CHAP. lxvi.

An Act to authorise the Waterworks Commissioners of Kirkcaldy and Dysart to raise a further sum of money, and to amend "The Kirkcaldy and Dysart Waterworks "Act, 1867;" and for other purposes. [20th June 1870.]

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WHEREAS by "The Kirkcaldy and Dysart Waterworks Act, 1867" (herein-after called the recited Act), a body corporate was created under the name and style of "The Waterworks Commissioners of Kirkcaldy and Dysart" (herein-after called the Commissioners): 30 & 31 Vict. c. xxxix.

And whereas by the recited Act provision was made for vesting in the Commissioners the waterworks of the trustees acting under the Act (Local) of the fifty-first year of the reign of His Majesty King George the Third, mentioned in the recited Act, and the Commissioners were empowered to construct and acquire other works, and to borrow money and levy rates, and to exercise other powers in relation to the supply of water to the parliamentary burghs of Kirkcaldy and Dysart, and suburbs and places adjacent: 51 G. 3. c. 35.

And whereas the Commissioners proceeded to carry the recited Act into execution, and made reservoirs and other works, and by means thereof and of the waterworks vested in or acquired by them under the recited Act are supplying water within the limits prescribed by the recited Act for the purpose:

And whereas it is expedient that the Commissioners should be authorised to borrow a further sum of money, and that several of the provisions in the said Act should be altered and amended, and that further powers should be conferred on the Commissioners:

And whereas the objects aforesaid cannot be effected without the authority of Parliament:

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May it therefore please Your Majesty that it may be enacted; and be it enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

Short title.

1. This Act may be cited for all purposes as "The Kirkcaldy and Dysart Waterworks Amendment Act, 1870."

Interpretation clause.

2. The several words and expressions interpreted in the recited Act and the Acts therewith incorporated shall, when used in this Act, have the same meanings as are by the recited Act assigned to them, and the expression "lands and heritages," when used in the recited Act, shall have the same meaning in that Act as is assigned to that expression in the Public Act 17 and 18 Victoria, caput 91.

10 & 11 Vict. c. 16. incorporated.

3. The clauses of "The Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the Commissioners, with the exception of clauses 84, 86, and 87, are, subject to the provisions of this Act, hereby incorporated with and form part of this Act, and shall be applicable to the mortgages to be granted under the authority of this Act, in the same manner as the said clauses are applicable to the mortgages granted or to be granted under the authority of the recited Act.

Power to borrow on mortgage.

4. In addition to the sum of thirty-eight thousand pounds authorised to be borrowed under the authority of the recited Act, the Commissioners may from time to time borrow on mortgage any sums not exceeding in the whole fifteen thousand pounds, and may make and grant mortgages of the several rates and charges leviable by them under the provisions of the recited Act and this Act, in security of the payment of the money so borrowed and interest thereon; and if, after having borrowed the said sums or any part thereof, the Commissioners pay off the same otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off, and so from time to time.

Commissioners may borrow on cash account.

5. The Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Commissioners, according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are authorised to borrow as aforesaid, or any part thereof, and may make and grant mortgages

of the several rates and charges leviable by them under the recited Act and this Act in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole principal sums due and owing by the Commissioners on such cash account and for money borrowed by them on mortgage as aforesaid shall not, when taken together, exceed the sums by the recited Act and this Act authorised to be borrowed.

Debt may be funded.

6. The Commissioners may fund the whole or any part of the sums to be raised on mortgage under the authority of this Act, under the powers and provisions, with the rights and privileges, and subject to the restrictions and conditions, which are contained in sections 95 to 99, both inclusive, of the recited Act.

Provisions as to judicial factor, &c. to be applicable to this Act.

7. Sections 100, 101, and 102 of the recited Act shall be and are hereby made applicable to the money to be borrowed or raised and to the mortgages and certificates of funded debt to be granted and issued under the authority of this Act, in the same manner as if the money to be borrowed or raised under the authority of this Act had been borrowed or raised under the authority of the recited Act.

Provisions as to mortgages, &c. in recited Act to be applicable to this Act.

8. Sections 91, 92, 94, and 103 of the recited Act shall be and are hereby made applicable to the money to be borrowed, and the mortgages, interest warrants, drafts or orders and discharges to be granted under the authority of this Act, in the same manner as if the money to be borrowed, and the mortgages, interest warrants, drafts or orders and discharges to be granted under the authority of this Act had been borrowed or granted under the authority of the recited Act.

Application of money borrowed or raised.

9. The several sums borrowed or raised by the Commissioners on mortgage, or by means of the funded debt under the authority of this Act, shall be applied to the purposes of the recited Act and this 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 the works, mains, and pipes, the several sums borrowed or raised by the Commissioners as aforesaid shall not be applied to any of the purposes to which the rates and charges by the recited Act and this Act authorised to be levied are by the recited Act specially made applicable.

Existing mortgages and secu-

10. All mortgages, certificates of funded debt, and securities granted by the Commissioners in pursuance of the powers of the

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rities to have priority.

recited Act before the passing of this Act, and which shall be subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, funded debt, and securities, have priority over any mortgages, funded debt, or securities to be granted or created by them under this Act.

Qualification of Commissioners and of ratepayers to elect Commissioners.

11. From and after the passing of this Act every person rated for "The Domestic Water Rate" and "The Public Water Rate" authorised by the recited Act, or either of them, in respect of any house or other premises of the yearly rent or value of eight pounds at the least, and who shall have paid prior to the date when Commissioners require to be elected by the ratepayers, in manner provided by the recited Act, all rates due and payable by him under this and the recited Act, shall be qualified to be elected a Commissioner by the ratepayers; and every person rated for the said rates or either of them in respect of any house or other premises exceeding in yearly rent or value the sum of four pounds, and who shall have paid, prior to the date when Commissioners require to be elected by the ratepayers, in manner provided by the recited Act, all rates due and payable by him under this and the recited Act, shall be qualified to vote in the election of Commissioners, and shall have respectively the same number and proportion of votes, according to the scale following; (that is to say,) if the house or other premises in respect of which he is entitled to vote be of a rateable value exceeding four pounds and less than ten pounds he shall have one vote, if such rateable value amount to ten pounds and be less than twenty pounds he shall have two votes, if it amount to twenty pounds and be less than forty pounds he shall have three votes, if it amount to forty pounds and be less than sixty pounds he shall have four votes, if it amount to sixty pounds and be less than eighty pounds he shall have five votes, and if it amount to or exceed eighty pounds he shall have six votes; and to the extent aforesaid the provisions in sections 10 and 14 of the recited Act, including the whole of the scale of voting in said section 14, are hereby altered and repealed.

Power to supply water by agreement to parties beyond limits.

12. The Commissioners, by agreement with the owner or occupier of any house, premises, or heritages within those parts of the parishes of Dysart, Markinch, and Wemyss, situate to the south and south-west of a straight line drawn from the point where the Lochty Burn is crossed by the main pipe laid under the provisions of the recited Act, and fifth therein described, to the Firth of Forth at Macduff Castle, or with any corporation, local board of health,

or other public body having jurisdiction or authority in respect of any burgh, town, village, parish, or part of a parish within the area above defined, may supply water to such owner or occupier, or corporation, local board of health, or other public body, upon such terms and conditions as may be agreed on between them: Provided always, that such supply shall not prejudicially interfere with the supply of water for domestic purposes within the limits of the recited Act.

Saving rights of the Countess of Rothes.

13. Nothing in this Act contained shall prejudice or affect the provisions of the recited Act with respect to the compensation water to be discharged from the Ballo Reservoir, thereby authorised to be constructed, into the channel of the Lothrie Burn, or with respect to the supply of water to the mansion house and offices of Leslie and Leslie Mains, and the supply of water to the Right Honourable Henrietta Anderson Morshead, Countess of Rothes, and her heirs and successors, and to her or their tenants and feuars, for domestic and other purposes; and the supply of water by agreement under the authority of this Act shall be subject to the provisions of the recited Act with respect to the several matters before specified; and all the rights and interests of the said Countess of Rothes, and her heirs and successors under the recited Act, are hereby saved and reserved.

Annual estimate to include interest and annuity on money borrowed or funded.

14. In estimating and fixing once in every year the amount of money necessary to be levied for the purposes mentioned in section 67 of the recited Act, the Commissioners shall include the interest on the money and annuity of funded debt that may be borrowed or created under the authority of this Act, and the rates by the recited Act and this Act authorised shall be assessed and levied to such an amount as will be sufficient to meet the same, in addition to the purposes mentioned in said section of the recited Act, and the amount so levied shall be applied in payment thereof.

Levying of public water rate.

15. Section 69 of the recited Act, relating to the assessment and levying of the public water rate, shall be read and have effect as if the following words therein contained had not been inserted, that is to say, the words "included in the valuation roll, made up and "completed in terms of the Act or Acts for the valuation of lands "and heritages in Scotland, in force for the time being," and the last proviso of the said section shall be read and have effect as if the following words, that is to say, the words "and such public water

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" rate may be levied or assessed and levied by the Commissioners " upon and from the occupiers of such property and premises, and " any occupier so paying the said public water rate shall be entitled " to deduct from his rent the public water rate so paid; but, for the " purpose of electing and being elected a Commissioner, the owner " and not the occupier shall be held to be the person rated for the " public water rate," were substituted for the words "and such " public water rate may be levied by the Commissioners from the " occupiers of such property and premises, and any occupier so " paying the said public water rate shall be entitled to deduct from " his rent the public water rate so paid by him."

Time for payment of rates.

16. Notwithstanding anything in section 72 of the recited Act, the rates therein mentioned may be made payable on such day in each year, and at such place or places, as the Commissioners may at the time of assessing the rates appoint.

Rating of unfinished buildings.

17. Section 75 of the recited Act shall extend and apply to every case where any premises in respect of which any person may be liable to be assessed to the domestic water rate or public water rate, under that Act, are unoccupied by reason of the same being unfinished, or from any other cause.

Rating when new mains laid.

18. Where a main pipe is laid for the first time in any street, the occupiers of houses in the street shall be liable to pay the full domestic water rate as from the date when the supply of water by means of such pipe actually commenced, and the Commissioners may assess the occupiers of houses in the street in like manner, as nearly as may be, as if such pipe had been laid therein at the time of the assessing of the last preceding rate, and may levy from him, or from the owner, if liable, such part of the rate so assessed as shall be proportioned to the time during which water is supplied to the street by means of that pipe; and every such occupier shall thereupon be deemed to all intents to be properly rated, and all such rates may be levied and recovered from the persons liable to pay the same under the recited Act in the same way as rates assessed under that Act: Provided that any person rated under this section, and any such owner as aforesaid who shall consider himself to be improperly or unduly rated, may appeal against the same in manner provided by the recited Act.

Recovery by owners from occupiers.

19. Section 76 of the recited Act shall be construed as authorising the owners of all dwelling-houses or parts of dwelling-houses

occupied as separate tenements, the annual value of which shall not exceed the sum of four pounds, to recover from the occupiers thereof respectively the amount of rates payable for their respective possessions along with and in the same manner as the rents thereof: Provided that the abatement mentioned in the said 76th section shall only be claimable by, and allowed to, such owners therein mentioned who shall pay the domestic water rate when due and demanded.

Rating of owner without stating his name.

20. Section 77 of the recited Act shall be read and have effect as if the words "or by such or the like description or designation "as may appear in the valuation roll in force for the time" were inserted at the end thereof.

Form of rate, and notice to ratepayers.

21. Section 78 of the recited Act is hereby repealed, and in place thereof it is enacted as follows:—Every rate shall be fairly transcribed in a book to be kept for that purpose, and may be in the form of the schedule to this Act annexed, or to the like effect; and every such rate shall contain an account of every particular set forth at the head of the respective columns, so far as the same can be ascertained; and in the event of the Commissioners at any time resolving to assess and levy the public water rate from the owner instead of the occupier, the name of the owner or the person or persons or body or bodies appearing as owners in the valuation roll in force at the time shall be inserted in such rate book as the person rated; and in that case it shall be sufficient, where the property or any portion thereof is rated for the domestic water rate, to describe such property or portion thereof by inserting in the column set apart for the description and situation of property the numbers in the rate book referring to the domestic water rate on such property; and the rate book and rates, and all alterations thereon and additions thereto, and all writings purporting to be extracts from such rate book, shall be held to be sufficiently authenticated by the signature of the treasurer to the Commissioners at the foot of each page or folio thereof; and notice shall be given to every person of the rate charged upon him, the place of payment, and the date at which such payment is required to be made, and that he may appeal to the Commissioners against the same within fourteen days after such notice.

Penalty for non-payment of rates.

22. If any person shall be in arrear of the domestic water rate and public water rate, or either of them, or any portion thereof, on the expiry of two months after the date on which the rates shall be declared payable by the Commissioners, one penny upon each

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pound of the rental upon which such rate is assessed shall be leviable from such person by way of penalty for neglect or failure in payment, and the Commissioners and collector are hereby authorised and required to levy and collect the same, and such penalty shall be leviable along with and in the same manner as the rates.

As to service of notices.

23. Any notice required by this or the recited Act to be given to any owner or occupier in relation to the rates or charges assessable by the Commissioners may be delivered to him personally or left for him on the premises in respect of which such rates or charges are made, or at his dwelling-house or place of business; and if the name of such owner or occupier is unknown to the Commissioners, after due inquiry, it shall be sufficient to address such notice to such owner or occupier by his description as owner or occupier (as the case may be) of the premises (naming them) in respect whereof the same is given, without further name or description.

As to recovery of rates beyond limits of Act.

24. In case any person liable in payment of the rates authorised to be levied under and in virtue of the provisions hereof, or of the recited Act, shall remove to any place beyond the limits of the recited Act, it shall nevertheless be lawful for the Commissioners, and the collector or other officers, to put the decrees and warrants which may be granted for the recovery of such rates into execution within or beyond the said limits, in the same manner as if such person had continued to reside within such limits, such decrees or warrants being first endorsed by a magistrate or sheriff or justice of the peace for the burgh or county within which they are to be put into execution.

Postponement of operation of sinking fund.

25. Section 106 of the recited Act shall be read and have effect as if the fifteenth day of May eighteen hundred and seventy-six were therein substituted for and instead of the words "fifteenth day "of May eighteen hundred and seventy-one," occurring in said section, and the ten years mentioned therein shall commence from said first-mentioned date: Provided that, in so far as not hereby altered, the said section shall be and remain in force and have effect not only as regards the sums borrowed and raised and to be borrowed and raised under the authority of the recited Act, but also as regards the sums to be borrowed and raised under the authority of this Act.

Expenses of Act.

26. The costs, charges, and expenses preliminary to and of and incidental to the preparing, applying for, obtaining, and passing of

this Act shall be paid by the Commissioners out of the rates to be levied or out of the money to be borrowed and raised under the authority of the recited Act or this Act.

SCHEDULE referred to in the foregoing Act.

Form of Rate.

An Assessment to the Domestic Water Rate and the Public Water Rate for the Parliamentary Burghs of Kirkcaldy and Dysart, and suburbs and places adjacent, for the year from the 15th day of May 18 to the 15th day of May 18 , made this day of 18 , at the rate of in the £ for the Domestic Water Rate, and in the £ for the Public Water Rate; also Charges for Meter Rents and Supply of Water for other than Domestic Purposes for said year.

No. in the Rate.	Name of Person rated.	Name of the Owner of Property rated.	Description and Situation of Property.	Full Annual Value.	Domestic Water Rate at in the £.	Public Water Rate at in the £.	Charges for Meter Rents and Supply of Water for other than Domestic Purposes.

LONDON: Printed by George Edward Eyre and William Spottiswoode, Printers to the Queen's most Excellent Majesty. 1870.