CHAPTER v.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Cupar Water. A.D. 1896.

[21st May 1896.]

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth in the Schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 and it is necessary that the said Order shall be confirmed by Parliament: 55 & 56 Vict. c. 55.

Be it therefore 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:—

1. The Provisional Order contained in the schedule hereto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Cupar Water Order Confirmation Act 1896. Short title.

[*Price* 3*d.*]

A.D. 1896.

SCHEDULE.

PROVISIONAL ORDER.

To authorise the Commissioners of the burgh of Cupar to borrow additional money in connection with their water undertaking.

Whereas by the Burgh Police (Scotland) Act 1892 (herein-after called "the Act of 1892") which Act applies to the burgh of Cupar in the county of Fife it was enacted inter alia by section forty-five as follows:—

"Whenever it shall appear to the commissioners of any burgh to "which this Act applies that they require additional powers for the "better carrying out of the purposes of this Act and specially powers "relating to the supply of gas or water or to the roads and streets or "to drainage or sewers or the utilisation of sewage in addition to the "powers conferred by the Public Health Acts or for the repeal or amend-"ment of any local Acts of Parliament relating to such subjects or their "adaptation and adjustment to the provisions of this Act with such "amendments as may be found necessary or for the repeal of any "exemption from rating derived from this or any general or local Act or "to other matters cognate to the purposes of this Act they may apply "to the Secretary for Scotland for a Provisional Order" And by section forty-six (sub-section one) that upon the receipt of any such application for a Provisional Order the Secretary for Scotland might direct the holding of a local inquiry in the district in respect to the several matters mentioned in the application and that it should be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as might appear to him to be requisite and (sub-section two) that no Provisional Order should be of any validity unless the same be confirmed by Act of Parliament and (sub-section three) that it should be lawful for the Secretary for Scotland to make such order as he should think fit in reference to the costs charges and expenses therein mentioned and to direct as therein provided:

And whereas the provost magistrates and council of the said burgh of Cupar (herein-after called "the burgh") as the Commissioners of the burgh acting under the Act of 1892 (herein after called "the Commissioners") have presented a petition to me setting forth inter alia that by the Cupar Water Act 1874 (herein-after called "the Act of 1874") it was enacted (section five) that that Act should be carried into execution by the Commissioners with the powers and indemnities and according to the provisions of the General Police and Improvement (Scotland) Act 1862 and the several Acts passed amending the same or any other public or local Police Act or Acts in force within the burgh for the time being (herein-after called "the Police Acts") so far as not otherwise provided by or under the provisions of the Act of 1874 and that the Police Acts should in relation to the Commissioners and

the several objects and purposes of the Act of 1874 be read and construed as if the purposes and provisions of that Act were purposes and provisions of the Police Acts so far as the same should be applicable thereto and except so far as any of the provisions of the Police Acts are varied altered or otherwise provided for by or under the provisions of the Act of 1874 and (section ten) that the Commissioners were authorised to make and maintain the several waterworks described in that section and (section twelve) to intercept take and divert the waters therein mentioned and convey appropriate and use the said waters for the purposes of the Act of 1874 and (section nineteen) from time to time subject to the provisions of the same Act to extend alter replace enlarge and increase the works conduits aqueducts mains and pipes authorised by that Act and from time to time to extend alter replace enlarge and increase the number and size of the works mains and pipes from time to time in use for conveying and distributing water for the purposes of the Act of 1874 provided always that such extension enlargement or increase should be executed only on lands or property belonging to the Commissioners or that might be acquired by them by agreement for such purposes from the owners of adjoining lands and further (section forty-two) that the Commissioners were authorised in addition to any moneys they had borrowed or were authorised to borrow under the Police Acts or any other Act to borrow on mortgage any sums not exceeding in all twenty-five thousand pounds and to make and grant mortgages of the several rates and charges leviable by them under the provisions of the Act of 1874 in security of the payment of the money so borrowed and interest thereon and (section forty-nine) that the several sums borrowed by the Commissioners on mortgage under the authority of the Act of 1874 should be applied to the purposes of that Act and to no other purpose whatsoever provided that with the exception of the cost of enlarging or increasing the number of mains and pipes and of extending mains and pipes the several sums borrowed by the Commissioners as aforesaid should not be applied to any of the purposes to which the rates and charges by the Act of 1874 authorised to be levied were specially made applicable:

And whereas the said petition further set forth that the Commissioners constructed the works authorised by the Act of 1874 and that they have maintained and managed the same and supply water within the limits of and as authorised by that Act and for those purposes have borrowed the whole amount which they were authorised to borrow by the same Act and expended the same in accordance with the provisions thereof and that in consequence of the increased demand for a supply of water they are under the necessity of increasing their works and of acquiring land therefor and also of laying new and enlarged mains and pipes and that they require power to enable them to borrow additional money for those purposes to the extent of seven thousand pounds:

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition I have resolved to issue a Provisional Order in the terms hereinafter expressed:

A.D. 1896.

Now therefore in pursuance of the powers contained in the Act of 1892 I the Right Honourable Alexander Hugh Lord Balfour of Burleigh Her Majesty's Secretary for Scotland do by this Provisional Order under my hand and seal direct as follows:—

1. From and after the passing of the Act confirming this Order the forty-second section of the Act of 1874 shall be read as if the words "thirty-two thousand pounds" had been inserted therein instead of the words "twenty-five thousand pounds" and the fifty-second section of the Act of 1874 shall be construed as if the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto were part of the costs charges and expenses for the payment of which provision is made by that section.

2. All mortgages granted by the Commissioners for securing money borrowed under the provisions of the Act of 1874 and subsisting at the passing of the Act confirming this Order shall during the continuance of such mortgages have priority over all mortgages to be granted by the Commissioners under the provisions of the Act of 1874 as amended by this Order for securing money borrowed after the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this nineteenth day of February one thousand eight hundred and ninety-six.

L.S.

BALFOUR OF BURLEIGH.

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