



## CHAPTER xx.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Irvine and District Water Board. A.D. 1938.  
—  
[26th May 1938.]

**W**HEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. & 1 Edw. 8. c. 52.

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

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

2. This Act may be cited as the Irvine and District Water Board Order Confirmation Act 1938. Short title.

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SCHEDULE.

IRVINE AND DISTRICT WATER BOARD.

*Provisional Order to authorise the Irvine and District Water Board to construct additional waterworks and to borrow further moneys and for other purposes.*

39 & 40 Vict.  
c. clix.

30 & 31 Vict.  
c. 101.

WHEREAS the provost magistrates and councillors of the royal burgh of Irvine (hereinafter called "the corporation of Irvine") and the parochial board of the parish of Dundonald as the local authorities in the said burgh and parish respectively under the powers of the Public Health (Scotland) Act 1867 Order Confirmation (Irvine and Dundonald) Act 1876 and the Order thereby confirmed (hereinafter called "the Order of 1876") acquired certain lands for the purposes of the construction of waterworks and constructed under the powers of the said Order and of the Public Health (Scotland) Act 1867 and Acts amending the same certain waterworks for the supply of the said burgh and the special water supply district of the parish of Dundonald :

44 & 45 Vict.  
c. lxxi.

2 Edw. 7.  
c. ci.

And whereas by the Irvine Burgh Act 1881 (hereinafter called "the Act of 1881") the waterworks undertaking of the said local authorities was transferred to and vested in the corporation of Irvine and the corporation of Irvine were empowered to construct additional waterworks and to supply water within the limits therein defined and by the Irvine Corporation Order 1902 (hereinafter called "the Order of 1902") the corporation of Irvine were empowered to construct additional waterworks and further powers in relation to their water undertaking were conferred upon them :

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And whereas by the Irvine and District Water Board Order 1903 (hereinafter called "the Order of 1903") the Irvine and District Water Board (hereinafter called "the Board") were incorporated and the water undertaking of the corporation of Irvine was transferred to and vested in the Board and by the Irvine and District Water Board Order 1915 (hereinafter called "the Order of 1915") and the Irvine and District Water Board (Emergency Powers) Order 1915 (hereinafter called "the Emergency Powers Order of 1915") the Board were authorised to construct additional waterworks :

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—  
 3 Edw. 7.  
 c. cxlvii.

5 & 6 Geo. 5.  
 c. lx.

5 & 6 Geo. 5.  
 c. xxxii.

And whereas by the Irvine and District Water Board Order 1934 (hereinafter called "the Order of 1934") the limits for the supply of water by the Board (hereinafter called "the water limits") were defined and further powers were conferred upon the Board :

24 & 25  
 Geo. 5.  
 c. xxix.

And whereas the Board are the owners of a reservoir on the Munnoch or Caddell Burn known as the Dykehead or Munnoch reservoir constructed on lands acquired under the powers of the Order of 1876 and the Act of 1881 and a reservoir on the Caaf Water known as the Caaf reservoir constructed under the powers of the Order of 1902 :

And whereas by the Order of 1902 and the Order of 1915 the Board were authorised to construct certain additional reservoirs but such reservoirs were never constructed :

And whereas the supply of water is insufficient for the wants of the inhabitants and for the trades manufactures (including the Royal Ordnance Factory at Gales near Irvine) and shipping within the water limits and it is expedient that the Board should be empowered to construct an additional reservoir on the said Caaf Water and the other works described in this Order :

And whereas it is expedient to amend the provisions in relation to the compensation water required to be discharged from the Caaf reservoir under the Order of 1902 :

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And whereas estimates have been prepared by the Board for the purposes hereinafter mentioned and such estimates are as follows :—

	£
Purchase of lands and servitudes -	5,000
Road of access to reservoir (Work No. 1)	4,500
Waterworks—	
Reservoir—	
Impounding reservoir and embankment (with earth dam) (Works Nos. 2 and 3) - - - -	187,700
Mains—	
Aqueduct (Work No. 4) - - -	7,800
Conduit or line of pipes (Work No. 5) (cast iron) - - -	25,000
Distribution mains (cast iron) and other waterworks purposes -	105,500
	£335,500
	£335,500

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years as by this Order provided :

And whereas it is expedient that the Board should be authorised to borrow further moneys for the purposes of this Order and for the general purposes of their water undertaking :

And whereas an agreement dated the fifth and tenth days of November one thousand nine hundred and thirty-seven has been made between the Board and the provost magistrates and councillors of the burgh of Paisley (hereinafter called “ the corporation of Paisley ”) for a supply of water by the corporation of Paisley to the Board and it is expedient that such agreement should be confirmed :

And whereas it is expedient that further powers in relation to their water undertaking should be conferred on the Board as hereinafter in this Order provided and that the other provisions in this Order contained should be enacted :

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And whereas in relation to the promotion of this Order the requirements of section 69 (Power to apply for further powers &c.) of the Order of 1903 have been observed : A.D. 1938.

And whereas plans and sections showing the lines and levels of the works authorised by this Order with a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order have been deposited with the sheriff clerk of the county of Ayr and such plans sections and book of reference are in this Order respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936 :

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

1. This Order may be cited as the Irvine and District Water Board Order 1938. Short title.

2. The Irvine and District Water Board Acts 1876 to 1934 and this Order may be cited together as the Irvine and District Water Board Acts 1876 to 1938. Citation of Acts.

3. This Order shall commence and have effect on and from the date of the passing of the Act confirming this Order which date is in this Order referred to as the commencement of this Order. Commencement of Order.

4.—(1) The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Order) are hereby incorporated with and form part of this Order (that is to say) :— Incorporation of Acts.

The Lands Clauses Acts;

The Waterworks Clauses Act 1847 except—

- (a) 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”;

10 & 11 Vict.  
c. 17.

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(b) The 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 section 83 relating to accounts;

(c) Sections 68 70 71 and 72;

26 & 27 Vict.

The Waterworks Clauses Act 1863;

c. 93.

8 & 9 Vict.

c. 20.

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interferences therewith. In construing such provisions "the centre of the railway" means any part of the works authorised by this Order.

(2) This Order shall be deemed to be a special Act within the meaning of the Acts wholly or partly incorporated herewith.

Inter-pretation.

5.—(1) In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partly incorporated with this Order have the same respective meanings and in this Order unless the context otherwise requires the following expressions shall have the meanings respectively hereinafter assigned to them (namely):—

"the Board" means the Irvine and District Water Board;

"the Order of 1876" "the Act of 1881" and "the Order of 1902" mean respectively the Public Health (Scotland) Act 1867 Order Confirmation (Irvine and Dundonald) Act 1876 and the Order thereby confirmed the Irvine Burgh Act 1881 and the Irvine Corporation Order 1902 so far as they relate to the water undertaking of the Board;

"the Order of 1903" "the Order of 1915" "the Emergency Powers Order of 1915" and "the Order of 1934" mean respectively the Irvine and District Water Board Order 1903 the Irvine and District Water Board Order 1915 the Irvine

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and District Water Board (Emergency Powers) Order 1915 and the Irvine and District Water Board Order 1934; A.D. 1938.  
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“ the Water Acts ” means the Order of 1876 the Act of 1881 the Order of 1902 the Order of 1903 the Order of 1915 the Emergency Powers Order of 1915 and the Order of 1934 ;

“ the corporation of Irvine ” means the provost magistrates and councillors of the royal burgh of Irvine ;

“ the county council ” means the county council of the county of Ayr ;

“ the town council of Saltcoats ” means the provost magistrates and councillors of the burgh of Saltcoats ;

“ constituent authorities ” means the Corporation of Irvine the county council and the town council of Saltcoats ;

“ the corporation of Paisley ” means the provost magistrates and councillors of the burgh of Paisley ;

“ the water undertaking ” means the undertaking for the time being of the Board ;

“ the water limits ” means the area comprised within the limits referred to in section 5 (Water limits) of the Order of 1934 ;

“ the Lands Clauses Acts ” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931 ; 8 & 9 Geo. 5. c. 57.  
21 & 22 Geo. 5. c. 11.

“ the tribunal ” means the tribunal to whom any question of disputed purchase money or compensation is referred in pursuance of the Acquisition of Land (Assessment of Compensation) Act 1919 ;

“ the sheriff ” means the sheriff of the county of Ayr and includes his substitutes ;

“ telegraphic line ” has the same meaning as in the Telegraph Act 1878. 41 & 42 Vict. c. 76.

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(2) In the Acts wholly or partly incorporated with this Order the expressions "the undertakers" "the company" "the railway company" and "the promoters of the undertaking" mean respectively for the purposes of this Order the Board.

Power to  
make  
works.

6. The Board may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described. The works hereinbefore referred to and authorised by this Order will be situate in the county of Ayr and are—

In the parish of Dalry—

A road of access (Work No. 1) commencing at a point in the public road leading from Dalry to Fairlie 112 yards or thereabouts measured in a westerly direction from the northmost corner of Knockendon farm steading and terminating at a point 804 yards or thereabouts measured in a north-by-westerly direction from the said northmost corner of Knockendon farm steading;

An embankment (Work No. 2) across the Caaf Water commencing at a point 829 yards or thereabouts measured in a north-by-westerly direction from the northmost corner of Knockendon farm steading and terminating at a point 72 yards or thereabouts measured in a south-east-by-easterly direction from the westmost corner of the enclosure numbered 1300 on the 1/2500 Ordnance map of Ayrshire (Edition of 1910) sheets VII 13 and 14;

A reservoir (Work No. 3) commencing at a point on the Caaf Water 933 yards or thereabouts measured in a northerly direction from the northmost corner of Knockendon farm steading and terminating at a point on the Caaf Water 897 yards or thereabouts measured in a north-westerly direction from the point of commencement;

An aqueduct (Work No. 4) commencing at a point 29 yards or thereabouts measured in a south-east-by-southerly direction from the westmost



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corner of the enclosure numbered 1300 on the 1/2500 Ordnance map of Ayrshire (Edition of 1910) sheet VII 13 and terminating at a point in the Stock Burn 184 yards or thereabouts measured in a north-by-westerly direction from the north-east corner of Wardlaw farm steading. A.D. 1938.

In the parishes of Dalry and Largs—

A conduit or line of pipes (Work No. 5) commencing by a junction with a conduit or line of pipes belonging to the corporation of Paisley at a point in the parish of Dalry 48 yards or thereabouts measured in a west-north-westerly direction from the north-west corner of the gauge house at Camphill reservoir and terminating in the north-east corner of the Dykehead or Munnoch reservoir in the parish of Dalry.

7. In addition to the foregoing works the Board may upon the lands delineated on the deposited plans and described in the deposited book of reference make maintain and use all such buildings machinery works and apparatus of whatever character as may be necessary or convenient in connection with or subsidiary to the said works or any of them but nothing in this section shall exonerate the Board from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. **Subsidiary works.**

8. The Board may in constructing the works authorised by this Order deviate laterally from the lines and position thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and where on any street or road no such limits are shown the boundaries of such street or 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 as follows (that is to say):— **Power to deviate.**

The Board shall not construct the embankment or wall of the reservoir of a greater height above the general surface of the ground than

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that shown on the deposited sections in respect of the corresponding embankment or wall and five feet in addition; and

Except for the purpose of crossing over a stream bridge or culvert no part of any aqueduct conduit or line of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Period for completion of works.

9. If the works authorised by the section of this Order of which the marginal note is "Power to make works" are not completed by the thirty-first day of July one thousand nine hundred and forty-eight then on the expiration of that period the powers by this Order granted to the Board for making and completing the same shall cease except as to so much thereof as is then completed.

Accommodation for workmen &c.

10.—(1) The Board shall if and when required by the local authority of the district in which the works authorised by this Order are situate (in this section called "the local authority") make provision to the satisfaction of the local authority for the proper housing and sanitary requirements of the persons employed in constructing the said works and for the treatment of cases of sickness (other than infectious disease) and accident occurring among the said persons during the construction of the said works. In considering what provision ought to be made for the said purposes the local authority shall take into consideration the provision already available in the neighbourhood of or conveniently accessible from the said works.

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

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(3) Any person authorised in writing by the department may at all reasonable times on giving twenty-four hours' notice to the Board of his intention enter upon any premises or building provided by the Board under this section for the purpose of ascertaining whether or not sufficient provision is made for the aforesaid purpose.

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(4) If it appears to the department at any time that sufficient provision for the aforesaid purpose is not made they shall have power to require the Board to make provision or additional provision therefor to the satisfaction of the department.

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

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

60 & 61 Vict.  
c. 38.

(7) The expenses incurred by the department in relation to any such inquiry (including the remuneration of any person employed by the department for the purpose of the inquiry) shall be paid by the Board and the local authority or by either of them and in such proportions as the department may direct and the department may certify the amount of the expenses incurred and any sum so certified and directed by the department to be paid by the Board or the local authority shall be a debt to the Crown from the Board or the local authority.

(8) Nothing in this section shall affect the operation of the Factories Act 1937 or any regulation or order made thereunder.

1 Edw. 8. &  
1 Geo. 6.  
c. 67.

11. The Board may at any time subject to the provisions of the Water Acts and this Order and notwithstanding the expiration of the period limited for the completion of the works authorised by this

Board may  
enlarge or  
increase  
works.

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Order lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) mains pipes filters filter beds tanks channels and other works and conveniences from time to time in use or required for filtering storing conveying and distributing water for the purposes of the water undertaking Provided that such extension enlargement or increase shall be executed only on lands or property belonging to the Board or which may be acquired by them by agreement or in any roads or streets which they may by the Waterworks Clauses Acts 1847 and 1863 and the Water Acts and this Order be entitled to open and break up for such purposes.

Laying  
mains on  
public  
roads.

12. The Board may at any time for the purpose of conveying water from any of the sources of their water supply whether existing or authorised or for distributing and supplying water within the limits districts or areas or any part of the same within which the Board are authorised to supply sell or distribute water either in bulk or otherwise and that whether within the water limits or beyond the same (and so far as beyond such limits with the consent of the road authority) lay down make maintain and use aqueducts conduits or lines of pipes through over under along across or into any public road or highway and renew alter enlarge duplicate and increase the number and size thereof or extend the same and stop up temporarily any such public road or highway for such purposes providing when possible a proper temporary substitute to the reasonable satisfaction of the road authority before interrupting the traffic on any such road and making full compensation to all persons injuriously affected by anything done under the provisions of this section.

Power to  
alter roads  
&c.

13.—(1) For the purposes of the several works authorised by this Order the Board may subject to the provisions of this Order break up alter divert cross stop up or otherwise interfere with temporarily any roads highways paths bridges streams watercourses tramways sewers drains telegraphic telephonic gas water and other mains pipes wires posts and other works which they may find it expedient to interfere with the Board doing as little damage as possible and providing substitutes for any sewers drains gas or water pipes or electric or other apparatus interfered with and making

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full compensation to all persons injuriously affected by the exercise of the powers of this section Provided that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 otherwise than in accordance with the provisions of section 15 of the Electric Lighting Act 1882. A.D. 1938.  
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(2) Nothing in this section shall extend to authorise any interference with any telegraphic line belonging to or used by the Postmaster-General. 45 & 46 Vict. c. 56.

14. For the protection of the county council the following provisions shall unless otherwise agreed between the county council and the Board apply and have effect (that is to say):— For protec-  
 tion of  
 county  
 council of  
 county of  
 Ayr.

(1) The Board shall in forming and maintaining the road of access (Work No. 1) by this Order authorised at its junction with the public road leading from Dalry to Fairlie comply with the reasonable requirements of the county council with reference to the line level surface water drainage and the angle of approach thereof to the said public road :

(2) For the purpose of section 54 of the Road Traffic Act 1930 the Board shall be deemed to be the person by or in consequence of whose order any excessive weight shall have been passed or any extraordinary traffic conducted on any public road or highway if such excessive weight is passed or such traffic is conducted in connection with the execution of the works by this Order authorised : 20 & 21  
 Geo. 5. c. 43.

(3) In the event of any dispute arising between the Board and the county council under subsection (1) of this section the same shall be determined by an arbiter to be agreed upon or failing agreement to be appointed by the sheriff on the application of either party and the decision of the arbiter shall be final.

15.—(1) The Board may at any time for the purpose of constructing repairing examining emptying or cleansing any of the waterworks of the Board cause the water in any such works to be temporarily discharged into any available drain stream or watercourse. Power to  
 discharge  
 water tem-  
 porarily into  
 streams.

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(2) In the exercise of the power conferred by this section the Board shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by an arbiter agreed on between the parties or failing agreement appointed by the sheriff on the application of either party.

Power to  
acquire  
lands.

16. Subject to the provisions and for the purposes of this Order the Board may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

As to  
private  
rights of  
way over  
lands taken  
compul-  
sorily.

17. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Board shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Acquisition of Land (Assessment of Compensation) Act 1919 with reference to the acquisition of land compulsorily.

Compensa-  
tion in case  
of recently  
acquired  
interest.

18. For the purpose of determining any question of disputed compensation payable under the powers of this Order the tribunal shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest created after the seventeenth day of October one thousand nine hundred and thirty-seven if in the opinion of the tribunal the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing compensation under this Order.

Power to  
acquire  
servitudes  
only in  
certain  
cases.

19.—(1) The Board may in lieu of acquiring any lands for the purposes of the works authorised by this Order where the same are intended to be constructed underground acquire such servitudes and rights only in such lands as they may require for such purposes and may give notice to treat in respect of such servitudes and rights describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and

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in respect of the acquisition of such servitudes and rights as fully as if the same were lands within the meaning of those Acts. A.D. 1938.

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

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

20. The powers of the Board for the compulsory purchase of lands for the purposes of this Order shall cease on the thirty-first day of July one thousand nine hundred and forty-one. Period for compulsory purchase of lands.

21. If there be any omission, misstatement or wrong description of any lands or of the owners, lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference, the Board after giving ten days' notice to the owners, lessees and occupiers of the lands in question may apply to the sheriff for the correction thereof and if it appears to the sheriff that the omission, misstatement or wrong description arose from mistake, he shall certify the same accordingly and he shall in such certificate state the particulars of such omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited in the office of the sheriff clerk of the county of Ayr and a duplicate thereof shall also be deposited with the clerk of the county council and such certificate and duplicate shall be kept by such sheriff clerk and clerk of the county council with the other documents to which the same relate and Correction of errors in deposited plans and book of reference.

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Power to acquire additional lands by agreement.

22. In addition to the lands vested in them and the lands authorised to be acquired under the powers of the Water Acts and this Order the Board may from time to time for the purposes of the water undertaking purchase by agreement any lands not exceeding in the whole ten acres but nothing in this Order shall exonerate the Board from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land purchased under the powers of this section.

Power to acquire and hold lands for protection of waterworks.

23.—(1) The Board may hold any lands vested in or acquired by them under the Water Acts and this Order 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 waterworks of the Board and of protecting their water supply against pollution nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts.

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

(3) Nothing in this Order shall exonerate the Board from any action interdict or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any lands vested in them or acquired under the powers of this section and the Board shall



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not erect or permit the erection of any buildings on such lands except such as are required in connection with the water undertaking or for farm buildings. A.D. 1938.

24. Subject to the provisions of this Order the provisions of the sections of the Order of 1934 hereinafter mentioned so far as the same are not varied by or inconsistent with the provisions of this Order shall with any necessary modifications extend and apply to the works authorised by this Order and to the lands which the Board are by this Order authorised to acquire as if the same were re-enacted in this Order (that is to say):—

Section 8 (Power to hold lands already acquired);

Section 11 (Power to grant servitudes by agreement);

Section 12 (For protection of reservoirs &c. from pollution);

Section 13 (Power to agree as to drainage of lands);

Section 14 (Acquisition of minerals by agreement);

Section 15 (Dwelling houses for persons employed by Board);

Section 16 (Power to afforest lands).

25. Subject to the provisions of this Order the Board may by means of the works authorised by this Order and of their existing waterworks collect divert intercept impound appropriate store use and distribute for the purposes of the Water Acts and this Order and of the water undertaking the waters of the streams known as the Caaf Water and the Stock Burn and the tributaries and affluents thereof and of all such other streams springs and waters as may be impounded or intercepted by the works authorised by this Order. Power to impound waters.

26.—(1) In lieu of the compensation water provided by section 12 (Compensation water) of the Order of 1902 to the millowners and other persons interested in the waters taken intercepted abstracted and appropriated under the powers of the Order of 1902 and also as compensation to the millowners and other persons interested in the additional water which may be taken Compensation water from Caaf reservoirs.

A.D. 1938. intercepted abstracted and appropriated under the powers of this Order the Board shall during every day of twenty-four hours discharge or deliver into the Caaf Water at a point near the measuring tank or basin (Work No. 21) authorised by the Order of 1902 not less than five hundred thousand gallons of water in a continuous flow.

(2) For the purpose of measuring the quantity of water to be so discharged or delivered into the Caaf Water the Board shall maintain at a point on the Caaf Water below the existing reservoir not more than one hundred feet from the foot of the embankment thereof a proper and suitable measuring gauge over or through which the said quantity of water shall flow and the same shall be open to the inspection and examination of all persons interested therein.

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

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

(5) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the Board may collect divert intercept impound or appropriate under the powers of the Order of 1902 and of this Order.

Works and lands to form part of water undertaking.

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

Restriction on works for abstraction of water.

28. The Board shall not construct any works for taking or intercepting water from any lands acquired by or vested in them unless the works are authorised

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by and the lands upon which the same are to be constructed are specified in the Water Acts or this Order or in an Act of Parliament or Order confirmed by or having the effect of an Act of Parliament. A.D. 1938.

29. The agreement made the fifth and tenth days of November one thousand nine hundred and thirty-seven between the Board of the first part and the corporation of Paisley of the second part set forth in the schedule to this Order is hereby confirmed and made binding on the parties thereto and may be carried into effect by the parties to such agreement subject to such modifications (if any) as may be agreed in writing between the said parties. Confirmation of agreement with corporation of Paisley.

30. If any of the apparatus shall be out of order the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same and if such owner or occupier fails to make the requisite repairs within forty-eight hours after notice in writing so to do by the Board or by any officer of the Board the Board or any person authorised by them may enter upon such premises and repair renew and make watertight all such apparatus and the Board shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner provided in the Water Acts and this Order for the recovery of penalties and for the purposes of this section the word "apparatus" means and includes pipe cistern bath watercloset ball-cock stop-cock valve and other articles used in the supply or storing of water in houses manufactories or premises or in connection therewith Provided that in the event of the expense of such repair or renewal being paid by the occupier of any such house or premises he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent unless otherwise provided for by the terms of the tenancy. Board may repair apparatus on failure by owner or occupier.

31. In all cases in which the Board are by the Water Acts or this Order or by any Act incorporated therewith authorised to cut off any pipe or to turn off Entry on premises to cut off supply.

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A.D. 1938. — water from any premises and in all cases in which any premises which shall have been supplied with water by the Board shall have become unoccupied the Board their agents and workmen (after giving notice to the owner or occupier) may enter into any such premises between the hours of nine in the forenoon and five in the afternoon for the purpose of cutting off any pipe by which the water of the Board shall be supplied to such premises and may remove any pipe meter fittings or apparatus the property of the Board.

Byelaws for preventing pollution of water.

32.—(1) The Board may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to take for any of their waterworks 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) Sections 183 to 187 of the Public Health (Scotland) Act 1897 shall apply to such byelaws as if the Board were a local authority within the meaning of those sections.

(3) A copy of the proposed byelaws shall be sent to the clerk of the county council one month at least before application is made for their confirmation and if the county council shall within the said month apply to the Department of Health for Scotland for a local inquiry it shall not be lawful for the said department to confirm the proposed byelaws until after the holding of such inquiry.

(4) The Board 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 or who are required by such byelaws to construct any works or to do any act or thing which could not lawfully be required by the local authority of the district in which such lands are situate and such compensation shall be settled in default of agreement by an arbiter to be agreed upon or failing agreement to be appointed by the sheriff on the application of either party and the decision of the arbiter shall be final.

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33. Except as otherwise in this Order provided sections 45 (Application of penalties) and 46 (Prosecution of offenders) of the Order of 1934 shall apply to the prosecution of any offence against any of the provisions of this Order or of any byelaws made thereunder and to the recovery of any fine or penalty imposed by this Order or by the said byelaws. A.D. 1938.  
 —  
 As to penalties.

34. The Board may from time to time make and carry out agreements with any company body or person with reference to the carrying out of any of the purposes of this Order not herein specially provided for. Power to make agreements for purposes of Order.

35. The estimates authorised and required to be made up by the Board under and for the purposes of the Water Acts shall be made up and the sums to be contributed by the constituent authorities under and for the purposes of the Water Acts shall be of such amounts that the same shall include and be sufficient with the other revenues of the Board not only for the purposes specified in the Water Acts but also for the purposes of this Order. Estimates by Board &c. to include purposes of this Order.

36. The Board may from time to time under the powers and subject to the provisions of the Water Acts and this Order borrow at interest upon mortgage of the revenue of the water undertaking or any part thereof (including the contributions receivable by them from the constituent authorities or any town council under the provisions of the Water Acts and this Order) the additional sums of money necessary for the purposes hereinafter specified (that is to say) :— Power to borrow.

- (a) for the acquisition of lands servitudes and other rights and for the construction of the works authorised by this Order the sum of two hundred and thirty thousand pounds;
- (b) for distribution mains and the general purposes of the water undertaking to which capital is properly applicable the sum of one hundred and five thousand five hundred pounds; and
- (c) for payment of the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order and otherwise in relation thereto the sum requisite for that purpose :

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Provided that the moneys which the Board may borrow in terms of this section shall be reduced by the amount of any contribution received from the Commissioner for the Special Areas in Scotland or His Majesty's Principal Secretary of State for War.

Repayment  
of borrowed  
money.

37. The Board shall pay off all moneys borrowed by them under this Order within the respective periods following which periods shall be the prescribed periods for the repayment of such moneys (that is to say):—

As to money borrowed for the purpose (a) mentioned in the immediately preceding section within fifty years from the date or dates of borrowing the same;

As to money borrowed for the purpose (b) mentioned in the said section within thirty years from the date or dates of borrowing the same;

As to money borrowed for the purpose (c) mentioned in the said section within five years from the commencement of this Order.

Application  
to mort-  
gages of  
provisions  
of Water  
Acts.

38. The provisions of the sections of the Water Acts hereinafter mentioned so far as the same are not varied by or inconsistent with the provisions of this Order shall with any necessary modifications extend and apply to mortgages granted by the Board under the powers of this Order as if the same were re-enacted in this Order (that is to say):—

The Order of 1903—

Section 42 (Sinking fund);

Section 43 (Annual return to Secretary for Scotland with respect to sinking fund);

Section 44 (Board may borrow under Local Authorities Loans (Scotland) Acts 1891 and 1893);

Section 45 (Form of mortgage);

Section 46 (Manner in which mortgages to be signed and executed);

Section 47 (Transfer of mortgages);

Section 48 (Transmission of mortgages in case of bankruptcy);

Section 49 (Mortgages to be personal property);

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- Section 50 (Discharge of mortgages); A.D. 1938.  
 Section 51 (Ranking of mortgages); —  
 Section 52 (Protection of lender from inquiry);  
 Section 53 (Appointment of judicial factor);  
 Section 54 (Powers and duties of judicial factor).

The Order of 1934—

Section 37 (Re-borrowing):

Provided that the Board shall not be bound to pay any instalment or make any payment to any sinking fund in respect of money borrowed for the purpose (a) mentioned in the section of this Order of which the marginal note is "Power to borrow" until the expiration of five years from the date of borrowing.

39. In order to enable the Board on and after the commencement of this Order forthwith to proceed with the construction of filters and other works the Board may temporarily until provision can be made for borrowing the money on mortgage borrow from any bank or banking company or other company or person on security of their revenues and on such terms and conditions and in such form as may be agreed any sum or sums not exceeding in the whole fifty thousand pounds and any money so borrowed shall be subsequently repaid out of moneys duly borrowed on mortgage under the provisions of this Order and all provisions for the repayment of moneys so borrowed on mortgage shall apply as if such moneys had been so borrowed at the date at which the same were first temporarily borrowed.

Board may borrow temporarily for capital purposes.

40. Without prejudice to the generality of any repeal effected by the foregoing provisions of this Order the provisions of the sections of the Water Acts hereinafter mentioned are hereby repealed (namely):—

Repeal.

The Act of 1881—

Section 131 (Repair &c. of pipes and other apparatus).

The Order of 1902—

Section 12 (Compensation water);

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- Section 16 (Power to acquire and hold lands for protection of works and prevention of pollution);  
Section 20 (Corporation may enlarge or increase number of pipes);  
Section 21 (Laying mains on public roads);  
Section 22 (Powers for repair of works and temporary discharge of water into streams).

The Order of 1915—

- Section 9 (Power to hold lands for protection of waterworks);  
Section 11 (Application of section 20 of Order of 1902);  
Section 20 (Limiting powers of Board to abstract water);  
Section 21 (Power to take water);  
Section 22 (As to compensation water);  
Section 23 (For protection of Lord Kelburn and William Graham of Crosbie).

The Emergency Powers Order of 1915—

- Section 10 (Application of section 20 of Order of 1902);  
Section 19 (Limiting powers of Board to abstract water).

The Order of 1934—

- Section 10 (Limiting powers of Board to abstract water).

Costs of  
Order.

41. The costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order and otherwise in relation thereto shall be paid by the Board out of their revenues or out of moneys to be borrowed by them for that purpose under the powers of this Order.



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The SCHEDULE referred to in the foregoing Order. A.D. 1938.

AGREEMENT BETWEEN THE IRVINE AND DISTRICT WATER BOARD  
AND THE CORPORATION OF PAISLEY.

1. The Corporation shall supply the Board from Camphill reservoir with such quantity of water as the Board may require but not exceeding two million gallons per day or seven hundred and thirty-two million gallons in any year from fifteenth May to fifteenth May This supply shall be over and above any supply afforded from Camphill reservoir to the County Council for the water supply district of Dalry through the Board's mains.

2. In order to maintain the supply to the Board without interruption the Corporation undertake not to draw water from the reservoir for purposes other than domestic or in terms of agreement with His Majesty's Government during a state of National emergency whenever the quantity of water stored in the reservoir is sufficient only to afford compensation water and the supply to the Board of two million gallons per day for one hundred days.

3. The price for the supply shall be the rate per one thousand gallons from time to time charged for the supply of water to traders within the burgh of Paisley less one halfpenny per one thousand gallons but the minimum payment to be made by the Board to the Corporation in any year from fifteenth May to fifteenth May shall be one thousand pounds.

4. The Board shall have the same right of appeal against the charge to them for the supply of water as is conferred by the Corporation Water Acts on traders within the burgh of Paisley.

5. The Board shall provide and maintain the necessary meters pipes and connections for measuring and conveying the supply from Camphill reservoir to the Board's reservoir or filtering station.

6. This Agreement shall continue until terminated by mutual consent and all questions between the Board and the Corporation arising during or after its termination shall be referred to arbitration.

7. This agreement is subject to such alterations as may be made therein by Parliament or the Secretary of State during the progress of the Provisional Order to be promoted by the Board but if in the opinion of the sheriff to whom the matter may be referred by either party any material alteration

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A.D. 1938. — be made therein it shall be competent to either party to withdraw therefrom In Witness whereof these presents consisting of this and the preceding page are sealed with the common seal of the provost magistrates and councillors of the burgh of Paisley and are subscribed by Thomas Ballantyne provost and John Picken Morrison town clerk of the said burgh at a meeting of the council of said burgh held at Paisley on the fifth day of November nineteen hundred and thirty-seven before these witnesses Alexander Cochran town clerk depute Paisley and Robert Christie clerk Municipal Buildings there and they are sealed with the common seal of the Irvine and District Water Board and are subscribed by James Patrick chairman and George Rubie Convener of the Law Committee of said Board at a meeting of the said Board held at Kilwinning on the tenth day of November nineteen hundred and thirty-seven before these witnesses James Campbell Writer Saltcoats and James Campbell Junior Writer to the Signet there.

JAS. CAMPBELL Witness.

JAS. PATRICK Chairman.

JAS. CAMPBELL JNR. Witness.

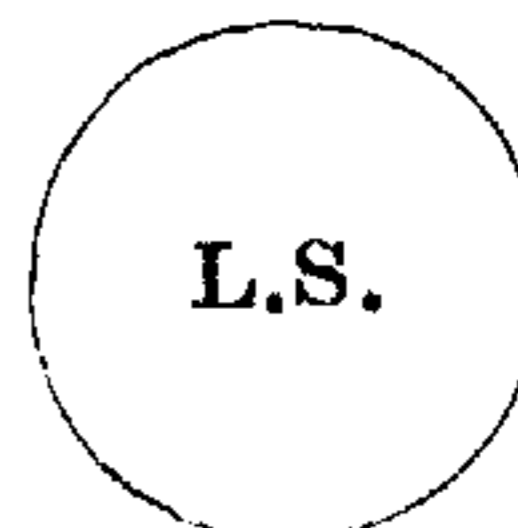
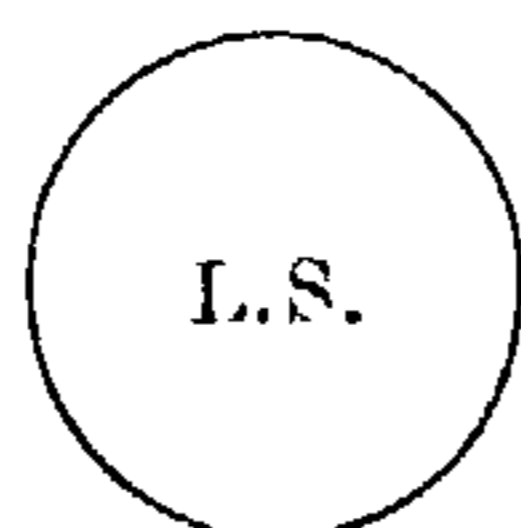
GEORGE RUBIE Convener of  
Law Committee.

ALEX. COCHRAN Witness.

THOMAS BALLANTYNE  
Provost.

ROBT. CHRISTIE Witness.

JOHN P. MORRISON  
Town Clerk.



Irvine and District Water Board.

Burgh of Paisley.

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