CHAPTER civ.

An Act for supplying the Village of Busby and the District adjoining with Water. [29th June 1875.] A.D. 1875.

WHEREAS the construction of works for the supply of water to the village of Busby and district adjoining in the counties of Lanark and Renfrew would be of public and local advantage:

And whereas the persons herein-after named, with others, are willing, at their own expense, to execute the undertaking:

And whereas plans showing the lines of the works authorised by this Act, and sections showing the levels of those works, 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 Act, have been duly deposited with the principal sheriff clerk of the county of Lanark, in his offices at Glasgow and Hamilton respectively, and are herein-after respectively referred to as the deposited plans, sections, and books of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen'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; (that is to say,)

Short title.

1. This Act may be cited as "The Busby Water Act, 1875."

Provisions of certain general Acts incorporated.

2. "The Companies Clauses Consolidation (Scotland) Act, 1845," Part I. (relating to cancellation and surrender of shares) and Part III. (relating to debenture stock) of "The Companies Clauses Act, 1863," "The Lands Clauses Consolidation (Scotland) Act, 1845," "The Lands Clauses Consolidation Acts Amendment Act, 1860," and 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,

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and with respect to the crossing of roads or other interference therewith, and "The Waterworks Clauses Acts, 1847 and 1863," are, except where expressly varied by this Act, incorporated with and shall apply to and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings, unless there be something in the subject or context repugnant to such construction. In this Act and in the Acts incorporated with this Act the expression "the Company" means the Company by this Act incorporated; the expressions "the waterworks" and "the undertaking" mean respectively the works and the undertaking by this Act authorised; the expression "the sheriff" means the sheriff of the county of Lanark or of the county of Renfrew, as the case may require, and includes the sheriffs substitute of those counties respectively. In the provisions of "The Railways Clauses Consolidation (Scotland) Act, 1845," as applied to this Act, the expression "the special Act" means this Act.

Limits of supply.

4. The limits within which the Company may supply water under the powers of this Act are the village of Busby and the district adjoining, within the parishes of East Kilbride and Carmunnock in the county of Lanark, and the parish of Mearns in the county of Renfrew; and the limits within which the inhabitants of the said village and district shall be entitled to demand a supply (herein-after called "the limits of compulsory supply") are the following; (that is to say,) those portions of the parishes of East Kilbride, Carmunnock, and Mearns which are within the area bounded by a line commencing at the point where the Broomstone Burn joins the river White Cart, and proceeding thence westward along the said burn to the point where the centre of the turnpike road leading from Glasgow to Eaglesham crosses the said burn; thence northward along the centre of the said turnpike road to the point where the boundary between the parishes of Mearns and Cathcart in the county of Renfrew crosses the said road; thence eastward along the boundary between the said parishes of Mearns and Cathcart to the point in the river White Cart where the said boundary joins the said river; thence north-eastward along the river White Cart to the point where the Kittoch Burn joins that river; thence eastward along the Kittoch Burn to the point where the Carnsheugh Burn joins the Kittoch Burn; thence north-eastward along the Carnsheugh Burn to a point in that burn seven hundred yards measured in a straight line north-eastward from the said point where the Carnsheugh Burn joins the Kittoch Burn; thence south-eastward in a straight line to a point in the Highflat Burn

six hundred and ten yards measured in a straight line north-eastward from the junction of that burn with the Kittoch Burn; thence south-westward along the Highflat Burn for a distance of eighty yards; thence south-westward along the south-eastern boundary of the lands of Waterbank to where that boundary joins the Kittoch Burn at a point eighty yards south-eastward from the junction of the Highflat Burn with the Kittoch Burn; thence westward along the Kittoch Burn to the point where the centre of the turnpike road leading from Carmunnock to the turnpike road leading from East Kilbride to Busby crosses the said burn; thence southward along the centre of the said turnpike road leading from Carmunnock to the point in the centre of the said road leading from East Kilbride to Busby where that road is joined by the said turnpike road leading from Carmunnock; thence westward along the centre of the said turnpike road leading from East Kilbride to Busby to the point where the boundary between that portion of the parish of East Kilbride which is united quoad sacra to the parish of Carmunnock, and the remaining portion of the parish of East Kilbride crosses the said road; thence south-westward along the said boundary between the said respective portions of the parish of East Kilbride to the point where the said boundary joins the boundary between the parishes of East Kilbride and Cathcart in the county of Lanark; thence westward along the said boundary between the parishes of East Kilbride and Cathcart to the point where the said boundary joins the river White Cart; thence northward along the said river to the point first above described where the Broomstone Burn joins the river White Cart.

Company incorporated.

5. Durham Kippen, Charles Tennant Couper, Charles Colen Wakefield, George Stodart, and James Young, and all other persons and corporations who have already subscribed to or shall hereafter become proprietors in the undertaking, and their executors, administrators, successors, and assigns respectively, shall be and are hereby united into a company for the purpose of making and maintaining the undertaking, and for other the purposes of this Act; and for those purposes shall be and are hereby incorporated by the name of "The Busby Water Company," and by that name shall be a body corporate, with perpetual succession and a common seal, and with power to purchase, take, hold, and dispose of lands and other property for the purposes of this Act.

Power to make works.

6. Subject to the provisions of this Act, the Company may make and maintain, in the lines and according to the levels shown on the deposited plans and sections, the works herein-after described, with all proper embankments, dams, weirs, channels, conduits, pipes, culverts, cuts, sluices, gauges, drains, approaches, buildings, and

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other works and conveniences connected therewith, and may enter upon, take, and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose. The works herein-before referred to and authorised by this Act are,—

1. A reservoir (herein-after called "reservoir No. 1") situate upon the farm of Muir, on the estate of Castlemilk and the farm and lands of Bellcraig, commencing at a point upon the stream called or known as Highflat Burn about five hundred and seventy yards (measured in a straight line) eastward from the point where the said stream crosses the occupation road leading from the statute labour road between Carmunnock and Cathkin to Highflat Farm-steading, and about two hundred and ninety yards southward from the south-eastern corner of Muir Farm-steading, and terminating at the embankment next herein-after described:

2. An embankment (herein-after called "embankment No. 1") across the said stream at and adjoining a point in the centre of that stream, about three hundred and twenty-three yards (measured in a straight line) eastward from the said point where the said stream crosses the said occupation road, and about three hundred and sixty-five yards south-westward from the south-western corner of Muir Farm-steading, which embankment will commence at a point about forty-five feet south-eastward from the said point in the centre of the said stream, and will terminate at a point about one hundred and ten feet north-eastward from the said point in the centre of the said stream:

3. A conduit or pipe (herein-after called "pipe No. 1") commencing at a point in reservoir No. 1 about twenty-five yards north-eastward from the said point in the centre of the said stream where embankment No. 1 will cross that stream, and passing thence to the filtering tank, and thence to the clear water tank, both herein-after described, and thence to and terminating at or near the point where the statute labour road leading from Carmunnock to Busby joins the turnpike road leading from Busby to East Kilbride, near the Carmunnock Free Church in Busby:

4. A filtering tank on the farm ef Gallowhill, on the estate of Castlemilk, about thirty-six yards south-eastward from the said point where the said stream crosses the said occupation road; and a clear water tank on the north-western side of the said filtering tank, and about ten yards distant therefrom:

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5. A conduit or pipe (herein-after called "pipe No. 2") commencing by a junction with pipe No. 1 at a point about thirty-three yards south-eastward from the said point where the said stream crosses the said occupation road, and terminating by a junction with pipe No. 1 at a point about twenty-seven yards south-westward from the said point where the said stream crosses the said occupation road:

6. A reservoir (herein-after called "reservoir No. 2") situate upon the said farm of Muir, commencing at a point upon the said stream about one hundred and seventy-eight yards (measured in a straight line) south-eastward from the said point where the said stream crosses the said occupation road, and terminating at the embankment next herein-after described:

7. An embankment (herein-after called "embankment No. 2") across the said stream at and adjoining a point in the centre of the said stream about fifty-three yards (measured in a straight line) eastward from the said point where the said stream crosses the said occupation road, which embankment will commence at a point about eighty-three yards south-eastward from the last-mentioned point in the centre of the said stream, and will terminate at a point about forty-six yards north-westward from the said last-mentioned point in the centre of the said stream:

8. A conduit or pipe (herein-after called "pipe No. 3") commencing by a junction with pipe No. 1 at a point about two hundred yards south-westward from the point of commencement of pipe No. 1, and terminating at a point in reservoir No. 2 about twenty yards south-westward from the herein-before described point of commencement of that reservoir:

9. A conduit or pipe (herein-after called "pipe No. 4") commencing at a point in reservoir No. 2 about twenty-five yards eastward from the said point in the centre of the said stream where embankment No. 2 will cross that stream, and terminating by a junction with pipe No. 1 at or near the point herein-before described as the point of commencement of pipe No. 2.

Power to take water.

7. Subject to the provisions of this Act, the Company may divert, impound, take, appropriate, use, and distribute, for the purposes of this Act, the waters of the stream called or known as Highflat Burn, and all other streams, springs, and waters flowing into the said stream and into or through the sites of the reservoirs

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and other works by this Act authorised above the line of embankment No. 2.

Capital.

8. The capital of the Company shall be ten thousand pounds, in one thousand shares of ten pounds each.

Shares not to issue until one fifth paid up.

9. The Company shall not issue any share created under the authority of this Act, nor shall any such share vest in the person or corporation accepting the same, unless and until a sum not being less than one fifth of the amount of such share is paid in respect thereof.

Calls.

10. One fifth of the amount of a share shall be the greatest amount of a call, and two months at least shall be the interval between successive calls, and three fourths of the amount of a share shall be the utmost aggregate amount of the calls made in any year upon any share.

Receipt clause in case of persons not sui juris.

11. If any money is payable to a shareholder being a minor, idiot, or lunatic, the receipt of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

Power to borrow on mortgage.

12. The Company may from time to time borrow on mortgage any sum not exceeding in the whole two thousand five hundred pounds, but no part thereof shall be borrowed until the whole capital of ten thousand pounds is issued and accepted, and one half thereof is paid up, and the Company have proved to the sheriff who is to certify under the forty-second section of "The Companies Clauses Consolidation (Scotland) Act, 1845," before he so certifies, that the whole of such capital has been issued and accepted, and that one half thereof has been paid up, and that not less than one fifth part of the amount of each separate share in such capital has been paid on account thereof before or at the time of the issue or acceptance thereof, and that such capital was issued bonâ fide and is held by the persons or corporations to whom the same was issued, or their executors, administrators, successors, or assigns, and that such persons or corporations, their executors, administrators, successors, or assigns are legally liable for the same; and upon production to such sheriff of the books of the Company, and of such other evidence as he shall think sufficient, he shall grant a certificate that the proof aforesaid has been given, which shall be sufficient evidence thereof.

Arrears may be enforced by appointment of judicial factor.

13. The mortgagees of the Company may enforce payment of arrears of interest or principal, or principal and interest, due on their mortgages by the appointment of a judicial factor; and in order to authorise the appointment of a judicial factor in respect of arrears

of principal, the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less two hundred and fifty pounds in the whole.

Debenture stock.

14. The Company may create and issue debenture stock, subject to the provisions of Part III. of "The Companies Clauses Act, 1863;" but notwithstanding anything therein contained the interest of all debenture stock at any time created and issued by the Company shall rank pari passu with the interest of all mortgages at any time granted by the Company, and shall have priority over all principal moneys secured by such mortgages.

As to conversion of borrowed money into capital.

15. The Company shall not have power to raise the money by this Act authorised to be borrowed on mortgage, or any part thereof, by the creation of shares or stock instead of borrowing, or to convert into capital the amount borrowed under the provisions of this Act, unless in either case all dividends upon the shares or stock, whether ordinary or preferential, are limited to a rate not exceeding five pounds per centum per annum.

Priority of mortgages over other debts.

16. All money raised or to be raised by the Company on mortgage or debenture stock, under the provisions of this Act, shall have priority against the Company, and the property from time to time of the Company, over all other claims on account of any debts incurred or engagements entered into by them after the passing of this Act: Provided always, that this priority shall not affect any claim against the Company or their property in respect of any annual feu duty or ground annual payable or to become payable by them in pursuance of the Lands Clauses Consolidation (Scotland) Act, 1845, or the Lands Clauses Consolidation Acts Amendment Act, 1860, or in respect of any rent or tack duty payable under any lease granted or made to the Company, in pursuance of any Act relating to the Company, which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock; nor shall anything in this section contained affect any claim for land taken, used, or occupied by the Company for the purposes of the Company's undertaking and works, or injuriously affected by the construction thereof, or by the exercise of any powers conferred on the Company.

Application of moneys.

17. All moneys raised under this Act, whether by shares, debenture stock, or borrowing, shall be applied for the purposes of this Act only.

First ordinary meeting.

18. The first ordinary meeting of the Company shall be held within six months next after the passing of this Act.

Votes of shareholders.

19. At all meetings of the Company every holder of one or more shares shall be entitled to one vote, and every holder of shares shall

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be entitled to one additional vote in respect of every ten shares held by him beyond the first ten shares.

Auditors need not be shareholders.

20. It shall not be necessary for auditors appointed by the Company to be shareholders of the Company.

Number of directors.

21. The number of directors shall be three.

Qualification of directors.

22. The qualification of a director shall be the possession in his own right of not less than twenty shares.

Quorum.

23. The quorum of a meeting of directors shall be two.

First directors.

24. Durham Kippen, Charles Tennant Couper, and Charles Colen Wakefield shall be the first directors of the Company, and shall continue in office until the first ordinary meeting held after the passing of this Act. At that meeting the shareholders present in person or by proxy may either continue in office the directors appointed by this Act, or any of them, or may elect a new body of directors, or directors to supply the place of those not continued in office, the directors appointed by this Act being, if qualified, eligible for re-election; and at the first ordinary meeting to be held in every year after the first ordinary meeting the shareholders present in person or by proxy shall elect persons to supply the places of the directors then retiring from office, agreeably to the provisions of "The Companies Clauses Consolidation (Scotland) Act 1845;" and the several persons elected at any such meeting, being neither removed nor disqualified, nor having died or resigned, shall continue to be directors until others are elected in their stead in manner provided by the same Act.

Lands for extra-ordinary purposes.

25. The Company may from time to time purchase by agreement and hold for the purposes of this Act any quantity of land not exceeding three acres, in addition to the land which they are by this Act authorised to take by compulsion.

Powers for compulsory purchases limited.

26. The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall not be exercised after the expiration of three years from the passing of this Act.

Limits of lateral and vertical deviation.

27. Subject to the provisions of this Act, in constructing the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans, to any extent not exceeding the limits of lateral deviation defined on the said plans, and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet as respects the reservoirs and embankments, and not exceeding five feet as respects the other works: Provided always, that the Company shall not, under the powers of lateral deviation hereby conferred, construct the said embankments so that the extreme heights thereof respectively

above the bottom of the stream called the Highflat Burn, at the respective points where the said embankments are carried across that stream, shall be more than three feet greater than the extreme heights of the said embankments respectively above the bottom of the said stream as shown on the deposited sections.

Temporary occupation of lands.

28. The provisions with respect to the temporary occupation of lands of "The Railways Clauses Consolidation (Scotland) Act, 1845," as applied to this Act, shall apply only to the reservoirs authorised by this Act and the works immediately connected therewith; and for the purposes of this Act those provisions shall be read as if the reservoirs and works were therein mentioned instead of "the railway," and the boundaries of the reservoir and works instead of "the centre of the railway," and the prescribed limits shall be two hundred yards from such boundaries.

Power to take servitudes by agreement.

29. Persons empowered by "The Lands Clauses Consolidation (Scotland) Act, 1845," to sell and convey or dispose of lands may, if they think fit, subject to the provisions of that Act and of "The Lands Clauses Consolidation Acts Amendment Act, 1860," and of this Act, grant to the Company any servitude, right, or privilege (not being a servitude of water, excepting waters which the Company are by this Act empowered to take), required for the purposes of this Act in, over, or affecting any such lands; and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals, so far as the same are applicable in this behalf, shall extend and apply to such grants, and to such servitudes, rights, and privileges as aforesaid respectively.

Supply to Parklea Farmsteading.

30. The Company shall, at all times after they shall have constructed both or either of the said reservoirs and filled the same with water, supply by means of a pipe to be laid by them from pipe No. 1 to the existing steading on Parklea Farm a sufficient quantity of water for farm homestead purposes, and for watering cattle at the said steading, or any other steading which may hereafter be built on the same site, or on the same or a lower level on the said farm in lieu of the existing steading, without making any charge in respect thereof.

Supply to certain other lands.

31. The owners and occupiers for the being of the lands numbered on the deposited plans 22 of the parish of Carmunnock, the owners and occupiers for the time being of the two fields situate immediately to the north of the said lands, and between them and the glebe lands of the parish of Carmnunock, the minister for the time being of the parish of Carmunnock, and the occupiers of the said glebe lands and the manse of Carmunnock for the time being, shall respectively, in all time coming after the commencement of

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the supply of water under the authority of this Act, be entitled to a supply of water for the use of the said lands and for domestic purposes, upon the same terms and conditions, and on payment of the same rates, as if such lands and manse were situate within the limits of compulsory supply.

Compensation water to millowners and others.

32. The Company shall cause or allow to flow, as compensation water, in a continuous and uniform stream down the said Highflat Burn below the said reservoirs, such a quantity of water as shall be equal to one half of what shall be taken by the Company from day to day under the powers of this Act, but in no case shall such compensation water be less than eight cubic feet and ninety-one one hundredth parts of a cubic foot per minute in each period of twenty-four hours, and it shall not be lawful for the Company to store water in either of the reservoirs to be constructed under the authority of this Act, or to supply water for any of the purposes of this Act, excepting at such times as they shall be sending down the said compensation water: Provided always, that the compensation water daily to be discharged as aforesaid shall be full compensation for the water taken by the Company under the authority of this Act to the owners and occupiers of lands, mills, and manufactories, and other persons interested in the Highflat Burn below the said reservoirs, and in the Kittoch Burn below the junction of the Highflat Burn therewith, and in the river Cart below the junction of the Kittoch Burn therewith, but without prejudice to any claims of compensation for land taken or damaged by the making of the said reservoirs, embankments, conduits, or pipes and works connected therewith: Provided also, that without prejudice to any other competent remedy in the event of the said reservoirs proving inadequate to afford the supply of compensation water herein-before mentioned, the said owners, occupiers, or other persons interested as aforesaid, or any of them, shall be entitled to apply to the sheriff, who may ordain the said Highflat Burn to be turned into its original channel and to continue to flow therein for the use of the said lands, mills, and manufactories, so long as a deficient supply shall continue to exist, and that in lieu of the aforesaid compensation water provided as aforesaid to the said owners, occupiers, and other parties interested.

Measuring gauges to be provided by Company.

33. The Company shall, at their own cost, make, construct, and for ever maintain proper and sufficient measuring gauges, over or through which the quantity of water to be taken or supplied by the Company for the purposes of this Act, and also the said compensation water, shall flow or be discharged, and such gauges shall be open at all times to the inspection and examination of the said parties interested as aforesaid, and of such persons as may be authorised by them to examine and test the sufficiency of such

gauges, and the expense of testing such gauges at all reasonable times, when required by the said parties interested, or any of them, shall be wholly borne by the Company; and if and whenever any such gauges are found to be in any respect out of repair, inaccurate, or insufficient, and if the Company shall fail to repair and make good the same within ten days after notice in writing of such disrepair, inaccuracy, or insufficiency, shall have been given to the Company by the parties interested or any of them, then the said parties or any of them may repair and make good such gauges, or provide other and sufficient gauges in lieu thereof, at the expense of the Company, and may recover such expense from the Company in any court of competent jurisdiction.

Period for completion of works.

34. If the works herein-before described and authorised are not completed within seven years from the passing of this Act, then on the expiration of that period the powers by this Act granted to the Company for making and completing those works, or otherwise in relation thereto, shall cease to be exercised, except as to so much thereof as is then completed: Provided nevertheless, that this enactment shall not preclude the Company at any time from altering, at the request or with the consent of the owner for the time being of any lands in which pipe No. 1 shall be placed, the position of that pipe, and from replacing and maintaining the same in such other position within the lands of such owner, and of any other owner consenting thereto, as shall be or shall have been agreed upon between the Company and such owner.

Pressure of water.

35. The water to be supplied from any pipe of the Company need not be laid on under pressure greater than that to be afforded from the clear water tank by this Act authorised.

Rates at which water is to be supplied for domestic purposes.

36. The Company shall, at the request of any owner or occupier of any dwelling-house or part of a dwelling-house in any street in which a pipe of the Company shall be laid, or on the application of any person who under the provisions of this Act shall be entitled to demand a supply of water for domestic purposes (which shall include one watercloset), furnish to such owner or occupier, or other person, a sufficient supply of water for domestic purposes at rates not exceeding one shilling and sixpence per pound of the annual rackrent or full annual value of such dwelling-house or part of a dwelling-house; and such rates shall be assessed for the period from the twenty-eighth day of May in each year to the twenty-eighth day of May in the year following, and shall be payable in advance at the office of the Company on the twenty-eighth day of May in each year, or as soon thereafter as the same shall be demanded.

Rates for watercloset and baths.

37. In addition to the rates above specified, the Company may charge for any watercloset beyond the first, and for any private

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bath in any dwelling-house or part of a dwelling-house, or any place appurtenant thereto, the following rates; that is to say:

For each watercloset beyond the first any sum not exceeding six shillings per annum:

For each bath any sum not exceeding nine shillings per annum:

Provided that the Company shall not be compelled to supply with water any watercloset or private bath, or the apparatus or pipes connected therewith, unless the same shall be so constructed and used as to prevent the waste, misuse, or undue consumption of the water of the Company, and the flow or return of foul air or other noisome or impure matter into the mains or pipes of the Company, or into any pipes connected or communicating therewith, nor any bath which shall be so constructed as to contain when filled for use more than eighty gallons of water.

Penalty for using water for other than domestic purposes.

38. In addition and without prejudice to the provisions in this Act contained with regard to the misuse of water supplied by the Company, no person supplied by the Company with water for domestic purposes shall use such water or suffer the same to be used for the purpose of affording power to or in connexion with any machinery or apparatus whatsoever; and every person offending against this enactment shall for every such offence forfeit and pay to the Company a penalty not exceeding five pounds.

Company not bound to supply water in certain cases.

39. No person shall be entitled to require the Company, nor shall the Company be bound to supply any dwelling-house with water, otherwise than by meter or special agreement, where any part of such dwelling-house is used for any trade or business purpose for which water is required.

Water supplied by agreement.

40. The Company may from time to time supply any person, company, or local authority with water for such remuneration and upon such terms and conditions as shall be agreed upon between the Company and the person, company, or local authority: Provided always, that such supply shall not interfere with a due supply of water for domestic purposes within the limits of compulsory supply.

Where part only of premises supplied, the whole to pay.

41. The Company shall not be compelled to supply water to the occupier of any part of a dwelling-house, or for any premises occupied as a dwelling-house, unless the water rate is paid for the whole of such dwelling-house and premises.

Incoming tenant not liable to pay arrears of water rate.

42. The Company shall not be entitled to demand from the incoming tenant of any premises which they have supplied with water payment of any rate or charge which the former tenant left unpaid when he quitted the premises, unless the incoming tenant shall have agreed with such former tenant to pay the arrears.

Prevention of waste.

43. For obtaining supplies, and for preventing waste, misuse, undue consumption, or contamination of the water of the Company, the provisions contained in the schedule hereto shall have effect.

Company may make further and other regulations.

44. The Company may from time to time make such further and other necessary and reasonable regulations as they think fit for the purpose of preventing waste, misuse, undue consumption, or contamination of the water of the Company, and may by such regulations direct the use and prescribe the size, nature, strength, and materials, and the mode of arrangement, position, alteration, and repair of the pipes, valves, cocks, cisterns, soil-pans, waterclosets, and other apparatus and receptacles, or any of them, to be used by such persons respectively for carrying, delivering, rendering, and storing water, and may forbid any arrangement and the use of any pipe, valve, cock, cistern, bath, soil-pan, watercloset, or other apparatus or receptacle likely in their judgment to cause waste, misuse, undue consumption, or contamination of water: Provided always, that such regulations shall not come into operation until approved by the sheriff.

Company not bound to supply water unless their regulations are complied with.

45. The Company shall not be bound to supply or to continue to supply water to any person, unless and until he shall duly observe such regulations as are for the time being in force.

Company may require persons supplied with water to repair pipes, &c.

46. The Company may, by notice in writing under the hand of their secretary or other authorised officer, require any person supplied by them with water, who shall have permitted any pipe, cock, cistern, or other apparatus connected with the water supply to become out of repair, to put the same forthwith into proper repair; and if such person shall not within three days after the service of such notice so repair such pipe, cock, cistern, or other apparatus as to prevent any waste of water therefrom, the Company may repair the same, and the expenses of such repair, if they shall not be repaid to the Company on demand, shall be recoverable by them as damages.

Penalty for injury to and fraudulent use of meters.

47. Every person who shall wilfully, fraudulently, or by culpable negligence injure, or cause or suffer to be injured, any meter, pipes, fittings, or apparatus belonging to the Company, or who shall fraudulently alter the index of any meter, or shall wilfully or knowingly prevent any meter from properly registering the quantity of water supplied, shall for every such offence forfeit or pay to the Company a sum not exceeding five pounds, and the Company may in addition thereto recover the amount of damage by them sustained.

Meters not to be altered nor repaired

48. No meter, whether supplied by or the property of the Company or the consumer, shall be altered or repaired except under the

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except under direction or with consent of Company.

direction or with the consent of the Company; and the Company shall be entitled to keep all meters which may be supplied by the consumer in repair at his cost at such reasonable rate of remuneration as may be agreed on between the Company and the consumer, or, in case of dispute, as may be fixed by the sheriff.

Company's officers may enter buildings for inspection.

49. The Company's agent, or other officer duly appointed for the purpose by the Company, may, between the hours of nine o'clock in the forenoon and four o'clock in the afternoon, enter any building or place supplied with water by the Company, in order to inspect the meters, pipes, fittings, and apparatus for regulating the supply of water, either for the purpose of ascertaining the quantity of water consumed or supplied, or to see whether the meters, pipes, fittings, cisterns, or other apparatus provided be in good repair; and if such agent or other officer at any such time be refused admittance into such premises for the purposes aforesaid, or be prevented from making such examination, without reasonable cause, the occupier of such premises shall for every such offence forfeit to the Company a sum not exceeding five pounds.

For preventing frauds and waste of water.

50. If and whenever any person supplied with water under this Act wilfully does, or causes or suffers to be done, anything in contravention of any of the provisions of this Act, or wilfully fails to do anything which under this Act ought to be done for the prevention of waste, misuse, contamination, or undue consumption of water, the Company may cut off or stop any pipe by or through which water is supplied to him, and may cease to supply him with water as long as the cause of injury remains or is not remedied, and may also recover in any court of competent jurisdiction from any person so offending the amount of all damage sustained by reason thereof, and the remedies of the Company under this enactment shall be in addition to their other remedies in this behalf.

Company's officers may enter buildings and cut off pipes, &c. after notice given.

51. In all cases in which the Company are by "The Waterworks Clauses Act, 1847," or "The Waterworks Clauses Act, 1863," or by this Act authorised to cut off the pipe or turn off water from any premises, and in all cases in which any premises which shall have been supplied with water by the Company shall have become unoccupied, the Company, their agents and workmen (after giving notice to the owner or occupier as herein-after provided), may enter into such premises between the hours of nine in the forenoon and four in the afternoon, for the purpose of cutting off any pipes by which the water of the Company shall be conveyed to such premises, and may remove any pipe, meter, fittings, and apparatus, the property of the Company.

Mode of giving notice.

52. The notices to be given previously to such entry shall be in writing, and shall be served in manner following; that is to say,

If the premises intended to be entered be occupied, then by leaving notice thereat, or by delivering the same to the occupier thereof twenty-four hours at least previously to such entry:

If such premises be unoccupied, and the owner thereof or his usual place of abode be in Scotland, and be known to the Company, then by delivering the notice to such owner or by leaving the same at his usual place of abode twenty-four hours, or by sending the same by post in a registered letter addressed to him at his usual or last known place of abode forty-eight hours at least previously to such entry:

If such premises be unoccupied, and the owner thereof or his usual place of abode be not in Scotland, or be not known to the Company after due inquiry, then by affixing the notice on some conspicuous part of such premises three days at least previously to such entry.

And for the purposes of this section any person receiving the rents of any such premises, either on his own account or as agent for any other person, shall be deemed the owner of such premises.

Notice of discontinuance.

53. A notice to the Company from a consumer for a discontinuance of a supply of water shall not be of any effect unless it be in writing, and be left at the principal office for the time being of the Company.

Representation of the Company in cases of bankruptcy, &c.

54. In all proceedings against the estate of any bankrupt, or under any sequestration, any person appointed for that purpose by the Company under their common seal may represent the Company, and act in their behalf in all respects as if the claim or demand of the Company against such estate were the claim or demand of such person and not of the Company.

Liability to water rate, &c., not to disqualify justice, &c.

55. A justice or judge of any court shall not be disqualified from acting in the execution of this Act by reason of his being liable to the payment of any water rate, meter rent, rate, or charge under this Act.

Rates may be recovered by summary warrant.

56. All water rates and other sums due to the Company, and all damages, costs, and expenses by this Act directed to be paid, may be recovered by the Company by application to the sheriff, who may grant summary warrant for the recovery of the same: Provided always, that nothing herein contained shall prejudice the right of the Company to recover such rates or sums in any other manner competent at law.

A.D. 1875.

Several names in one warrant.

57. Any number of names and sums may be included in any summons or notice obtained or given by the Company for any of the purposes of this Act, and may be stated either in the body of the summons or notice, or in a schedule thereto.

Costs of proceedings.

58. The sheriff who issues any warrant may order that the costs of the proceedings for the recovery of any rate or sum shall be paid by the person liable to pay such rate or sum, and such costs shall be ascertained by the sheriff, and shall be included in the warrant of the sheriff for the recovery of such rate or sum.

Penalties not cumulative.

59. Penalties imposed on the Company for one and the same offence by several Acts of Parliament shall not be cumulative, and for this purpose this Act and any Act incorporated wholly or in part with this Act shall be deemed several Acts.

Expenses of Act.

60. All the costs, charges, and expenses of and incident to the preparing for, obtaining, and passing of this Act, or otherwise in relation thereto, shall be paid by the Company.

SCHEDULE referred to in the foregoing Act.

REGULATIONS to be observed by Consumers of Water for obtaining supplies, and for preventing waste, misuse, undue consumption, or contamination of water supplied by the Company. A.D. 1875.

1. Persons requiring a supply of water must in the first instance obtain from the superintendent or other authorised officer of the Company instructions as to the proper point for the introduction of the water on the consumer's premises. Such persons must at their own cost provide, lay down, and maintain all service pipes and fittings which may be required within their premises. The Company will drill their own water pipe, fix the ferrule and stoptap, and lay down the service pipe to the boundary of the consumer's premises; all materials, labour, paving, &c. being charged to the owner or occupier of the premises.

2. The service pipes to be of lead, of the best materials and manufacture, and of the following weights, viz.:

$\frac{3}{8}$-inch	diameter	-	-	-	5	lb. per	lineal yard.
$\frac{1}{2}$	,,	,,	-	-	-	7	,,	,,
$\frac{5}{8}$	,,	,,	-	-	-	9	,,	,,
$\frac{3}{4}$	,,	,,	-	-	-	11	,,	,,
1	,,	,,	-	-	-	16	,,	,,

Larger sizes not allowed, except under special arrangement.

3. The stoptap will be required to be fixed on the service pipe inside the premises and as near to the entrance as possible, and in all cases where the stoptap is fixed in the ground a small cast-iron guard box, to protect and indicate the situation of such stoptap, must be placed over the same.

4. All service pipes laid under ground must be laid not less than three feet below the surface. No pipe must be laid through or in any sewer, drain, manure hole, ashpit, or other place from which, in the event of decay or injury to such pipe, the water of the Company may be liable to become foul or to escape without observation.

5. The taps must be on the screw-down principle, with loose valves and stuffing-boxes, and must be capable of resisting the pressure of three hundred pounds to the square inch.

6. No taps will be allowed over drain traps or open drains, or in any passage, yard, or other place to which the public have access, except in cases where the water is supplied through a meter.

7. Except by special agreement, no watercloset, urinal, or any description of closed boiler will be allowed to be supplied direct from the service pipe, but must be supplied from a cistern; and no watercloset can be supplied by stoptap or bibtap, but must be provided with a proper valve apparatus to be approved by the Company.

8. Copper-bit joints will not be allowed, but in all cases a proper wiped-joint must be made.

A.D. 1875.

9. No house or premises will be allowed to have more than one service pipe, either from the Company's pipe or from any adjoining premises.

10. Cisterns must in every case be supplied by means of balltaps.

11. Cisterns for waterclosets must be approved by the Company, and constructed so as not to deliver more than two gallons of water at a flush; the pulls of the cisterns must be so constructed as to prevent their being fixed in any position which will allow the water to be left running to waste.

12. The overflow pipes of all cisterns must act as warning pipes, and must be brought through the external wall of the premises supplied with water at such a conspicuous point below the level of the bottom of the cistern as may be directed, and there properly maintained, which pipe must be of sufficient diameter to deliver any water wasting from the different balltaps when out of order.

13. Every cistern which shall be used for the storage or reception of water supplied by the Company shall be made and at all times maintained absolutely water-tight, and shall be provided with a balltap, which tap shall have at the end a screw connexion with lock nut and union, and the cistern shall be drilled for reception of the same. The balltap shall be so fixed as not to become submerged when the cistern is full. The level of the water in the cistern shall always be maintained at two inches below the overflow or warning pipe, and every cistern shall be capable of inspection.

14. Every bath to which water is supplied by the Company shall be provided with a well-fitted and perfectly water-tight ground outlet plug, with chain complete, or such tap as shall be approved by the Company.

15. No overflow pipes, other than such as are made to act as detective or warning pipes, previously referred to in regulation number 12, shall be made or attached to any bath in which water supplied by the Company shall be used.

16. The Company shall provide and fix all water meters, and shall also lay the service pipes through the boundary of the premises to the inlet of the meters, and fix the stopcocks authorised, at the expense of the owner or occupier of the premises.

17. The Company may from time to time remove any meter for the purpose of testing the accuracy thereof, or for examination or repair, or for the purpose of substituting another meter, and in case of the discontinuance of the supply.

18. Water supplied by the Company otherwise than by measure or meter shall not be drawn or used through any hose or moveable pipe except by previous agreement with the Company as to the use of hose or pipe, and as to the sum to be paid to the Company for the water to be conveyed through the same.

19. Before the connexion for the supply of water can be made, or before any additional fittings can be connected to an existing service pipe, the work must be inspected and approved by the proper officer of the Company.

20. Plumbers shall fill up and deliver at the Company's office forms which will be furnished to them on application, as a notice of the fittings being ready for inspection, and also of any alterations made in existing service pipes or fittings.

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