CHAPTER xvi.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Inverness Water. [15th April 1946.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has after inquiry held before Commissioners 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 Inverness Water Order Confirmation Act 1946. Short title.

SCHEDULE.

INVERNESS WATER.

Provisional Order.—To authorise the town council of Inverness to construct additional waterworks to acquire lands to confer further powers on the town council in connection with their water undertaking to borrow further money and for other purposes.

38 & 39 Vict. c. lxxxix. WHEREAS by virtue of the Inverness Water and Gas Act 1875 (hereinafter referred to as " the Act of 1875 ") the provost magistrates and councillors of the burgh of Inverness (hereinafter referred to as " the Corporation ") acquired the undertaking of the Inverness Gas and Water Company and the right to make and maintain waterworks and to supply water within the burgh of Inverness (hereinafter referred to as " the burgh ") and places adjacent within the parish of Inverness:

42 Vict. c. iv. 55 & 56 Vict. c. ccxxi. And whereas by virtue of the Act of 1875 the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Inverness) Act 1879 and the General Police and Improvement (Scotland) Act 1862 Order Confirmation (Inverness) Act 1892 further powers were conferred upon the Corporation in respect of their waterworks undertaking:

5 Edw. 7. c. cxviii. 4 & 5 Geo. 5. c. li. 10 & 11 Geo. 5. c. clvi. And whereas by the Inverness Gas and Water Order 1905 the Inverness Water and Gas Order 1914 the Inverness Water and Gas Order 1920 and the Inverness Water and Gas Order 1929 further powers were conferred on the Corporation in respect of their waterworks undertaking:

20 Geo. 5. c. x. And whereas with a view to preserving the water supply of the Corporation it is expedient that the Corporation should be empowered to acquire Loch Duntelchaig and a portion of the drainage area of the said loch:

And whereas the Corporation's existing waterworks and water supply are inadequate and insufficient to meet the wants and conveniences of the population trade and manufacturers within the limits of supply of the Corporation and the increased and increasing demand for water therein and it is expedient that the Corporation should be empowered to make and maintain the waterworks hereinafter in this Order described and that they should be authorised to borrow money for the construction of those works and the purchase of lands as hereinafter in this Order provided:

And whereas estimates have been prepared by the Corporation for the purchase of lands and servitudes and for the construction of the works before mentioned and such estimates are as follows:—

	£
Purchase of lands water rights and servitudes for aqueducts	15,000
Aqueducts—	
Valve towers bridges intakes etc.	12,500
Tunnels	77,250
Steel mains	16,500
Service reservoir	35,000
Outlet from Loch Duntelchaig	6,400
Fencing	5,500

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 plans and sections showing the lines and levels of the waterworks authorised by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited in the office at Inverness of the sheriff clerk of the county of Inverness and are hereinafter respectively referred to as the deposited plans sections and book of reference:

And whereas it is expedient that further powers should be conferred on the Corporation in relation to their water undertaking as hereinafter in this Order contained:

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

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

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

1. This Order may be cited as the Inverness Water Order 1946 and may together with the Inverness Water and Gas Acts 1875 to 1929 be cited as the Inverness Water Acts 1875 to 1946. Short title.

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." Commencement of Order.

3.—(1) 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:— Incorporation of Acts.

The Lands Clauses Acts except section 120 of the Lands Clauses Consolidation (Scotland) Act 1845; 8 & 9 Vict. c. 19.

The Waterworks Clauses Act 1847 with the exceptions specified in the Act of 1875; 10 & 11 Vict. c. 17.

26 & 27 Vict. c. 20.
8 & 9 Vict. c. 33.

The Waterworks Clauses Act 1863;

The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads or other interference therewith:

Provided that the bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be under the seal of the Corporation and shall be sufficient without the securities mentioned in the said section.

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

Interpretation.

4. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith shall have the same respective meanings and the several words and expressions to which meanings are assigned by the recited Acts shall so far as applicable and subject to the provisions of this Order have the same respective meanings and the following words shall have the meanings hereby assigned to them (namely):—

38 & 39 Vict. c. lxxxix.

" Act of 1875 " means the Inverness Water and Gas Act 1875;

" Burgh " means the burgh of Inverness;

" Corporation " means the provost magistrates and councillors of the burgh;

" Order of 1929 " means the Inverness Water and Gas Order 1929;

" Recited Acts " means the Inverness Water and Gas Acts 1875 to 1929;

" Sheriff " means the sheriff of Inverness Elgin and Nairn or his substitute at Inverness;

" Town clerk " means the town clerk for the time being of the burgh;

" Water engineer " means the water engineer for the time being of the Corporation;

" Water limits " means the limits referred to in the Act of 1875 as " the limits of this Act ";

" Water undertaking " means the existing waterworks and water undertaking of the Corporation and the works and undertaking authorised by this Order.

In the Acts wholly or partially incorporated with this Order—

The expressions " the company " " the undertakers " and " the promoters of the undertaking " and other like expressions mean for the purposes of this Order the Corporation;

The expressions " railway " " work " and " the undertaking " or other like expressions in the Lands Clauses Acts and in the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 incorporated with this Order mean for the purposes of this Order the works authorised by this

Order and the expression "centre of the railway" in the last-mentioned provisions means for the purposes of this Order any part of those works.

Power to make works.

5. The Corporation 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 additional waterworks hereinafter described The waterworks hereinbefore referred to and authorised by this Order are situated in the County of Inverness and are:—

Work No. 1 An aqueduct or conduit situated in the parishes of Dores and Inverness commencing at an intake consisting of a valve tower and means of access thereto in Loch Duntelchaig at a point one hundred and ninety yards or thereabouts measured in a straight line and in an easterly direction from the most eastern building of the existing pumping station of the burgh on the northern shore of the said loch and terminating in the service reservoir Work No. 4 situated in the parish of Inverness;

Work No. 2 An aqueduct or conduit wholly situated in the parish of Dores and commencing at a point in Work No. 1 one thousand nine hundred and eighty yards or thereabouts measured from the commencement thereof and proceeding in a north-westerly direction into Loch Ashie for a distance of three hundred yards or thereabouts and terminating at an intake therein consisting of a valve tower and means of access thereto;

Work No. 3 An aqueduct or conduit wholly situated in the parish of Daviot and Dunlichity and commencing at a point in Loch Duntelchaig two hundred yards or thereabouts measured in a straight line and in a westerly direction from the outlet thereof and terminating in the stream known as Allt Eadar dha Lochan at or about the point where the said stream enters Loch a'Chlachain;

Work No. 4 A service reservoir and means of access thereto occupying an area of five acres situated in the parish of Inverness and in the field marked 454 on the Ordnance Map 1/2500 sheet XII-14 (2nd edition 1904) Inverness-shire.

Work No. 5 An aqueduct or conduit wholly situated in the parish of Inverness commencing in the service reservoir Work No. 4 and terminating in the existing aqueduct from the existing Oldtown service reservoir of the burgh at a point two hundred and twenty yards or thereabouts from the north-eastern side of the said reservoir.

Power to deviate.

6. The Corporation may in constructing the waterworks 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 they may also deviate vertically from the levels of the various works as shown on the deposited sections to any extent upwards not exceeding in the case of the depth of the water to be contained in the service reservoir Work No. 4 five feet and to any extent downwards Provided that except for the purpose

of the intakes valve towers and means of access thereto and crossing over a stream no part of the aqueducts shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to take waters.

7. Subject to the provisions of this Order the Corporation may by means of the works authorised by this Order or some of them or some part or parts thereof collect take use divert and appropriate the waters of Lochs Duntelchaig and Ashie and all lochs streams or tributaries the waters of which drain or flow into the said lochs above the aqueducts or conduits (Works Nos. 1 and 2 respectively) and all such streams springs and waters as may be intercepted by the said works and the Corporation may from the works authorised by this Order and the existing waterworks of the Corporation or some of them or some part or parts thereof supply water to such persons as the Corporation are authorised and empowered to supply water.

Power to vary level of water in Lochs Duntelchaig and Ashie.

8. The Corporation may during and for the purposes of the construction of the works authorised by this Order lower the level of the water in Lochs Duntelchaig and Ashie to such extent as the Corporation may deem necessary or expedient.

Compensation water.

9.—(1) Section 12 (Restrictions on taking waters) and section 13 (Appointment &c. of committee of riparian proprietors) of the Order of 1929 are hereby repealed.

(2) After the completion of Work No. 1 and before it is brought into use the Corporation shall subject to the provisions of this Order discharge or allow to flow continuously into the Allt Eadar dha Lochan over or through the gauge to be provided as hereinafter mentioned a quantity of water of not less than one million gallons during each day of the year.

(3) For the purpose of measuring and recording the quantity of water so discharged or allowed to flow continuously into the Allt Eadar dha Lochan the Corporation shall erect and so long as they continue to take water from Loch Duntelchaig through the aqueduct or conduit Work No. 1 under the section of this Order of which the marginal note is "Power to take waters" maintain in a state of efficiency at or about the point where the Allt Eadar dha Lochan enters the Loch a'Chlachain a suitable gauge with an automatic recorder.

(4) The sluice to be constructed by the Corporation for regulating the issue of the waters from Loch Duntelchaig shall be vested in the Corporation and the said sluice and any other sluices constructed by the Corporation shall be under the sole management and control of the Corporation subject to the right of the Nairn District Fishery Board to require periodical flushings of the river Nairn as hereinafter provided and the said sluice and the passes therein shall be maintained and regulated by the Corporation so that periodical flushings of the river Nairn may take place from time to time upon such terms and conditions as may be agreed between the Corporation on the one hand and the said fishery board on the other hand or as failing agreement shall be determined by an arbiter to be agreed upon between the parties or appointed by the sheriff on the application of either party.

(5) In the case of any neglect on the part of the Corporation to maintain the gauge in a state of efficiency and in the case of any other neglect by or in consequence of which the said quantity of compensation water does not so flow the Corporation 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.

(6) If any difference arises between the Corporation and any person so interested with respect to the construction or use of the gauge or the state of repair or condition thereof or as to the quantity of compensation water such difference shall be determined by an arbiter to be nominated (unless otherwise agreed) on the application of either of them by the sheriff.

(7) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all waters which the Corporation can collect impound take use divert or appropriate by means of the works authorised by this Order.

Compensation for damage.

10. The Corporation shall make full compensation to all persons for all damage injury losses and expenses which may from time to time be incurred or suffered by reason or in consequence of the leaking bursting or giving way of any of the works authorised by this Order.

Power to take lands.

11.—(1) Subject to the provisions of this Order the Corporation may purchase acquire hold enter upon appropriate take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works authorised by this Order.

(2) The Corporation may also purchase acquire hold enter upon take and use Loch Duntelchaig and that portion of the drainage area of the said loch shown on the deposited plans and described in the deposited book of reference.

For protection of the Right Hon. Lady Invernairn and others.

12. Notwithstanding anything contained in this Order or shown on the deposited plans and sections the following provisions shall (unless otherwise agreed upon in writing between the Corporation and the owners hereinafter mentioned for their respective interests) apply and have effect for the benefit and protection of the Right Honourable Lady Invernairn and her heirs and successors in the ownership of the estates of Flichity and Brin Mrs. Christian Helen Shairp or Fraser-Tytler C.B.E. and Ronald James Cavaye trustees under the last will and testament of the late Colonel Neil Fraser-Tytler and their successors in office in the ownership of the estate of Aldourie and Albert Henry Jarrard and his heirs and successors in the ownership of the estates of Tordarroch and Duntelchaig all in the county of Inverness (hereinafter in this section referred to for their respective interests as " the owners "):—

(1) The Corporation shall not under the powers of this Order purchase that part of the drainage area of Loch Duntelchaig which is shown coloured pink on a map signed in

duplicate on behalf of the Corporation by the town clerk and on behalf of the owners by Messrs. Anderson Shaw & Gilbert solicitors Inverness one of which maps shall be deposited with the Corporation and the other with the said Messrs. Anderson Shaw & Gilbert on behalf of the owners:

(2) The Corporation may at their own expense erect and maintain a fence around that part of the drainage area of the said loch which has been purchased by them Provided that there shall not be included within the said fence any service roads nor so far as reasonably practicable any arable land In the event of any difference between the Corporation and the owners or any of them as to the position of such fence such difference shall on the application of any of the parties be determined by an arbiter to be agreed upon or failing agreement to be appointed by the sheriff on the application of the Corporation or the owners or any of them:

(3) The purchase price of the subjects to be acquired by the Corporation from the owners shall be fixed by agreement between the owners and the Corporation or failing agreement between the Corporation and the owners or any of them by an arbiter agreed upon between the parties or in default of such agreement appointed by the sheriff on the application of the Corporation or the owners or any of them In fixing the price to be paid by the Corporation regard shall be had to any loss of amenity resulting or which may be anticipated will result to the estates of the owners due to the exercise by the Corporation of the powers conferred on them by this Order with respect to Loch Duntelchaig:

(4) The Corporation shall not be responsible for the apportionment of the purchase price between the several owners and such purchase price shall be paid to Messrs. Anderson Shaw & Gilbert solicitors Inverness on their behalf whose receipt therefor shall be a sufficient discharge to the Corporation:

(5) The Corporation shall for the purposes of constructing and maintaining Works Nos. 1 and 3 by this Order authorised acquire a wayleave only over so much of the Tordarroch Estate as lies within the limits of deviation shown on the deposited plans relative to the said works and the amount to be paid by the Corporation in respect of such wayleave shall be fixed by agreement between the owner of the said estate and the Corporation or failing agreement be determined by an arbiter to be agreed upon or in default of agreement to be appointed by the sheriff on the application of the Corporation or the said owner:

(6) Where under the foregoing provisions of this section any matter is referred to the decision of an arbiter the decision of such arbiter shall be final and in any such arbitration each party to the dispute shall pay their own expenses and the arbiter's fees and expenses shall be shared equally by the parties to the arbitration.

Owners may be required to sell parts only of certain lands and buildings.

13. Whereas in the construction of the works authorised by this Order or otherwise in exercise of the powers of this Order it may happen that portions only of the lands and properties shown on the deposited plans and described in the schedule to this Order may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the said lands and properties and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the official arbiter or other authority to be appointed under the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Corporation the portions only of the said properties so required without the Corporation being obliged or compellable to purchase the whole or any greater portion thereof the Corporation paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested by severance or otherwise.

9 & 10 Geo. 5. c. 57.

Corporation may acquire servitudes only in certain cases.

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

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

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

Period for purchase of lands.

15. The powers of the Corporation for the compulsory purchase of lands authorised by this Order shall cease on the thirty-first day of December one thousand nine hundred and forty-eight 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.

Period for completion of works.

16. If the works authorised to be constructed by this Order are not completed by the thirty-first day of December one thousand nine hundred and fifty-two the powers by this Order granted to the

Corporation for executing any works not so completed or in relation thereto shall cease except as to so much thereof as is then 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.

As to private rights of way over lands taken compulsorily.

17. 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 Corporation 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.

Application of certain provisions of Order of 1929.

18. The following sections of the Order of 1929 shall extend and apply to the works authorised by and for the purposes of this Order and in the same way and manner as if the said works were the works referred to in the said sections and the purposes of this Order were purposes of the Order of 1929 and as if the said sections were with any necessary modifications re-enacted in this Order (that is to say):—

Section 7 (Power to make subsidiary works);
Section 9 (Power to open roads &c.);
Section 20 (Corporation may enlarge or increase number of pipes);
Section 21 (Corporation to have powers of a local authority for laying mains within water limits);
Section 22 (Power to lay mains outside water limits);
Section 23 (Power to discharge water temporarily into streams);
Section 24 (Power to hold lands already acquired);
Section 25 (Persons under disability may grant servitudes &c. by agreement);
Section 29 (For protection of reservoirs &c. from pollution).

Power to dispose of lands &c. forming part of water undertaking.

19.—(1) Notwithstanding anything to the contrary contained in the Lands Clauses (Consolidation) (Scotland) Act 1845 or any other Act or Order the Corporation may from time to time sell feu lease excamb or otherwise dispose of any land or any servitudes rights or privileges in over affecting or belonging to lands vested in or belonging to them for the purposes of the water undertaking or that may be acquired under the provisions of this Order and that on such terms conditions reservations and restrictions as regards its use (not inconsistent with any condition restriction or obligation binding on the Corporation and their successors in title) as to the Corporation may seem fit Provided that the proceeds of the sale of any lands by the Corporation under this section shall only be applied to the purposes of the water undertaking to which capital is properly applicable including the redemption of debt.

(2) The Corporation shall not (unless the Secretary of State otherwise directs) sell feu lease excamb or otherwise dispose of any of the lands to which this section applies except at the best price

nor if and so long as such supply would interfere with the supply of water for any purpose within the limits hereinbefore in this section referred to.

Pressure

25. The water to be supplied from any main or pipe of the Corporation need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations nor be supplied in any case at a level higher or at a pressure greater than can be supplied or afforded by gravitation from the service reservoirs or tanks from which the supply is taken.

Power to lay water pipes in private streets.

26. The Corporation may on the application of the owner or occupier of any premises within the water limits abutting on or being erected in any street which has been laid out but is not maintained as a public street supply such premises with water and may lay down take up alter relay or renew in across or along such street such pipes and apparatus as may be requisite or proper for furnishing such supply and for that purpose the Waterworks Clauses Act 1847 shall apply as if section 29 of that Act were excepted from incorporation in this Order Provided that the provisions of this section shall not apply to any street belonging to or maintained by a railway company except with the consent of such railway company in writing which consent shall not be unreasonably withheld and any question as to whether such consent has been unreasonably withheld shall be determined by the sheriff in a summary manner upon the application of the town council and the decision of the sheriff shall be final.

Corporation to connect communication pipes with mains.

27. The Corporation shall have the exclusive right of executing any works on any of the water mains of the Corporation for connecting any communication or service pipe therewith and the Corporation shall at the request of any owner or occupier of any premises who is entitled to be supplied with water by the Corporation and subject to the provisions so far as applicable of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes execute on any such main any work which is necessary to connect the communication or service pipe of such owner or occupier therewith and any expense incurred by the Corporation in so doing shall be repaid by the owner or occupier so requesting.

Pipes not to be attached to Corporation works or alterations made on private pipes without consent.

28.—(1) A person shall not attach any pipe or apparatus to any of the works of the Corporation or to any main pipe or apparatus connected therewith or alter or interfere with the same or make any alteration other than necessary repairs on any communication pipe or apparatus or extend or enlarge the same without the written consent of the Corporation.

(2) Any person who contravenes this enactment shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding forty shillings.

Pipes attached or altered without notice may be removed.

29. The Corporation may remove any pipe or apparatus affixed in contravention of this Order or any Act incorporated herewith or restore to its former state any existing pipe or apparatus altered in contravention thereof and the expense of such removal or restoration shall be payable by the person affixing such pipe or apparatus or making such alteration without the written consent of the Corporation.

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.

Power to afforest lands.

20.—(1) The Corporation may plant with trees any land vested in them or acquired by them for the purposes of or in connection with the water undertaking which may be suitable for afforestation.

(2) The exercise of the power conferred by this section shall be deemed to be a purpose of this Order to which capital may be applied.

Gathering grounds may be fenced &c.

21.—(1) The Corporation after they have acquired Loch Duntelchaig and the portion of the drainage area of the said loch may fence the said drainage area as and when they think it expedient so to do.

(2) The Corporation may also stock Loch Duntelchaig and Loch Ashie or either of them with fish as and when they think it expedient so to do.

Dwelling-houses and other buildings in connection with water undertaking.

22.—(1) The Corporation may erect purchase or take on lease dwelling-houses for such of the keepers of reservoirs water officers foremen or workmen employed by them in connection with the water undertaking as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

(2) They may also erect purchase or take on lease such buildings as they deem requisite for the purposes of the water undertaking or as may be required for or in connection with any lands for the time being belonging to or held by the Corporation for the purposes of the water undertaking.

Purchase of water in bulk.

23.—(1) The Corporation may enter into and carry into effect agreements with any local authority water trustees water board company or person supplying water under parliamentary authority and (with the approval of the Secretary of State in the case of any water intended for domestic consumption) with any other authority company or person for the purchase of water in bulk by the Corporation for such price and on such terms and conditions and for such period as may be agreed upon.

(2) Any water so purchased may be used by the Corporation for the purposes of the water undertaking.

Supply of water to local authorities and others.

24.—(1) The Corporation may enter into and carry into effect agreements with any local authority water trustees water board company or person for the supply of water beyond the water limits to any such authority trustees board company or person respectively in bulk or otherwise for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon and may with the consent of the local and road authority lay mains and execute works for that purpose in any area beyond the said limits.

(2) Such supply shall not be given except with the consent of any local authority water trustees board company or person supplying water under parliamentary authority within the district in which any such supply is to be given and of the local authority of that district

As to earthing of electrical installations.

30.—(1) Nothing contained in this Order shall be deemed to prevent the earthing of an electrical installation to a water main or water pipe if the earth wire connecting the electrical installation to the water main or water pipe is to be used only—

(*a*) as a measure of safety for the purpose of returning to the source of supply such leakage current as may flow or result from a failure of insulation;

(*b*) for radio frequency currents and currents from radio interference suppression devices;

(*c*) in connection with any telephone or telegraphic installation belonging to the Postmaster-General.

(2) A water main shall not be cut drilled or broken for the purpose of affixing an earth wire thereto and all reasonable and proper care shall be exercised in making any earth connection to prevent injury or damage to a water main or water pipe.

(3) Every earth connecting device affixed to a water main or water pipe shall be of such design as will ensure an efficient electrical connection and except as provided for in subsection (4) of this section shall be attached in a position convenient for and easy of access.

(4) An earth connection shall only be made to a buried water main or water pipe after notice to and in a manner approved by the Corporation.

(5) Any person who contravenes this section shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding forty shillings and shall also be liable to the Corporation for any damage done to water mains belonging to the Corporation as a result of the discharge of electrical energy thereon.

Penalty extending enlarging

31. Any person who without the written consent of the Corporation extends or enlarges any pipe or uses other means or device for the purpose of supplying any other person or any premises other than his own with water from any of the works of the Corporation shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds.

Penalty for closing valves and apparatus.

32.—(1) Any person who wilfully or negligently closes or shuts off or interferes with any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water is interfered with shall (without prejudice to any other right or remedy of the Corporation) be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds and the Corporation may in addition thereto recover from such person the amount of any damage sustained by them.

(2) This section shall not apply to a consumer closing any valve on his communication pipe.

Maintenance of common pipe.

33. When several houses or parts of houses in the occupation of several persons are supplied by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute

the amount of any expense from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the water engineer.

Corporation not bound to supply several houses by one pipe.

34. The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water.

[redacted] to [redacted] to [redacted] ion

35. If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe which is situated in a street and which communication pipe the Corporation are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Corporation subject to the provisions of the Waterworks Clauses Act 1847 with regard to the breaking up of streets for the purpose of laying pipes to execute such repairs as may be necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier.

As to breaking [redacted] ground [redacted] maintaining [redacted] unication

36. For the purpose of complying with any obligation under this Order to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

[redacted] supply

37.—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same.

(2) Any fittings let for hire under the provisions of this section shall not be subject to poinding or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof:

Provided as follows:—

(*a*) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under

the powers of this section in connection therewith (including interest upon any moneys advanced from the sinking fund in respect of the water undertaking and sums applied in repayment of such advances);

(*b*) Every sum charged by the Corporation in respect of the provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every demand note delivered by the Corporation to the consumer;

(*c*) The total sums expended and received by the Corporation in connection with the purposes mentioned in this section in each year shall be separately shown in the published accounts of the Corporation for such year.

Power to Corporation to re-washer water fittings.

38.—(1) The Corporation may re-washer any water fittings belonging to any person supplied by them with water and that either gratuitously or on payment by such person of the reasonable charges of the Corporation in providing the necessary materials and workmanship.

(2) Nothing in this section shall apply to any water fittings on the railways or stations or buildings connected therewith (other than dwelling-houses) of any railway company.

Corporation may repair apparatus on failure by owner or occupier.

39.—(1) If any of the apparatus is out of order the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good such apparatus.

(2) If such owner or occupier fails to make the requisite repairs within twenty-four hours after notice in writing to do so any person authorised by the Corporation in writing may enter upon such premises and repair renew and make watertight all such apparatus and the Corporation shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner by the Acts herewith incorporated provided for the recovery of penalties or by action in any court of competent jurisdiction.

(3) In the event of such repair or renewal being paid by the occupier of any such house or premises he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent unless otherwise provided for by the terms of the tenancy.

(4) For the purposes of this section the word " apparatus " means and includes pipe cistern bath watercloset ball-cock stop-cock valve and other articles used in the supply or storing of water in houses manufacturies or premises or in connection therewith.

Injuring meters &c.

40.—(1) Any person who—

(*a*) wilfully or fraudulently injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation; or

(*b*) fraudulently alters the index to any meter or other instrument for measuring water; or

(*c*) prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied; or

(*d*) fraudulently abstracts consumes or uses water of the Corporation;

shall (without prejudice to any other liability or cause of action which may arise out of or by reason of such act) be guilty of an offence and shall for every such offence be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage sustained by them.

(2) In any case in which any person has—

(*a*) wilfully or fraudulently injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation; or

(*b*) fraudulently altered the index to any meter or other instrument for measuring water; or

(*c*) prevented such index from duly registering the quantity of water supplied; or

(*d*) fraudulently abstracted consumed or used water of the Corporation;

the Corporation may enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof.

(3) The expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by the Corporation as a civil debt.

(4) The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been wilfully or fraudulently caused by the consumer using such pipe meter instrument or fittings.

Byelaws for preventing waste of water &c.

41.—(1) The Corporation may make byelaws for the purpose of regulating the supply of water by them and the apparatus used or to be used in connection with the use or consumption of water in or the conveyance of water to the houses or other premises of consumers and for preventing the waste undue consumption misuse or contamination of water.

(2) Such byelaws may prescribe the size and materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as " water fittings ").

(3) Byelaws made by the Corporation under this Order shall not take effect unless and until they have been submitted to and confirmed by the Secretary of State who is hereby empowered to allow modify or disallow the same as he shall think proper.

(4) The Secretary of State shall not confirm any such byelaws unless—

(*a*) at least one month before making such submission the Corporation shall have given notice of intention to apply for confirmation in one or more newspapers circulating within the burgh; and

(*b*) for one month at least before any such submission is considered a copy of the proposed byelaws has been open to inspection without charge at the office of the town clerk during office hours.

(5) Any person aggrieved by any proposed byelaw or by any proposed alteration of a byelaw may within the said period of one month during which the proposed byelaws are open to inspection forward notice of his objection to the Secretary of State who shall consider the same before granting confirmation.

(6) The town clerk shall on the application of any ratepayer furnish him with a copy of such proposed byelaw or any part thereof.

(7) A byelaw when confirmed by the Secretary of State shall not require confirmation allowance or approval by any other authority.

(8) Such byelaws and any alterations and amendments thereof shall be printed and have affixed thereto the common seal of the Corporation and the signature of the town clerk.

(9) The byelaws shall be open to the inspection of any ratepayer at all reasonable hours and a copy shall on application be furnished to any ratepayer.

(10) A copy of any byelaws made by the Corporation under this Order signed and certified by the town clerk to be a true copy and to have been duly confirmed shall be evidence until the contrary is proved in all legal proceedings of the due making confirmation and existence of such byelaws without further or other proof.

(11) In the case of the failure of any person to observe such byelaws any officer of the Corporation duly authorised and showing his authority if required may after twenty-four hours' notice in writing enter the premises occupied by such person and repair replace or alter any water fittings belonging to or used by such person which are not in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as a civil debt.

(12) Byelaws made by the Corporation under this Order shall apply in the case of all premises supplied with water by the Corporation but shall not apply to any premises supplied with water by the county council of the county of Inverness out of bulk supplies furnished by the Corporation or to any premises supplied with water by any local authority water trustees or water board out of bulk supplies furnished by the Corporation under the provisions of the section of this Order the marginal note of which is "Supply of water to local authorities and others."

(13) Any person who acts in contravention of any byelaw made under this section shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds and to a penalty not exceeding forty shillings for each day after conviction therefor.

(14) Nothing in this section or in any byelaw made thereunder shall apply to any water fittings used on any premises (not being or being used as a dwelling-house) belonging to and forming part of the railway of a railway company.

Power to enter premises for examination.

42.—(1) Any officer of the Corporation duly appointed for the purpose by them and shewing his authority if required may between the hours of nine of the clock in the forenoon and five of the clock in the afternoon enter any premises supplied with water by the Corporation in order to inspect the meters pipes fittings cisterns and apparatus for regulating the supply of water.

(2) If such officer at any such time is refused admittance into such premises for the purposes aforesaid or is prevented from making such examination the occupier shall be guilty of an offence and for every such offence shall be liable to a penalty not exceeding five pounds.

Notices to Corporation by water consumers.

43. A notice to the Corporation from a consumer (*a*) for the discontinuance of a supply of water or (*b*) in accordance with the provisions of the recited Acts or this Order shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the water engineer or be given by the consumer personally at such office and shall not take effect until the expiry of twenty-four hours after the receipt thereof by the Corporation.

Additional borrowing powers for water undertaking.

44. In addition to any money which the Corporation have borrowed or are authorised to borrow for the purposes of the water undertaking the Corporation may from time to time borrow by way of mortgage or otherwise any sums not exceeding the following sums (namely):—

(*a*) For the purchase of lands water rights and servitudes authorised by this Order the sum of fifteen thousand pounds;

(*b*) For the construction of the works authorised by this Order the sum of one hundred and fifty-three thousand one hundred and fifty pounds;

(*c*) For paying the costs charges and expenses of and in relation to this Order and the confirmation of the same such sum as may be necessary for that purpose;

(*d*) With the consent of the Secretary of State but not otherwise such further moneys as the Corporation may require and the Secretary of State shall have and may exercise in relation to such consent as aforesaid all the powers of section 93 of the Local Government (Scotland) Act 1889 Provided that for the purposes of this provision the sum of five guineas shall be substituted for the sum of three guineas in that section mentioned.

Application of provisions of Act of 1875 as to borrowing &c.

45.—(1) The provisions as to repayment of borrowed moneys reborrowing borrowing on cash account sinking fund mortgages appointment of a judicial factor and the other provisions contained in the Act of 1875 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 to be borrowed under this Order shall be as follows (that is to say):—

(*a*) As to moneys borrowed for the purchase of lands water rights and servitudes and for the construction of the works by this Order authorised within thirty-three and one-third years from the date or dates of borrowing the same;

(*b*) As to moneys borrowed for the purpose of paying the costs charges and expenses of this Order as aforesaid within five years from the commencement of this Order.

(2) In the application of the Act of 1875 the words "compound interest received thereon" shall be substituted for the words "compound interest thereon at the rate of four per centum per annum."

Annual estimates &c. to include purposes of this Order.

46. The annual estimate required to be made under and for the purposes of the Act of 1875 shall also include the annual sums required to be provided for the purposes of this Order and the payment of the interest on money which may be borrowed or raised under the powers of this Order and the payments to the sinking fund and all other annual sums required to be provided and the expenses of maintaining and managing the waterworks and water supply authorised by this Order and all other annual expenditure arising out of the exercise of the powers by this Order conferred or consequent on the construction maintenance and use of the works so authorised.

Works to form part of water undertaking.

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

Application of moneys borrowed.

48. The sums borrowed by the Corporation under the authority of this Order shall be applied only to purposes to which capital is properly applicable.

Protection of lender from inquiry.

49. A person lending money to the Corporation shall not be bound to inquire as to the observance by the Corporation of any provision of this Order or be bound to see to the application or be answerable for any loss or non-application of any such money or any part thereof.

Recovery and application of penalties.

50.—(1) Save as otherwise by this Order expressly provided all penalties fines and forfeitures imposed for offences against this Order or any Act wholly or partially incorporated herewith or any byelaws of the Corporation under the provisions of the section of this Order the marginal note of which is "Byelaws for preventing waste of water &c." for the time being in force may be recovered under the Summary Jurisdiction (Scotland) Acts and shall (except penalties fines and forefeitures imposed on or recovered from the Corporation) be paid to the Corporation and be by them carried to the revenue account of the water undertaking.

(2) Costs or expenses except such as are recoverable along with the penalty shall not be recovered as penalties but may be recovered as civil debts.

(3) All expenses of prosecutions and convictions in so far as not paid by or recovered from the person contravening the provisions of this Order or any Act wholly or partially incorporated herewith or the said byelaws shall be paid by the Corporation and shall form a proper charge against the revenue account of the water undertaking.

Saving for emergency powers of Treasury.

51.—(1) 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) Act 1939 or under that Act as extended by any subsequent enactment including the Supplies and Services (Transitional Powers) Act, 1945 it shall not be lawful to exercise the powers of borrowing conferred by this Order without such consent.

(2) It shall not be lawful to exercise the powers of borrowing conferred by this Order otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945.

Crown rights.

52. Nothing in this Order affects prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree.

Costs of Order.

53. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation from and out of moneys to be borrowed for that purpose under this Order or the revenues of the water undertaking.

The SCHEDULE referred to in the foregoing Order.

(Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain lands and buildings.")

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