and reasonable costs and expenses loss or damage including loss of traffic incurred or sustained by them in respect thereof:
- (4) The District Committee shall free and relieve the North British Company from all claims whatsoever by third parties arising out of the construction or existence of the said works or the bursting leakage or failure thereof:
- (5) The North British Company may repair and when necessary alter or reconstruct their railways or any bridge or other works under or over which the said works or any of them may be laid but not so as to injuriously affect the said works of the District

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Committee or to interrupt the water supply otherwise than may be reasonably necessary in connection with any work of repair alteration or reconstruction by the North British Company and if any injury or other interruption shall arise to the said works or any of them from or be owing in any way to any works or operations of the North British Company on any railway or on any such bridge or other works the North British Company shall forthwith make good or remove such injury or interruption at their own expense or failing their doing so the District Committee may do the same and the North British Company shall pay to the District Committee all costs and expenses loss or damage incurred or sustained by them in respect thereof Provided that any such works of the North British Company shall so far as they may interfere with the works of the District Committee be done to the reasonable satisfaction of the engineer of the District Committee Any extra expense which the North British Company would not have incurred in such repair alteration or reconstruction but for the construction or existence of the said works shall be paid by the District Committee and such extra expense if any shall failing agreement be determined by the arbiter to be appointed as after mentioned:

- (6) If any difference shall arise between the County Council and the District Committee and the North British Company or between the respective engineers of the District Committee and the North British Company as to the meaning of this section or any matter arising under the provisions of this section or as to any plans or sections or the mode of executing any works or as to any costs or expenses loss or damage provided for in this section such difference shall be determined by an arbiter to be appointed by the sheriff of the county of Perth on the application of either the County Council and the District Committee or the North British Company.

For protection of town council of Alloa.

19. 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 A.D. 1918.
between the District Committee and the town council have
effect (that is to say):—

- (1) The District Committee shall at any time after the completion of the reservoir (Work No. 1) authorised by the Order of 1913 if required by the town council by notice in writing such notice to be given not later than six months after the receipt of notice from the District Committee that the said reservoir has been completed and filled afford a supply of water from the said reservoir and other works authorised by the Order of 1913 and this Order for use and disposal by the town council within the limits defined by section 25 (Limits of Act) of the Alloa Water Act 1891 and any future extension of such limits as also outwith such limits Provided always that no use and disposal shall be made by the town council within the counties of Perth and Kinross without the previous written consent of the District Committee:
- (2) The supply of water to be afforded by the District Committee to the town council under this section shall be such daily supply not being less than five hundred thousand gallons or more than one million gallons as may be required by the town council under the notice in writing specified in subsection (1) this being without prejudice always to the right of the town council to demand a proportion of any excess supply as hereinafter provided in subsection (4) (f):
- (3) In consideration inter alia of the right conferred upon the town council under subsection (1) the town council shall pay to the District Committee as from and after the fifteenth day of August one thousand nine hundred and thirteen until the date on which the said reservoir (Work No. 1) authorised by the Order of 1913 is completed and filled the sum of one hundred and forty pounds per annum The first payment under this subsection shall be made by the town council to the District Committee at the first term of Whitsunday or Martinmas after the commencement of this Order as for the period prior thereto and the succeeding payments shall be made half-yearly at the terms of

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Whitsunday and Martinmas in each year Provided always that the total payments to be made by the town council under this subsection shall not exceed the sum of one thousand four hundred pounds :

- (4) In the event of the town council exercising the option conferred upon them under subsection (1) they shall pay for the supply of water thus secured by them on the following basis viz. :—

(a) In the event of the said supply being at a rate not exceeding five hundred thousand gallons daily the town council shall pay to the District Committee as from and after the completion and filling of the said reservoir one-ninth part of the total annual cost as from and after the date of the said 'completion and filling (including interest payment to sinking fund management maintenance and taxes) of the said reservoir and of the further reservoir or additional storage accommodation referred to in section 13 hereof as the substitute for the intake weir and byewash channel also therein referred to and of the conduit or line of pipes (Work No. 5) authorised by the Order of 1913 and of so much of the conduit or line of pipes (Work No. 3) authorised by this Order as lies between its commencement described in this Order and its connection with the main of the town council together with ten per centum of the said one-ninth part in addition and further in respect of the period between the passing of the Order of 1913 and the date of the said completion and filling the town council shall pay to the District Committee one-ninth part of the sinking fund instalments and interest for borrowings in respect of the works authorised by the Order of 1913 and taxes on land less any interest received on borrowings while not spent during the years of construction plus ten per centum of the said one-ninth part in addition The said amount shall be adjusted by the clerk of the District Committee and the town clerk In lieu of making this payment in one capital sum it shall be in the option of the town council to pay the said sum by way

of annuity extending over the unexpired borrowing period in respect of the loans contracted to meet the cost of the works and that by such a half-yearly annuity as will be calculated at five per centum interest represent said capital sum or otherwise as may be agreed on between the parties ;

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(b) In the event of the said supply being at a rate exceeding five hundred thousand gallons daily and not exceeding one million gallons daily the town council shall pay to the District Committee two-ninths parts of the total annual cost all as before provided together with ten per centum of the said two-ninths parts in addition ;

(c) The District Committee shall cause to be kept such proper and regular accounts as may be necessary to determine the total annual cost referred to in this subsection which accounts along with the vouchers thereof shall be open to the inspection and examination of the town council at the time when notice is given by the District Committee under subsection (1) and at all other times ;

(d) The total annual cost shall be determined and adjusted between the clerk of the District Committee and the town clerk at or immediately after the close of each year as from and after the completion and filling of the said reservoir and upon the same being so adjusted and determined the proportion due thereof by the town council under the provisions of this subsection shall thereupon be payable by two equal instalments one immediately as at the date of determination and adjustment and one within six months from that date ;

(e) Should any difference arise between the parties as to the amount of the total annual cost or as to the sum or sums payable by the town council or otherwise under this subsection the same shall be settled by arbitration as hereinafter in this section provided ;

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(f) In respect that the proportions of the total annual cost payable by the town council under this subsection are based on a calculated total available supply from the said reservoir and other works when completed of four million five hundred thousand gallons daily it is hereby provided that in the event of the actual available supply from the said reservoir and other works when completed being in excess of the said figure of four million five hundred thousand gallons daily the town council shall be entitled to demand and the District Committee shall be bound to afford to the town council without further payment a proportion of the excess supply above four million five hundred thousand gallons daily corresponding to the proportion of the total annual cost payable by them:

- (5) 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 at or near Powmill or at such other point or points as may be mutually agreed upon by the respective engineers of the District Committee and the town council or failing agreement determined by arbitration as hereinafter in this section provided:
- (6) The meter for measuring such supply and the house and land in which the same is fixed shall together with the necessary connections including the connection between the mains of the District Committee and the said meter 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) Any difference arising under this section between the District Committee and the town council 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 Stirling Dumbarton and Clackmannan and the decision of the arbiter so appointed shall be final:

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- (8) Section 22 (For protection of town council of Alloa) of the Order of 1913 is hereby repealed.

20. 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") the following provisions shall unless otherwise agreed upon in writing between the District Committee and the central district committee have effect (that is to say):—

For protection of central district committee of county council of county of Perth.

- (1) The provisions of section 20 (For protection of central district committee of county council of county of Perth) of the Order of 1913 shall except as hereinafter in this section provided extend and apply to and in relation to the execution of the works and the exercise of the powers by this Order authorised and conferred so far as they affect highways bridges and culverts in the county of Perth as if such provisions were re-enacted in this Order:
- (2) Subsection (12) of the said section 20 of the Order of 1913 is hereby repealed:
- (3) The District Committee shall after the completion of the works authorised by the Order of 1913 and this Order if required by the central district committee by notice in writing not later than six months after the receipt of notice from the District Committee that the said works have been completed afford a supply of water from the said works for the use of the central district committee within the water area of the village of Muckhart as existing at the commencement of this Order and any future extension of such area for use by the inhabitants therein:
- (4) The supply of water to be afforded by the District Committee to the central district committee under this section shall be such daily supply not exceeding

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ten thousand gallons as may be required by the central district committee and to be paid for at the rate of sixpence per one thousand gallons:

- (5) The central district committee shall take delivery of such supply of water through the main of the District Committee at Yetts of Muckhart or at such other point as may be agreed upon between the District Committee and the central district committee:
- (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 central 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 central 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 central district committee:
- (7) 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.

Confirming agreement with county council of county of Clackmannan.

21. The agreement between the District Committee of the one part and the county council of the county of Clackmannan of the other part as set forth in the schedule to this Order is hereby confirmed and made binding on the parties thereto.

Extension of time for completion of Works Nos. 1 2 and 3 authorised by Order of 1913.

22. The powers granted by the Order of 1913 for the completion of the reservoir (Work No. 1) the embankment (Work No. 2) and the road of access (Work No. 3) authorised by that Order are hereby extended and shall continue in force and may be exercised by the District Committee for the further period of five years from the fifteenth day of August one thousand nine hundred and twenty and on the expiration of

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that period those powers shall cease except as to so much of A.D. 1918.
the said works as are then completed.

23. The District Committee shall abandon the construction of the aqueduct or bridge (Work No. 4) and the service reservoir or tank (Work No. 6) authorised by the Order of 1913 and Work No. 7 of this Order shall be in substitution for Work No. 6 referred to in section 27 subsection (2) of the Order of 1913.

Abandonment of Works Nos. 4 and 6 authorised by Order of 1913.

24. The abandonment by the District Committee under the authority of this Order of the aqueduct or bridge (Work No. 4) and the service reservoir or tank (Work No. 6) authorised by the Order of 1913 shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the County Council or the District Committee on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of the work and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the County Council or the District Committee to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Order of 1913.

Compensation for damage to land by entry &c. for purposes of works abandoned.

25. Where before the commencement of this Order any contract has been entered into or notice given by the County Council for the purchasing of any land for the purposes of or in relation to the aqueduct or bridge (Work No. 4) and the service reservoir or tank (Work No. 6) authorised by the Order of 1913 the County Council shall be released from all liability to purchase or to complete the purchase of any such land but notwithstanding full compensation shall be made by the County Council to the owners and occupiers or other persons interested in such land for all injury or damage sustained by them respectively by reason of the purchase not being completed pursuant to the contract or notice and the amount and application of the compensation shall be determined in manner provided by the Lands Clauses Acts for determining the amount and application of compensation paid for lands taken under the provisions thereof.

Compensation to be made in respect of works abandoned.

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Power to
County
Council to
borrow.

26. The County Council may in addition to the sums which they are authorised to borrow by the Order of 1904 and the Order of 1913 with the consent of the standing joint committee borrow :—

- (1) For the completion of the reservoir (Work No. 1) and the embankment (Work No. 2) authorised by the Order of 1913 the sum of fifty thousand pounds;
- (2) For the purchase of lands and servitudes for the purposes of this Order the sum of two thousand eight hundred and fifty-seven pounds;
- (3) For the purposes of the conduit or line of pipes (Work No. 3) authorised by this Order the sum of sixty-four thousand three hundred and forty pounds;
- (4) For the purposes of the conduits or lines of pipes (Works Nos. 4 and 5) authorised by this Order the sum of nine thousand four hundred and sixty pounds;
- (5) For the purposes of the service reservoirs or tanks (Works Nos. 6 and 7) authorised by this Order the sum of twenty thousand pounds;
- (6) For the purposes of the road of access (Work No. 8) authorised by this Order the sum of two thousand one hundred and seventy-two pounds;
- (7) For subsidiary works the sum of one thousand pounds;
- (8) 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
- (9) 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 :

And the provisions as to security and the other provisions of the Order of 1904 and the Order of 1913 with reference to moneys borrowed under the authority of those Orders and the repayment thereof shall subject to the provisions of this Order apply to moneys borrowed under the authority of this Order.

27. 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) :—

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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) (4) and (5) mentioned in that section within thirty-five years from the date or dates of borrowing the same :

As to moneys borrowed for the purposes (6) and (7) mentioned in that section within thirty years from the date or dates of borrowing the same :

As to moneys borrowed for the purpose (8) 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 (9) 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.

28. 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.

29. 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) :—

Application to mortgages of provisions of Order of 1904.

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).

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Priority of
existing
mortgages.

30. All mortgages in respect of the undertaking granted by the County Council in pursuance of the powers of the Order of 1904 and the Order of 1913 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.

31. 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.

32. 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.

Restriction
on borrow-
ing money
during war.

33. Notwithstanding anything contained in this Order no money (other than money required for the payment of the costs charges and expenses referred to in the section of this Order whereof the marginal note is "Costs of Order") shall be borrowed under the powers of this Order during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained and the periods limited by this Order for the compulsory purchase of lands for the purposes of this Order and for the completion of the works authorised by this Order shall be calculated from the date of the consent of the Treasury or the expiration of the said period of twelve months whichever event shall first happen.

Costs of
Order.

34. 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.

The SCHEDULE referred to in the foregoing Order. A.D. 1918.

AGREEMENT between the DUNFERMLINE DISTRICT COMMITTEE OF THE COUNTY COUNCIL OF FIFE (hereinafter referred to as "the First Parties") and the COUNTY COUNCIL OF THE COUNTY OF CLACKMANNAN (hereinafter referred to as "the Second Parties").

WHEREAS the First Parties are at the present time promoting a Provisional Order (the Dunfermline District Water Provisional Order 1918) in which they ask that further powers should be conferred upon them in relation to their water undertaking under their Provisional Orders of 1904 and 1913 and for other purposes And whereas the Second Parties have lodged a Petition against the said Order of 1918 And whereas in course of negotiations between the First and Second Parties the Second Parties have made a claim against the First Parties in respect of certain compensation water which claim the First Parties without prejudice have agreed to satisfy by granting the Second Parties a free supply of water as hereinafter mentioned which quantity has been accepted by the said Second Parties in full of their claims Therefore the parties hereto have agreed and do hereby agree as follows :—

First On the completion of the works authorised by the First Parties' Order of 1913 the First Parties shall intimate the fact of completion to the Second Parties and shall thereafter afford the Second Parties a free supply of seventy-three million gallons of water to be taken by the Second Parties over a period of twenty-five years from the date of the completion of the said works but providing and declaring always that the Second Parties shall not be entitled to obtain delivery of said water in quantities in excess of twenty thousand gallons in any one day of twenty-four hours On the expiry of the said period of twenty-five years and if the Second Parties have not then drawn the said seventy-three million gallons of water their right to do so shall cease and determine.

Second The quantity of water to be supplied as aforesaid shall be ascertained by meter and shall be delivered in a regular and

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A.D. 1918. — continuous flow not exceeding the said quantity per day at the place mentioned in section 26 subsection (2) of the Dunfermline District Water Order Confirmation Act 1913 and shall be in addition to the supply provided under said section and the First Parties shall when called upon by the Second Parties be bound to deliver the quantity of water thereby provided as well as the quantity provided by this agreement. The water to be afforded under this agreement shall be measured through the meter provided for in subsection (3) of section 26 of the said Act. The Second Parties shall not be compelled to lay a pipe of their own if and so long as they may be able to arrange with any other local authority or company or person for the use of said authority's or company's or person's pipe for the conveyance of the supplies of water referred to in this clause. Provided always that the arrangements for metering shall be to the satisfaction of the engineer of the First Parties.

Third Nothing hereinbefore set forth shall affect the provisions of section 26 of the Dunfermline District Water Order Confirmation Act 1913.

Fourth This agreement is made subject to such alterations as may be made thereon or on the Provisional Order but if any alteration be so made which in the opinion of the Dean of the Faculty of Advocates is material it shall be competent to either of the parties to withdraw from this agreement.

Fifth On the execution of this agreement which it is agreed shall be scheduled to the Order the Second Parties shall withdraw the said petition lodged by them against the said Order of 1918.

In witness whereof these presents consisting of this and the preceding page are subscribed by the parties hereto as follows vizt. For and on behalf of the First Parties by Robert Walker Wallace residing at Seven Inverleith Row Edinburgh chairman Colin Terris residing at Keltyhead Kelty member and Alexander Fairgrieve Thirty Queen Anne Street Dunfermline interim clerk of the said Dunfermline District Committee of the County Council of Fife all at Dunfermline on the twenty-fourth day of September nineteen hundred and eighteen before these witnesses William Mackie and David Cook both clerks to Messrs. A. and W. Burt & Co. solicitors Dunfermline and for and on behalf of the Second Parties by the Right Honourable the Earl of Mar and Kellie convener John Stewart member and J W Moir county clerk all of the said county council of the county of Clackmannan all at Alloa on the day month and year last before

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mentioned before these witnesses James Jamieson Cochrane depute A.D. 1918.
county clerk and Maggie Smith clerkess in the employment of the
said county clerk.

WILLIAM MACKIE
Witness.

DAVID COOK
Witness.

JAMES J. COCHRANE
Witness.

MAGGIE SMITH
Witness.

ROBERT W. WALLACE
Chairman D.D.C.

COLIN TERRIS Member.

ALEXANDER FAIRGRIEVE
Interim Dist. Clerk D.D.C.

MAR AND KELLIE Convener.

JOHN STEWART Member.

J. W. MOIR County Clerk.

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FOR

ULICK FITZGERALD WINTOUR, Esq., C.B., C.M.G., the King's Printer of Acts of Parliament.

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