CHAPTER ii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Clydebank and District Water.

[11th March 1943.]

WHEREAS 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 Clydebank and District Water Order Confirmation Act 1943. Short title.

SCHEDULE.

CLYDEBANK AND DISTRICT WATER.

Provisional Order to authorise the Clydebank and District Water Trustees to construct a compensation water reservoir and other works and to acquire lands to enact new provisions in respect of the compensation water now given from the Burn Crooks reservoir of the Trustees to authorise the Trustees to borrow further money and for other purposes.

WHEREAS by the Clydebank and District Water and Burgh Extension Order 1906 the Clydebank and District Water Trustees (hereinafter referred to as " the Trustees ") were incorporated for the purpose of supplying water within the burgh of Clydebank and the district defined in the said Order and were authorised to acquire lands and to construct the works described in the said Order :

And whereas by the Clydebank and District Water Order 1909 and the Clydebank and District Water Order 1910 the Trustees were amongst other things authorised and required to abandon certain of the works and portions of the works authorised by the said Order of 1906 and were authorised to construct additional works :

And whereas by the Clydebank and District Water Order 1914 the Clydebank and District Water Order 1924 the Clydebank and District Water Order 1934 and the Clydebank Burgh Order 1937 further provisions were enacted in relation to the undertaking of the Trustees :

And whereas it is expedient in order to meet the increased and increasing demands on the Trustees for water and to provide for the more efficient delivery of water from the Burn Crooks reservoir of the Trustees to the other works of the Trustees that the Trustees should be empowered to make and maintain the reservoir and works hereinafter in this Order described and that they should be authorised to borrow money for the construction of those works and for the purchase of lands therefor :

And whereas estimates have been prepared by the Trustees for the purchase of lands and servitudes required for the construction and maintenance of the works authorised by this Order and for the execution of those works and such estimates are as follows :—

	£
Purchase of lands and servitudes	2,400
Reservoir-impounding	39,340
Service roads	9,660
Mains :—	
Tunnels	65,180
Pipe conduits	3,730
Subsidiary works	6,500
Total	£126,810

And whereas the said works are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas it is expedient that the compensation water now discharged from the Burn Crooks reservoir (except so much thereof as is required to be discharged into the Gallangad Burn) should be discharged from the reservoir authorised to be constructed under this Order and that the provisions relating to compensation water as hereinafter contained in this Order should be enacted :

And whereas by the said Order of 1914 the period limited by the said Order of 1910 for the completion of Works No. 3 No. 4 and No. 5 thereby authorised was extended until the third day of August one thousand nine hundred and twenty-four :

And whereas by the said Order of 1934 the period limited by the said Order of 1910 as extended by the said Order of 1914 and the said Order of 1924 for the completion of the said Works No. 3 No. 4 and No. 5 was further extended until the third day of August one thousand nine hundred and forty-four :

And whereas it is expedient that the said period should be further extended as provided by this Order :

And whereas it is expedient that the other provisions contained in this Order should be enacted :

And whereas plans and sections showing the lines and levels of the several works authorised by this Order with a book 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 of or under the powers of this Order were duly deposited in the office of the sheriff clerks of the counties of Dunbarton and Stirling respectively and are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936 : 26 Geo. 5. & 1 Edw. 8. c. 52.

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

Short title.

1. This Order may be cited for all purposes as the Clydebank and District Water Order 1943 and may together with the Clydebank and District Water Orders 1906 to 1934 and the Clydebank Burgh Order 1937 be cited as the Clydebank and District Water Orders 1906 to 1943.

Commencement of Order.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is hereinafter referred to as " the commencement of this Order."

Interpretation.

3. In this Order unless there be something in the subject or context inconsistent with or repugnant to such construction—

(*a*) The several words and expressions to which meanings are assigned in the recited Orders (as hereinafter defined) and in any Acts wholly or partially incorporated therewith shall have the meanings assigned to them in those Orders and Acts ; and

(*b*) The following words and expressions shall have the meanings assigned to them in this section (that is to say) :—

"Order of 1906" means the Clydebank and District Water and Burgh Extension Order 1906 ;

"Order of 1910" means the Clydebank and District Water Order 1910 ;

"Order of 1914" means the Clydebank and District Water Order 1914 ;

"Order of 1924" means the Clydebank and District Water Order 1924 ;

"Order of 1934" means the Clydebank and District Water Order 1934 ;

"Recited Orders" means the Order of 1906 the Clydebank and District Water Order 1909 the Order of 1910 the Order of 1914 the Order of 1924 the Order of 1934 and the Clydebank Burgh Order 1937 ;

"The sheriff" means the sheriff of Stirling Dumbarton and Clackmannan and includes his substitutes ;

"The tribunal" means the arbiter or other authority to whom any question of disputed purchase money or compensation under this Order is referred.

Incorporation of Acts.

4. The following Acts and parts of Acts so far as the same respectively are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order are hereby incorporated with and form part of this Order :—

The Lands Clauses Acts :

Provided that the bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be under the seal of the Trustees and shall be sufficient without the addition of the sureties mentioned in that section ;

8 & 9 Vict. c. 19.

The Waterworks Clauses Acts 1847 and 1863 with the exceptions specified in the Order of 1906 ;

10 & 11 Vict. c. 16.

The Commissioners Clauses Act 1847 with the exceptions specified in the Order of 1906 ;

8 & 9 Vict. c. 33.

The sections and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said sections and provisions "the company" means the Trustees "the railway" means the works authorised by this Order and the works immediately connected therewith and "the centre of the railway" means any part of those works.

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

Power to make new works.

5. The Trustees 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 waterworks hereinafter described

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

(1) A compensation reservoir (Work No. 1) situated partly in the parish of Drymen in the county of Stirling and partly in the parish of Dumbarton in the county of Dunbarton on the burn known as Burn Crooks and tributory streams and on lands adjacent thereto commencing at a point in the said burn three hundred and eighty-three yards or thereby measured in a north by easterly direction from the junction of the said Burn Crooks with the Carling Burn and terminating at a point on the said Burn Crooks two hundred and eighty-three yards or thereby measured in a south-east by southerly direction from the junction of the said Burn Crooks with the Carling Burn :

(2) An embankment (Work No. 2) situated partly in the parish of Drymen in the county of Stirling and partly in the parish of Dumbarton in the county of Dunbarton across the said Burn Crooks at a point in the centre of the said Burn Crooks three hundred and eighty-three yards or thereby measured in a north by easterly direction from the junction of the said Burn Crooks with the Carling Burn which embankment will commence at a point ninety yards or thereby measured in a westerly direction from the said point in the centre of the said Burn Crooks and will terminate at a point seventy-nine yards or thereby measured in an easterly direction from the said point in the centre of the said Burn Crooks :

(3) A service road (Work No. 3) situated partly in the parish of Drymen and partly in the parish of Killearn both in the county of Stirling between the embankment (Work No. 2) and the existing service road to Burn Crooks reservoir commencing at a point ten yards or thereby measured in an easterly direction from the termination of the said embankment and terminating at a point on the existing service road to Burn Crooks reservoir ninety-seven yards or thereby measured in an easterly direction from the overflow sill of Burn Crooks reservoir :

(4) An aqueduct (Work No. 4) situated partly in the parish of Dumbarton in the county of Dunbarton partly in the parish of Killearn in the county of Stirling and partly in the parish of Old Kilpatrick in the county of Dunbarton consisting partly of tunnel and partly of pipe conduit commencing at the outlet of the culvert of Burn Crooks reservoir thirty-five yards or thereby measured in an east south-easterly direction from the measuring house at Burn Crooks reservoir and terminating at the regulating chamber five hundred and ninety-three yards or thereby measured in a south by easterly direction from the overflow sill of Jaw reservoir :

(5) A service road (Work No. 5) situated wholly in the parish of Killearn in the county of Stirling commencing at a point on the existing service road to Burn Crooks reservoir eight hundred and twenty yards or thereby measured in a south-west by westerly direction from Auchineden Mansion House

and terminating at a point one thousand and thirty-six yards or thereby measured in a south-westerly direction from the said Auchineden Mansion House :

(6) A service road (Work No. 6) situated wholly in the parish of Killearn in the county of Stirling commencing at a point on the existing service road to Burn Crooks reservoir seventeen yards or thereby measured in a westerly direction from the plantation enclosing Auchineden policy lands and terminating at a point three hundred and sixty-seven yards or thereby measured in an easterly direction from the overflow sill of Kilmannan reservoir :

(7) A service road (Work No. 7) situated wholly in the parish of Old Kilpatrick in the county of Dunbarton commencing at a point on the existing road from Muirhouses one hundred yards or thereby measured in a west by southerly direction from East Muirhouses and terminating at a point one hundred and eighty-three yards or thereby measured in a south-west by southerly direction from West Muirhouses.

Power to deviate.

6. The Trustees 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 may deviate vertically from the levels of the various works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that except for the purpose of crossing over a stream no part of any pipe shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Trustees may stop up footpaths &c.

7. The Trustees may stop up and discontinue for public traffic any footpaths bridle-paths drove roads or other tracks on over or across the lands shown on the deposited plans and described in the deposited book of reference or which will be submerged or affected by the construction of the works authorised by this Order and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by virtue of this Order vested in the Trustees so far as they are the owners of the adjoining lands on both sides free from all public and other rights of way or passage in over or affecting the same.

Power to take water.

8. Subject to the provisions of this Order the Trustees may by means of the works authorised by this Order or some or one of them or some part or parts thereof abstract appropriate impound divert store and use for the purposes of compensation water the waters of the burn known as Burn Crooks the Carling Burn the Cairn Burn the Rough Burn and the Glen of the House Burn and all affluents streams springs and waters flowing into the said burns and of any other streams or brooks which may be found in upon or under or which may be diverted or intercepted by the works authorised by this Order or some or one of them.

Temporary taking of water.

9. During the period from the commencement of this Order to the first filling of the reservoir (Work No. 1) authorised by this Order the Trustees shall not abstract appropriate and impound the waters referred to in the section of this Order whereof the marginal note is

"Power to take water" unless a flow of water at the rate of one million and ninety-three thousand four hundred gallons per day is passing down the Burn Crooks Burn at the embankment (Work No. 2) authorised by this Order but in the event of such flow exceeding the said rate the Trustees may abstract appropriate and impound for the purposes of the said Works Nos. 1 and 2 all or such part of such excess of water in the said burn as they may require Provided that the Trustees shall provide and maintain while and so long as the same shall be necessary a sufficient measuring gauge at or near the point of abstraction over or through which the quantity of one million and ninety-three thousand four hundred gallons of water shall be ascertained as flowing down the said Burn Crooks Burn at the said point.

Compensation water.

10. As from the first filling of the reservoir (Work No. 1) authorised by this Order section 12 (Compensation water) of the Order of 1910 shall be and is hereby repealed and in lieu thereof the following provisions shall apply and have effect (that is to say) :—

(1) The Trustees shall during every day of twenty-four hours discharge or allow to flow into the Burn Crooks Burn in a regular and continuous flow a quantity of water of not less than one million and ninety-three thousand four hundred gallons during every day of twenty-four hours :

(2) The Trustees shall further as soon as the catch-water conduit or aqueduct (Work No. 3) authorised by the Order of 1910 is completed and the water thereof conveyed into the Burn Crooks reservoir of the Trustees discharge from the Burn Crooks reservoir of the Trustees into the Gallangad Burn by means of the conduit (Work No. 5) authorised by the Order of 1910 in a regular and continuous flow a quantity of water of not less than two hundred and fifty thousand gallons during every day of twenty-four hours :

(3) The Trustees shall not divert into their works the waters of the Spouts Burn by the catch-water conduit or aqueduct (Work No. 3) authorised by the Order of 1910 unless a flow of water at the rate of thirty-five thousand gallons per day is running down the Spouts Burn at the point of intake on that burn and shall not divert the waters of the Knockupple Burn unless a flow of water at the rate of thirty-five thousand gallons per day is running down the Knockupple Burn at the point of intake on that burn and the Trustees shall be entitled to take and divert into the said conduit or aqueduct (Work No. 3) at the respective points of intake the excess of the waters flowing down the said Spouts Burn and Knockupple Burn respectively :

(4) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all waters which the Trustees may abstract divert or appropriate under the powers of the Order of 1906 the Order of 1910 and this Order :

(5) The Trustees shall for the purpose of ascertaining the amount of the compensation water to be daily discharged as aforesaid construct and maintain—

(*a*) Immediately below the foot of the outer slope of the embankment (Work No. 2) authorised by this Order a

suitable and sufficient measuring gauge or other apparatus over or through which the said compensation water of one million and ninety-three thousand four hundred gallons shall flow or be discharged ;

(*b*) At a point on the conduit or line of pipes (Work No. 5) authorised by the Order of 1910 at or near the outer slope of the embankment of the Burn Crooks reservoir of the Trustees a suitable and sufficient measuring gauge or other apparatus over or through which the said compensation water of two hundred and fifty thousand gallons shall be discharged by means of the said Work No. 5 into the Gallangad Burn ;

(*c*) At a point on the intake of Spouts Burn a suitable and sufficient measuring gauge or other apparatus over or through which the said quantity of thirty-five thousand gallons of water shall be ascertained as flowing down the Spouts Burn ;

(*d*) At a point in the Knockupple Burn a suitable and sufficient measuring gauge or other apparatus over or through which the said quantity of thirty-five thousand gallons of water shall be ascertained as flowing down the said Knockupple Burn :

(6) The gauges or other apparatus mentioned in this section or in the immediately preceding section of this Order shall be open at all reasonable times to the inspection and examination of any person having an interest in the said compensation water or any person duly authorised by him on his behalf and showing his authority if required :

(7) In the case of any neglect on the part of the Trustees to maintain any gauge in a state of efficiency and in the case of any other neglect by or in consequence of which the said respective quantities of water does not so flow the Trustees 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 :

(8) In the event of any dispute or difference arising between the Trustees and any person interested as to the true intent and meaning of the provisions of this section or as to the carrying out of the same such dispute or difference shall (failing agreement) be settled by an engineer to be agreed on and failing agreement to be named by the sheriff on the application of either party :

(9) For the purposes of this section "sheriff" shall not include sheriff substitute.

For protection of Dunbartonshire County Council.

11. The following provisions shall unless otherwise agreed upon in writing between the Trustees and the county council of the county of Dunbarton (hereinafter in this section referred to as "the county council") apply and have effect (that is to say) :—

(1) The county council shall be entitled on payment as aftermentioned to make requisition in writing to the Trustees

for the supply to the county council in perpetuity of such quantity of unfiltered water in bulk not exceeding two hundred and fifty thousand gallons per day of twenty-four hours as the county council may require for supply to consumers within the landward area of the county of Dunbarton :

(2) In the event of a requisition being made by the county council in terms of subsection (1) of this section accompanied by the said payment the Trustees shall subject to the provisions of this section and as soon as they have provided the necessary meters pipes and other works (which they shall provide without delay) arrange for and give to the county council the supply of water requisitioned for (hereinafter referred to as " the said supply ") Provided that the county council shall not be entitled to requisition for nor shall the Trustees be bound to arrange for or give the said supply until the expiry of a period of two years from—

(*a*) the commencement of this Order ; or

(*b*) the date of the receipt by the Trustees of all necessary consents under the section of this Order of which the marginal note is " Saving for emergency restrictions on borrowing " ;

whichever date is the later :

(3) The said supply shall be given at a point on the works of the Trustees not further than twenty yards from the centre of Burn Crooks to be fixed by the Trustees Provided that the said point shall not be higher than eight hundred and ten feet above ordnance datum nor lower than four hundred and eighty feet above ordnance datum :

(4) The pipes and other works necessary for delivering the said supply from the point referred to in the preceding subsection shall be provided and maintained by and at the expense of the county council Provided that the necessary meters for measuring the said supply shall be provided and maintained by the Trustees at the expense of the county council :

(5) The said supply shall be given in consideration of the payment by the county council to the Trustees of the sum of five thousand pounds at the time of making the requisition hereinbefore mentioned which sum shall be accepted by the Trustees in full settlement for all water to be supplied to the county council by virtue of this section and the county council after making such requisition shall not be entitled to the return of such sum or any part thereof in the event of their failure to take the said supply or of their only taking part thereof :

(6) The Trustees shall not be held to be in breach of their obligation to supply water to the county council under this section if the failure arises from frost unusual drought or other unavoidable cause or accident not attributable to fault or neglect on the part of the Trustees :

(7) The Trustees may at any time before the making of the requisition in terms of subsection (1) of this section intimate in writing to the county council that they do not intend to proceed with the construction of the compensation reservoir (Work No. 1) and the embankment (Work No. 2) authorised by this Order and provided that the Trustees shall as soon thereafter as may be practicable apply for and obtain authority to abandon the said works and for the repeal of the provisions of the sections of this Order of which the marginal notes are "Power to take water" and "Temporary taking of water" the obligation to supply water to the county council by this section imposed on the Trustees shall be deemed to have ceased and determined as from the date of receipt of such intimation by the county council:

(8) If any difference arises between the Trustees and the county council under this section such difference shall be determined by an arbiter mutually chosen or in the event of disagreement nominated by the sheriff on the application of either party:

(9) For the purposes of this section "sheriff" shall not include sheriff substitute.

Power to take lands.

12. Subject to the provisions of this Order the Trustees 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 compulsorily.

13. All private rights of way over any lands which under the powers of this Order are acquired compulsorily shall as from the date of such acquisition be extinguished Provided that the Trustees shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

Compensation in case of recently acquired interest.

14. For the purposes 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 first day of January one thousand nine hundred and forty-one 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 retain sell &c. lands.

15.—(1) Notwithstanding anything in the Lands Clauses Acts to the contrary the Trustees may retain hold and use for such time as they may think fit and may from time to time sell feu lease excamb or otherwise dispose of in such manner and for such consideration and on such terms and conditions as they may think fit and in case of sale either in consideration of the execution of works or of the payment of a gross sum or of a feu duty or a ground annual or other annual rent or any payment in any other form any lands houses or property or any interest therein acquired by them under this Order.

(2) The Trustees shall not (unless the Secretary of State otherwise directs) sell feu lease excamb or otherwise dispose of any of the lands

houses and property to which this section applies or any interest therein except at the best price or on the best terms which can be obtained for the same but a purchaser or lessee shall not be concerned to inquire whether the direction of the Secretary of State is necessary or has been obtained.

Correction of errors in deposited plans and book of reference.

16. 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 Trustees 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 in which such lands are situated and a duplicate thereof shall also be deposited with the clerk to the Trustees and such certificate and duplicate shall be kept by such sheriff clerk and clerk to the Trustees respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Trustees to exercise the powers of this Order in accordance therewith.

Application of certain provisions of Orders of 1906 1910 and 1934.

17. Subject to the provisions of this Order the sections of the Order of 1906 the Order of 1910 and the Order of 1934 hereinafter mentioned shall so far as the same are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to the works authorised by this Order and to the lands which the Trustees are authorised by this Order to acquire and the powers conferred by those sections may be exercised by the Trustees with reference to such works and to such lands accordingly :—

Order of 1906—

Section 35 (Power to acquire and hold lands for protection of works and prevention of pollution).

Order of 1910—

Section 6 (Power to make subsidiary works) ;

Section 16 (Persons under disability may grant servitudes) ;

Section 17 (Trustees may acquire servitudes only in certain cases) ;

Section 21 (Powers for repair of aqueducts and temporary discharge of water into streams).

Order of 1934—

Section 8 (Power to Trustees to enlarge or increase number of pipes &c.).

Period for purchase of lands.

18. The powers of the Trustees for the compulsory purchase of lands for the works authorised by this Order shall cease on the first day of October one thousand nine hundred and forty-five Provided that the Special Enactments (Extension of Time) Act 1940 shall apply as if 3 & 4 Geo. 6. c. 16.

the Act confirming this Order had been passed before the passing of that Act.

Period for completion of works.

19. If the works authorised to be constructed by this Order are not completed before the first day of October one thousand nine hundred and forty-eight then on that date the powers granted by this Order to the Trustees for executing any work not so completed or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Trustees from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of their conduits aqueducts mains or pipes at any time and from time to time as occasion requires for the purpose of supplying water Provided that the Special Enactments (Extension of Time) Act 1940 shall apply as if the Act confirming this Order had been passed before the passing of that Act.

Extension of time for completion of certain authorised works.

20. The period limited by the Order of 1910 as extended by the Order of 1914 the Order of 1924 and the Order of 1934 for the completion of the Works No. 3 No. 4 and No. 5 authorised by the Order of 1910 is hereby further extended until the first day of October one thousand nine hundred and forty-eight and on the expiration of the said extended period the powers granted by the Order of 1910 for making and completing the said Works No. 3 No. 4 and No. 5 shall cease except as to so much thereof as shall then be completed Provided that the Special Enactments (Extension of Time) Act 1940 shall apply as if the Act confirming this Order had been passed before the passing of that Act.

Power to borrow.

21. In addition to any money which the Trustees have borrowed or are authorised to borrow under the recited Orders the Trustees may from time to time borrow at interest the sums of money necessary for the purposes hereinafter specified and may make and grant mortgages of the rates and charges authorised by the recited Orders in security of the money so borrowed and interest thereon (that is to say) :—

(*a*) for the purchase of lands and servitudes the sum of two thousand four hundred pounds ;

(*b*) for the construction of the reservoir embankment and relative works the sum of thirty-nine thousand three hundred and forty pounds ;

(*c*) for service roads the sum of nine thousand six hundred and sixty pounds ;

(*d*) for tunnels conduits and lines of pipes the sum of sixty-eight thousand nine hundred and ten pounds ;

(*e*) for subsidiary works the sum of six thousand five hundred pounds ;

(*f*) for payment of the costs charges and expenses of and incident to preparing for obtaining and confirming this Order the sum requisite for that purpose.

Application of provisions of Order of 1906 as to borrowing &c.

22. The provisions as to security repayment of borrowed money reborrowing borrowing on cash account borrowing for current expenses sinking fund mortgages appointment of a judicial factor and the other provisions contained in the Order of 1906 with reference to the sum therein authorised to be borrowed shall apply to the additional money

authorised to be borrowed under this Order Provided that the prescribed periods for repayment of any money borrowed under this Order shall be as follows (that is to say) :—

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

As to money borrowed for the purposes (*c*) (*d*) and (*e*) mentioned in the said section within thirty years from the date or dates of borrowing the same;

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

Saving for emergency restrictions on borrowing.

23. So long as the making of an issue of capital in the United Kingdom without the consent of the Treasury is prohibited by regulations made under the Emergency Powers (Defence) Acts 1939 and 1940 it shall not be lawful to exercise the powers of borrowing conferred by this Order (other than the power of borrowing to pay the costs charges and expenses of this Order as hereinafter defined) without such consent.

Estimate &c. by Trustees to include purposes of this Order.

24. The estimate required to be made and the assessment and rates rents and charges authorised and required to be levied by the Trustees under and for the purposes of the recited Orders shall be made and levied so that the same shall include and be sufficient with the other revenues of the Trustees not only for the purposes specified in the recited Orders but also for the purposes of this Order.

Works to form part of undertaking of Trustees.

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

Power to make agreements for purposes of this Order.

26. The Trustees 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.

Costs of Order.

27. All the costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees out of the rates to be levied by them or other revenue of the Trustees or out of moneys borrowed for that purpose under this Order.

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