CHAPTER cxxviii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Perth Corporation (Waterworks &c.). [10th November 1921.]

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WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament:

62 & 63 Vict. c. 47.

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 shall be and the same is hereby confirmed.

Confirmation of Order in schedule.

2. This Act may be cited as the Perth Corporation (Waterworks &c.) Order Confirmation Act 1921.

Short title.

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SCHEDULE.

PERTH CORPORATION (WATERWORKS &c.).

Provisional Order to authorise the construction of additional waterworks for the city and royal burgh of Perth for conferring further borrowing powers for the purposes of the water gas tramways and other undertakings of the said city and royal burgh and for other purposes.

WHEREAS the lord provost magistrates and councillors of the city and royal burgh of Perth (hereinafter called "the Corporation") are vested with the municipal and police administration of the said city and royal burgh (hereinafter called "the burgh") and are the local authority within the burgh under the Public Health (Scotland) Act 1897 and the local authority and road authority within the burgh under the Tramways Act 1870 and are also the owners of the water gas and tramway undertakings of the burgh:

And whereas the existing water supply of the burgh is mainly derived from an intake in the River Tay which is in the tidal waters of that river and such supply is now unsuitable and insufficient for the wants and conveniences of the present population and the trade and manufactures of the burgh:

And whereas it is expedient that a new and additional supply of water should be provided for the burgh and that the Corporation should be authorised to introduce such new and additional supply and for that purpose to construct and maintain the works hereinafter described:

And whereas the aggregate moneys authorised to be borrowed by the Perth Water Acts 1877 to 1908 in connection with and for the purposes of the water undertaking of the Corporation amount to one hundred and five thousand pounds which amount has been or is in course of being borrowed to the extent of ninety-five thousand six hundred and ten pounds and it is expedient to authorise the Corporation to borrow additional money

for the purpose of the waterworks by this Order authorised and for the general purposes of their water undertaking:

And whereas estimates have been prepared by the Corporation for and in relation to the purposes hereinafter mentioned in respect of which they are by this Order authorised to borrow money and such estimates are as follows:—

	£
Purchase of lands and servitudes -	1,500
Intake pumping station and filtration works - - - - - -	55,000
Trunk mains - - - - -	68,500
Subsidiary works - - - -	5,000
	130,000

And whereas the several works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas it is necessary to provide for the immediate and future requirements of the gas undertaking and to authorise the Corporation to make further provision for the contingency and depreciation of works fund:

And whereas the aggregate moneys authorised to be borrowed by the Corporation under the Perth Tramways Orders 1892 to 1908 in connection with and for the purposes of the tramway undertaking of the Corporation amount to ninety thousand pounds which amount has been or is in the course of being borrowed to the extent of seventy-eight thousand three hundred and fifty pounds but as to the sum of eleven thousand six hundred and fifty pounds the balance of the said sum of ninety thousand pounds the same was only authorised to be borrowed in respect of works the time for the execution of which has long since expired and it is expedient to authorise the Corporation to borrow additional moneys for the general purposes of their tramway undertaking:

And whereas dredging and other works are required at the harbour of Perth and it is expedient that the Corporation should be authorised to borrow money for the purposes of the same:

And whereas the amount expended by the Corporation in the completion of the city hall exceeded the

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amount in respect of which borrowing powers were conferred upon them by the Order of 1908 and the roof of the said city hall will shortly require to be reconstructed and it is expedient that the Corporation should be authorised to borrow money for the same respectively:

And whereas it is expedient that the Corporation should be authorised to borrow and raise money for the other purposes of this Order and to levy rates and assessments as in this Order provided:

And whereas it is expedient that the further powers and provisions hereinafter in this Order contained should be conferred on the Corporation and made as by this Order provided:

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Order and the lands proposed to be taken for the purposes thereof and also a book of reference to such plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands houses and other property required or which may be taken for the purposes or under the powers of this Order were duly deposited with the principal sheriff clerk of the county of Perth at his office in Perth and are hereinafter referred to as the deposited plans sections and book of reference:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

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

Short title and citation of Acts.

1. This Order may be cited for all purposes as the Perth Corporation (Waterworks &c.) Order 1921.

The Perth Tramways Orders 1892 to 1908 and this Order so far as relating to tramways and tramway purposes may be cited as the Perth Tramways Orders 1892 to 1921 the Perth Water Acts 1877 to 1908 and this Order so far as relating to water and water purposes may be cited as the Perth Water Acts 1877 to 1921 and the Perth Gas Acts 1871 to 1908 and this Order so far as relating to gas and gas purposes may be cited as the Perth Gas Acts 1871 to 1921.

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 in this Order referred to as "the commencement of this Order." Commencement of Order.

3. This Order is divided into Parts as follows:— Division of Order into Parts.

Part I.—Preliminary.
Part II.—Waterworks.
Part III.—Lands.
Part IV.—Tramways.
Part V.—Financial.
Part VI.—Miscellaneous.

PART I.

PRELIMINARY.

4. The Lands Clauses Acts are so far as the same are applicable for the purposes and are not varied by or inconsistent with the provisions of this Order incorporated with and form part of this Order This Order shall be deemed to be a special Act within the meaning of those Acts. Incorporation of Acts.

The Waterworks Clauses Act 1847 (except the provisions with respect to the communication pipes to be laid by the undertakers and with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and also with the exception of clauses 68 70 71 72 and 88 thereof) and the Waterworks Clauses Act 1863 and the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith are (except where expressly varied by this Order) incorporated with and form part of Part II. of this Order Provided that sections 25 and 26 of the Railways Clauses Consolidation (Scotland) Act 1845 shall be read so as to apply to the construction of the conduits or lines of pipes by this Order authorised and the prescribed limits shall be two hundred yards from every or any part of the respective works.

5. In this Order terms words and expressions to which meanings are assigned by the Perth Water Act Interpretation.

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1877 and the Acts wholly or partially incorporated with this Order shall subject to the provisions of this Order have the same respective meanings unless there be something in the subject or context repugnant to such construction Provided that in the Acts wholly or partially incorporated with this Order the following words and expressions have for the purposes of this Order the meanings hereby assigned to them (that is to say):—

"The promoters of the undertaking" "the undertakers" and "the company" respectively mean the Corporation;

"The railway" means the works by this Order authorised and "the centre of the railway" means the boundaries of those works:

Further in this Order the following words and expressions shall have the several meanings by this section assigned to them unless there be something in the subject or context inconsistent with or repugnant to such construction (that is to say):—

"Burgh" means the city and royal burgh of Perth;

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

"Sheriff" means the sheriff of the county of Perth and includes his substitutes;

"Sheriff clerk" means the sheriff clerk of the county of Perth;

"The Act of 1871" means the Perth Gas Act 1871;

"The Act of 1877" means the Perth Water Act 1877;

"The Act of 1888" means the Perth Water and Gas Act 1888;

"The Act of 1891" means the Perth Corporation Act 1891;

"The Act of 1897" means the Perth Harbour City Improvements and Gas Act 1897;

"The Act of 1899" means the Perth Water Police and Gas Act 1899;

"The Order of 1903" means the Perth Corporation (Tramways) Order 1903;

"The Order of 1904" means the Perth Corporation Order 1904;

"The Order of 1906" means the Perth Corporation Gas Order 1906;

"The Order of 1908" means the Perth Corporation Order 1908;

"The Water Acts" means the Water Acts as defined in the Perth Corporation Order 1908 and that Order so far as it relates to water and water purposes;

"The Gas Acts" means the Gas Acts as defined in the Perth Corporation Order 1908 and that Order so far as it relates to gas and gas purposes;

"The Tramways Orders" means the Tramways Orders as defined in the Perth Corporation Order 1908 and that Order so far as it relates to tramways and tramway purposes;

"The water undertaking" means and comprehends the water undertaking as defined by the Act of 1899;

"The gas undertaking" means and comprehends the gas undertaking as defined by the Act of 1897;

"The tramway undertaking" means the tramways and works connected therewith authorised by the Tramways Orders;

"The Police Acts" means the Burgh Police (Scotland) Acts 1892 to 1911.

PART II.

WATERWORKS.

Power to make additional waterworks.

6. Subject to the provisions of this Order the Corporation may make and maintain in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter described wholly situate in the county of Perth (that is to say):—

(1) An intake (Work No. 1) on the bed of the River Tay at a point one hundred and eighty yards or thereby measured in an easterly direction from the milestone on the Perth and Dunkeld public highway indicating three miles from Perth and which intake will be situate in the parish of Redgorton in the county of Perth:

(2) A conduit or line of pipes (Work No. 2) situate wholly in the parish of Redgorton and county of

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Perth commencing at the said intake (Work No. 1) and terminating at a point one hundred and fifty-seven yards or thereby measured in a southerly direction from the said milestone:

(3) A conduit or line of pipes (Work No. 3) situate in the parishes of Redgorton Tibbermore and Perth all in the county of Perth commencing at a point (hereinbefore described as the termination of Work No. 2) one hundred and fifty-seven yards or thereby measured in a southerly direction from the said milestone on the Perth and Dunkeld public highway indicating three miles from Perth and terminating in the well within the pumping station at the corner of Tay Street and Marshall Place in the parish of Perth in the burgh.

Limits of vertical deviation.

7. In the construction of the works by this Order authorised the Corporation may deviate vertically from the levels thereof shown on the deposited sections to any extent not exceeding five feet upwards and ten feet downwards Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade Provided also that subject to the provisions of this Order the Corporation may erect any water tower standpipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Order Provided further that the Corporation shall not construct or raise above the surface of the ground any part of the lines of pipes unless and except so far as is shown on the deposited sections.

Application of certain sections of Perth Water Police and Gas Act 1899.

8. The sections hereinafter specified in the Act of 1899 shall so far as applicable extend and apply mutatis mutandis to the works and the pumping station by this Order authorised and to the lands to be acquired by the Corporation under the authority of this Order and to the Corporation in respect thereof in the same manner as if the said sections had been re-enacted in this Order with reference thereto (that is to say):—

Section 6 (Power to make subsidiary works and improve existing works);

Section 7 (Limits of lateral deviation);

Section 16 (Supply to local authorities in bulk or otherwise).

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Power to alter roads &c. temporarily.

9. For the purposes and during the execution of the several works which the Corporation are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Corporation may temporarily from time to time break up or cross over or under alter or stop up any highways roads lanes footways footpaths bridges drains watercourses waterpipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such highway road lane footway footpath or bridge or the flow of water sewage or electricity or telephonic communication in any such drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to or authorise any interference with any telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1919 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section.

Power to divert and impound waters.

10. The Corporation may take and divert into and impound by means of the works by this Order authorised and their existing reservoirs and other works and may purify appropriate use and distribute for the purposes of their water undertaking the waters of the River Tay but not exceeding six million gallons in any one day of twenty-four hours.

For protection of conduits &c. from pollution.

11. Subject to the provisions of this Order the Corporation may on any lands which they may acquire under the powers of this Order or otherwise construct all such drains channels and other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting conduits watercourses or waterworks of the Corporation or any waters flowing into the same.

Works below high-

12.—(1) Subject to the provisions of this Order any of the works authorised by this Order to be constructed

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water mark to be subject to approval of Board of Trade.

on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade.

(2) Any alteration or extension of any such works shall be subject to the like approval.

(3) If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Temporary discharge of water into streams.

13. For the purpose of executing any necessary work of repair or of cleansing or of examining any of the works by this Order authorised or any tank aqueduct or conduit belonging to the Corporation the Corporation may cause the water in any such works to be temporarily discharged into any available stream or watercourse In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

Corporation may enlarge or increase number of pipes.

14. The Corporation may subject to the provisions of this Order and notwithstanding the expiration of the period limited for completion of works lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the mains pipes and other conveniences of the Corporation at any time existing for conveying and distributing water under the powers of the Water Acts and this Order Provided always that such laying down extension enlargement or increase shall be executed only on lands or property belonging to the Corporation or which may be acquired by them by agreement or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes.

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Power to lay pipes in streets not dedicated to public use.

15. The Corporation may subject to the provisions of this Order upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with water and may lay in across or along such street or road such pipes as may be requisite or proper for the furnishing such supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to and for the purposes of this section.

Period for completion of works.

16. If the works including the pumping station authorised by this Order are not completed within seven years from the commencement of this Order then on the expiration of that period 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 but nothing herein contained shall restrict the Corporation from altering renewing relaying extending enlarging or discontinuing any of their pumping apparatus filtration plant engines machinery conduits aqueducts mains pipes or conveniences or improving their supply of water at any time and from time to time as occasion requires subject to the provisions of this Order.

Works to form part of water undertaking.

17. The works including the pumping station by this Order authorised shall form part of the existing water undertaking of the Corporation and all the powers and provisions vested in and applicable to the Corporation by the Water Acts with reference to their water undertaking shall be and the same are hereby in so far as applicable and not inconsistent with the provisions of this Order extended and applied to the waterworks by this Order authorised.

Limit of powers of Corporation to abstract water.

18. The Corporation shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised and the lands upon which the same are to be constructed are specified in this Order or some other Order or Act of Parliament.

Amendment of Section 71 of the Perth

19. Section 71 (Supply of water to railway companies and general station committee at fixed price) of the Act of 1877 shall from the date when the supply of water from the works by this Order authorised commences be

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Water Act 1877.

read and have effect as if the word "sixpence" was substituted for the word "fourpence" therein contained as if the words "three hundred and forty-five pounds" were substituted for the words "two hundred and thirty pounds" in the said section contained as if the words "one hundred and fifty pounds" were substituted for the words "one hundred pounds" in each of the two places in which they occur in the said section and as if the words "sixty pounds" were substituted for the words "forty pounds" in the said section contained Provided that the before-mentioned rate and sums shall be subject to revision every ten years from the date above mentioned Provided further that any difference between the Corporation and any of the railway companies mentioned in section 71 of the Act of 1877 shall be settled by an arbiter to be appointed on the application of the Corporation or any of the railway companies by the sheriff of the county of Perth.

For protection of Caledonian Railway Company.

20. The following provisions for the protection of the Caledonian Railway Company (hereinafter in this section called "the company)" shall notwithstanding the provisions of this Order and unless otherwise agreed upon apply and have effect (that is to say):—

(1) In this section the expression "railways works and property of the company" includes any lines of railways sidings stations and all other buildings canals aqueducts waterways bridges and the abutments thereof and approaches thereto roads streets accesses sewers drains gas and water pipes or conduits telegraph lines posts wires telegraphic and telephonic apparatus and signals and signalling appliances and all other works and conveniences land or property belonging to or leased worked or maintained by the railway company:

(2) The Corporation shall not under the powers of this Order take or acquire by compulsion any lands or property of the company but the Corporation may purchase and the company shall sell if required by the Corporation such servitude in under over or upon the lands property and works of the company as may be required for making and maintaining in accordance with the provisions of this Order and

subject to the provisions of this section the works by this Order authorised The consideration to be paid for any such servitude shall failing agreement be determined in the manner provided by the Lands Clauses Acts with respect to the taking and purchase of land otherwise than by agreement and for the purposes of any such determination the acquisition of such servitude shall be deemed to be a taking of land within the meaning of section 6 of the Railways Clauses Consolidation (Scotland) Act 1845 Provided that the provisions of the Acquisition of Land (Assessment of Compensation) Act 1919 shall not apply to the determination of any such compensation:

(3) Before commencing any works or operations under the powers conferred on them by this Order in over under or affecting or calculated to affect any of the railways works and property of the company or any works or operations within a distance of fifty feet measured at right angles from the boundary of the property of the company the Corporation shall submit to the company plans sections working drawings and specifications thereof showing the line and level and the manner in which such works or operations are to be carried out as well as the design materials and mode of execution thereof for the approval of the company which approval shall be deemed to have been given unless the company signify their disapproval within twenty-eight days after submission of the said plans sections working drawings and specifications for approval:

(4) All the said works and operations shall be constructed carried on and completed by the Corporation in strict conformity with the plans sections working drawings and specifications so approved at the sole risk liability and cost of the Corporation and at the sight and to the reasonable satisfaction of the company and all such works shall be maintained repaired or renewed by the Corporation so long as they exist on the lines and levels shown on the said plans sections and

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working drawings and as described in the said specifications so approved at their sole risk and cost and at the sight and to the satisfaction of the company In the event of the Corporation desiring to reconstruct alter renew or extend any of the said works they shall before commencing such work submit plans sections working drawings and specifications of such reconstruction alteration renewal or extension to the company for their approval in the manner hereinbefore provided and such reconstruction alteration renewal or extension shall be carried out and completed by the Corporation and thereafter maintained by them in all time coming as shown on the said plans sections working drawings and described in the said specifications so approved all at the sole risk and cost of the Corporation:

(5) The Corporation shall not without the previous consent in writing of the company enter upon alter or interfere with the railways works and property of the company further or otherwise than may be necessary for constructing and maintaining any of the works authorised by this Order to be laid in upon over under or affecting the said railways works and property of the company of which they shall give the company twenty-eight days' notice in writing except in cases of emergency in which case notice shall be given as early as possible:

(6) The Corporation shall pay to and reimburse the company in all reasonable costs charges and expenses which they may incur in connection with the approval of any plans sections working drawings and specifications which may be submitted to them for approval as aforesaid or in connection with the construction or subsequent use maintenance repair reconstruction alteration renewal or extension of the said works including but without prejudice to the said generality any expenses which the company may reasonably incur in connection with the employment of inspectors signalmen watchmen and others in connection with and for the superintendence

of the said works and operations during the construction alteration renewal repair or extension thereof and for all precautions which may require to be taken for the safety of the said railways works and property of the company and the working of the traffic thereon on account of the construction alteration renewal repair or extension of the said works :

(7) All the said works and operations of the Corporation including the maintenance and any reconstruction alteration renewal repair or extension or the user thereof shall in so far as the same affect the railways works and property of the company be constructed executed completed and used by the Corporation so as not to injure alter or interfere with or endanger the structure or stability of any of the said railways works and property of the company and the Corporation shall at their own expense risk and liability execute all underpinning strengthening or other works which may be necessary to secure the support or safety of the said railways works and property of the company or any part thereof or the company in their option may execute all such works and the Corporation shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith and should any damage danger injury to or interruption or impediment of or interference with the passage or conduct of traffic on the said railways works and property of the company be caused by or be in any way owing to the works or operations of the Corporation or the failure of or defect in any of the said works or operations or be reasonably apprehended in connection therewith the Corporation shall notwithstanding the approval of the plans sections and working drawings or any superintendence of the works by the company free of all expense to the company execute and do at their own risk and liability all such works as may be necessary to restore the damage and remove or prevent such danger injury interruption impediment or interference as the case may be or the company in their option and for any of these purposes may

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enter upon the works or property of the Corporation and execute all such works and do all such things as may be necessary to restore such damage or to remove or prevent danger injury interruption impediment or interference and the Corporation shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith:

(8) The Corporation shall pay all costs and expenses incurred by and shall make reasonable compensation to the company for all loss and damage arising out of or caused by such works and operations to the said railways and works and property of the company or by reason or in consequence of any interruption of or impediment to or interference with the traffic on the said railways and works and property of the company and the Corporation shall also free and relieve and indemnify the company of and from all sums of money damages or compensation and expenses in which they may be held liable in connection with claims at the instance of their employees passengers owners of merchandise traders or owners of property adjoining the said railways and works and property of the company or any other person or persons for loss or damage caused by the works and operations of the Corporation to the railways and works and property of the company or due to any interruption of or impediment to or interference with the traffic thereon so far as such loss damage interruption impediment or interference shall have been occasioned by or through the acts or default of the Corporation or those for whom they are responsible and the Corporation shall free and relieve the company of all liability to maintain and repair the surface of any roadway falling to be maintained by them pursuant to any Act or agreement so far as any portion of the said roadway may be occupied by the works of the Corporation:

(9) No brackets stays posts wires or other apparatus shall without the previous consent in writing of the company be attached to any bridge or other

work of the company Should it be necessary in constructing using maintaining altering repairing or extending the works authorised by this Order to alter or remove any telegraph posts wires or other telegraphic or telephonic apparatus belonging to or maintained by the company the Corporation shall pay to and reimburse the company in all expense incurred in connection with such alterations or removal and the restoration and re-erection of other posts wires or apparatus in substitution of those so altered or removed:

(10) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing deviating widening or enlarging any of the railways works and property of the company without interference on the part of the Corporation and without incurring any liability to them or to any person using the works authorised by this Order for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation widening or enlarging:

(11) In the event of the company exercising any of the powers referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as practicable to and with the said works by this Order authorised and shall give (except in case of emergency in which case notice shall be given as soon as reasonably possible) fourteen days' previous notice in writing to the Corporation before commencing any such operations as may affect any of the said works authorised by this Order Provided that any extra expense which the company may incur in such maintenance repair reconstruction alteration renewal deviation widening or enlarging by reason of the existence of any of the said works authorised by this Order shall be paid by the Corporation:

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(12) Any question or difference between the Corporation and the company arising under this section shall except where otherwise provided be determined by an arbiter to be agreed upon between the Corporation and the company or failing agreement to be nominated by the Board of Trade on the application of either party.

PART III.

LANDS.

Power to take lands for water purposes.

21. Subject to the provisions of this Order the Corporation may enter upon take and use such of the lands shown upon the deposited plans and described in the deposited book of reference as they require for the purposes of the construction and maintenance of the works by this Order authorised.

Lands for pumping station &c.

22. The Corporation may subject to the provisions of this Order acquire compulsorily or by agreement and may appropriate hold and use the lands hereafter in this section described and shown on the deposited plans and described in the deposited book of reference or some part or parts of such lands that is to say Firstly Lands situate wholly in the parish of Redgorton and county of Perth within the enclosures numbered 257 327 and 585 on the 25-inch Ordnance Survey map (1901 edition) of that parish Secondly Lands situate wholly in the parish of Redgorton and county of Perth within the enclosure numbered 580 on the 25-inch Ordnance Survey map (1901 edition) of that parish and may erect and maintain upon the lands firstly before described or some part thereof all necessary pumping stations buildings plant machinery and works and conveniences necessary for abstracting and pumping water from the River Tay authorised by and for the purposes of this Order and upon the lands secondly hereinbefore described or some part thereof filtration plant filters buildings plant machinery works and conveniences for the purposes of purifying appropriating and distributing the said water Provided that the Corporation shall not create or permit any nuisance on any lands and shall not erect or permit the erection of any buildings thereon except such as are required in connection with the water undertaking of the Corporation including dwelling-houses for workmen employed in connection with such undertaking.

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Application of certain sections of Perth Water Police and Gas Act 1899.

23. The sections hereinafter specified of the Act of 1899 shall so far as applicable extend and apply mutatis mutandis to the lands and servitudes to be acquired by the Corporation under the authority of this Order and to the Corporation in respect thereof in the same manner as if the said sections had been re-enacted in this Order with reference thereto (that is to say):—

Section 20 (Additional lands by agreement for water purposes);

Section 21 (Power to take servitudes &c. by agreement).

Corporation may acquire servitudes only in certain cases.

24.—(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 passed.

(3) Provided always that nothing in this section contained 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 compulsory purchase of lands.

25. The powers of the Corporation for the compulsory purchase of lands and property required for or in connection with the works authorised by this Order shall cease after the expiration of three years from the commencement of this Order.

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

26. And 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 property shown on the deposited plans and numbered thereon 1 to 21 both inclusive and 24 to 29 both inclusive in the parish of Redgorton and 30 to 35 both inclusive 37 to 48 both inclusive and 50 and 51 in the parish of Tibbermore and 54 57 and 61 in the parish of Perth 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 property and whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the official arbitrator 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.

PART IV.

TRAMWAYS.

Amendment of section 56 of Perth Corporation Order 1908.

27. Subsection (3) of section 56 (Power to provide and run omnibuses) of the Order of 1908 shall from and after the commencement of this Order be read and have effect as if the words "or in or upon any premises used " by the Corporation in connection with their omnibus " undertaking" were inserted after the word "them" in such subsection.

PART V.

FINANCIAL.

Water Undertaking.

Power to borrow additional

28. The Corporation (in addition to any moneys borrowed or which they have power to borrow under

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and in virtue of the Water Acts) may from time to time under the authority of this Order borrow on mortgage of the several rates and charges leviable by them under the provisions of the Water Acts and this Order such sums as may be necessary for constructing the works authorised by this Order and for the purchase of lands and other property and rights and servitudes under the authority of this Order and for the general purposes of the water undertaking not exceeding in the whole the sum of one hundred and thirty thousand pounds and with the sanction of and subject to the conditions as to the period of repayment and otherwise prescribed by the Secretary for Scotland such further sums as may be requisite for the general purposes of the water undertaking and may make and grant mortgages of and over the said several rates and charges accordingly in security of the payment of the money so borrowed and interest thereon and if after having borrowed the sums of money by this section authorised or any part thereof the Corporation pay off the same or any part thereof otherwise than by means of instalments or the sinking fund hereinafter mentioned it shall be lawful for them again to borrow the amount so paid off and so from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

money for water undertaking.

29. The following sections of the Act of 1877 shall be and are hereby made applicable to the money to be borrowed or raised by the Corporation under the authority of this Order relating to the water undertaking and to the mortgages assignations or transfers of mortgages interest warrants drafts or orders and discharges to be granted in respect thereof in the same manner as if such money and such mortgages assignations or transfers of mortgages interest warrants drafts or orders and discharges had been borrowed or raised or granted under the authority of the Act of 1877 (that is to say):—

Provisions as to mortgages and judicial factor &c. in Perth Water Act 1877 to be applicable.

Section 113 (Forms of mortgage and transfer) and the Second and Fourth Schedules therein mentioned;

Section 114 (Mortgages may be accompanied with interest warrants) and the Third Schedule therein mentioned;

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Section 120 (Arrears may be enforced by appointment of judicial factor);
Section 121 (Powers and duties of judicial factor);
Section 122 (Mortgages to be personal estate);
Section 123 (Discharge of mortgages) and the Fifth Schedule therein mentioned.

Application of money borrowed or raised for water undertaking.

30. The several sums to be borrowed or raised by the Corporation on mortgage or on cash credit or cash account under the authority of this Order relating to the water undertaking shall be applied only for the purposes for which they are authorised to be borrowed and the general purposes of the water undertaking to which capital is properly applicable 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 Corporation under the authority of this Order relating to the water undertaking shall not be applied to any of the purposes to which the rates and charges by the Water Acts and this Order authorised to be levied by them are by this Order specially made applicable.

Priority of existing securities for money borrowed for water purposes.

31. All mortgages and securities granted by the commissioners incorporated by the Act of 1877 and by the former burgh commissioners and by the Corporation in pursuance of the powers of the Water Acts before the commencement of this Order and which shall be subsisting at the commencement of this Order shall during the continuance of such mortgages and securities have priority over any mortgages or securities to be granted by the Corporation for moneys borrowed or raised by them in relation to the water undertaking under this Order.

Annual estimates to include interest on money borrowed &c.

32. In estimating and fixing once in every year the amount of money necessary to be levied for the purposes mentioned in section 84 of the Act of 1877 the Corporation shall include the interest on the money that may be borrowed by them under the authority of this Order relating to the water undertaking and the moneys by this Order provided to be set apart as instalments or as a sinking fund in respect thereof and the rates by the Water Acts and this Order authorised in respect of the water undertaking shall respectively be assessed and levied to such an amount as will be sufficient to meet the same in addition to the purposes mentioned in the said

section of the Act of 1877 and the amount so levied shall be applied in payment thereof. A.D. 1921.

Application of water revenue.

33. Section 100 (Application of water revenue) of the Order of 1908 is hereby repealed and subject to the provisions of the Water Acts and this Order the Corporation shall apply all moneys from time to time received by them under the powers of the Water Acts or this Order (not being money raised by borrowing for the application of which provision is otherwise made) in the manner and order following and not otherwise (that is to say):—

(Firstly) In payment of the expenses of managing and maintaining the water undertaking including therein all expenses of and incidental to the raising levying and recovering of rates rents charges and revenues and the borrowing of moneys and also in payment of any feu duties ground annuals or other charges exigible in respect of any lands or property forming part of the water undertaking:

(Secondly) In payment of interest of money borrowed under the authority of—

(*a*) The Act of 1877;

(*b*) The Act of 1888 relating to the water undertaking;

(*c*) The Act of 1899 relating to the water undertaking;

(*d*) The Order of 1904 relating to the water undertaking;

(*e*) The Order of 1908 relating to the water undertaking; and

(*f*) This Order relating to the water undertaking:

(Thirdly) In setting apart the instalments or sinking fund for paying off the money borrowed under the authority of the Water Acts and this Order relating to the water undertaking:

(Fourthly) In carrying the other powers and provisions of the Water Acts (so far as not repealed or altered) and this Order so far as relating to the water undertaking into execution:

(Lastly) The surplus (if any) from time to time shall be so applied as to facilitate the reduction of

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the domestic water rate and the rates and charges fixed by special agreement for a supply of water when circumstances shall permit the same to be done.

Gas Undertaking.

Contingency and depreciation of works fund.

34. As from the fifteenth day of May one thousand nine hundred and twenty-one section 107 (Contingency and depreciation of works fund) of the Act of 1908 is hereby repealed and in lieu thereof the following enactment shall have effect:—

The Corporation shall in each year set apart a sum equal to not less than one penny for each one thousand cubic feet of gas sold in such year and may in each year set apart any additional sum equal to not more than one penny for each such one thousand feet and shall invest any sums so set apart in any security in which trustees may invest for the time being according to the law of Scotland (not being a security of the Corporation) as a contingency and depreciation of works fund and such fund shall from time to time be applied by them in payment of the cost and expense of any extension of their works and of any extraordinary repairs thereon and of enlarging increasing or renewing their plant retorts mains and pipes and of extending their works plant retorts mains and pipes from time to time and in meeting any extraordinary contingencies which may arise in respect of the gas undertaking.

Tramway Undertaking.

Borrowing powers for tramway purposes.

35. The Corporation (in addition to any moneys which they may have borrowed or are authorised to borrow independently of this Order) may from time to time borrow at interest on the credit and security of the tramway revenue and of the burgh general assessment leviable by them under the Police Acts or any order made thereunder or partly of the tramway revenue and partly of the said burgh general assessment as they may resolve for the general purposes of the tramway undertaking to which capital is properly applicable a sum not exceeding five thousand pounds and with the sanction of and subject to the conditions as to the period of repayment and otherwise

prescribed by the Secretary for Scotland such further sums as may be requisite and if after having borrowed the said sums or any part thereof the Corporation pay off the same otherwise than by means of instalments or the sinking fund as in this Order provided they may again borrow the amount so paid off and so from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made Provided further that if the burgh general assessment is by reason of its limitation insufficient along with the tramway revenue to enable the Corporation to raise the moneys authorised to be borrowed under this section on advantageous terms the Secretary for Scotland may extend the limit of such assessment to such amount as he shall think fit Provided further that as regards any money borrowed under this section the Corporation may and shall borrow the same on the credit and security of the free annual revenue of the common good of the burgh (after deduction of the usual annual outgoings of the burgh) as well as of the tramway revenue and of the burgh general assessment but the said free annual revenue of the common good (after such deduction) shall be liable in relief of the burgh general assessment.

Application of sections of Order of 1903 relating to borrowing for tramway purposes.

36. The following sections of the Order of 1903 shall be and are hereby made applicable to the money authorised to be borrowed under the last preceding section of this Order in the same manner as if such money had been borrowed under the authority of the Order of 1903 and the expression "tramway purposes" wherever used therein shall include the purposes of this Order so far as they relate to tramways and tramway purposes (that is to say):—

Section 28 (Bonds for borrowed money);

Section 29 (Rates to include interest and sinking fund);

Section 30 (Present bonds and securities by Corporation not to be prejudiced);

Section 32 (Application of money borrowed);

Section 35 (Sinking fund may be adjusted in certain events);

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Section 37 (Bonds to be lien on tramway revenue and assessment and common good);
Section 38 (For appointment of judicial factor);
Section 39 (Powers of judicial factor).

Expenditure on omnibuses.

37. All expenditure in respect of omnibuses shall be defrayed and all receipts shall be applied as if such omnibuses were part of the tramway undertaking of the Corporation.

Priority of existing securities for money borrowed for tramway purposes.

38. All bonds and securities granted by the Corporation for money borrowed by them for tramway purposes under the authority of the Orders of 1903 1904 and 1908 and subsisting at the commencement of this Order shall during the continuance of such bonds and securities have priority over any bonds or securities to be granted by the Corporation for money borrowed or raised by them for and in relation to the tramway undertaking after the commencement of this Order.

Application of tramway revenue.

39. Section 93 (Application of tramway revenue) of the Order of 1908 is hereby repealed and the tramway revenue shall subject to the provisions of the Orders of 1903 1904 and 1908 and this Order be applied:—

(1) In maintaining the tramway undertaking and so much of the streets and roads as is required to be maintained and kept in good repair and condition by the promoters of tramways by section 28 of the Tramways Act 1870:

(2) In paying all working and other expenses properly chargeable to revenue:

(3) In providing the interest on any moneys borrowed or raised by the Corporation—

(*a*) Under the powers of the Order of 1903;

(*b*) Under the powers of the Order of 1904 for tramway purposes;

(*c*) Under the powers of the Order of 1908 for tramway purposes; and

(*d*) Under the powers of this Order for tramway purposes;

together with the amount necessary to be paid for loans instalments or into a sinking fund to provide for the repayment of such moneys;

(4) The surplus after providing for such payments as aforesaid may be transferred by the Corporation if they think fit to a reserve fund or a renewal fund for the purposes of the tramway undertaking or into a suspense account and may be invested by the Corporation in or on any of the securities in or on which the sums directed to be set apart as a sinking fund are by this Order directed to be invested and such surplus and the proceeds of any investment thereof and the interest and produce of the same may be applied in extending and developing the tramway undertaking or in increasing the amount required to be paid into the sinking fund in respect of money borrowed by the Corporation for tramway purposes but subject as hereinafter mentioned no part of the surplus shall be paid to the credit of any rate or of the common good until a reserve fund of at least ten per centum on the capital required for tramway purposes shall have been provided Provided that if and whenever there shall be remaining in the hands of the Corporation any surplus on account of tramway revenue after payment of the charges and making the transfers and appropriations hereinbefore provided for such surplus shall be (1) applied in relief of the burgh general assessment and thereafter of the free annual revenue of the common good so far as the said assessment and revenue respectively have been drawn upon for the purposes of the tramway undertaking and (2) carried to the credit of the burgh general assessment.

Statement and balance sheet and estimates to be laid before Corporation.

40.—(1) Section 94 (Statement and balance sheet and estimates to be laid before Corporation) of the Order of 1908 is hereby repealed.

(2) The Corporation shall once in each year after the first year's working cause to be laid before them a statement and balance sheet of the tramway accounts including the reserve or renewal fund and the suspense account for the preceding year and an estimate of the revenue to be derived for the ensuing year from the working and use of their tramways and carriages and trucks thereon and omnibuses and also an estimate of the sums required to meet for such year the expenses of working management

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maintenance of lines works machinery and rolling stock repairs renewals materials wages taxes and other outgoings and charges and also the interest on borrowed money and the payment of the sums required to be annually made to the sinking fund and the loans instalments hereinafter mentioned and the Corporation shall thereupon fix annually the tolls fares and charges to be levied by them for the use of their tramways and of carriages and trucks used or propelled thereon and their omnibuses for the said year then ensuing not exceeding the tolls fares and charges authorised by the Tramways Orders so that the revenue shall as nearly as possible meet the expenditure as before specified for each year Provided that if in any year the revenue exceeds such expenditure such excess shall be dealt with by the Corporation as required by subsection (4) of the section of this Order of which the marginal note is "Application of tramway revenue" and that should there be a deficiency in any year it shall be provided for in the estimate for the following year by drawing from reserve fund or varying the tolls fares and charges or reducing working expenses or be carried to a suspense account and reduced gradually over a period of years not exceeding five.

Dredging and Harbour Purposes.

Power to borrow for dredger and harbour purposes.

41.—(1) The Corporation (in addition to any moneys they are now authorised to borrow) may from time to time borrow at interest on the credit and security of the common good of the burgh and the assessment known as and hereinafter called "the burgh rate" authorised by section xxxi. (Power to raise money by assessment within the bounds described in Schedule (M) of 2 & 3 Will. 4. c. 65) of the Act of the 19th and 20th Victoria chapter cxxxviii. intituled "An Act to provide for the arrange-
" ment of the financial affairs of the city of Perth for
" the maintenance of the port and harbour and for
" other purposes therewith connected" (hereinafter in this Order called "the Act of 1856") and by section 57 (Estimate and assessment as regards harbour) of the Act of 1897 or on the credit and security of either of them or partly of the said common good and partly of the burgh rate as they may resolve such sums of money as shall be necessary for the purchase of a dredger and for other general harbour purposes not exceeding in the whole the sum of fifteen thousand pounds.

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(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed being in every case purposes to which capital is properly applicable.

(3) If having borrowed any money under the powers of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund as in this Order prescribed or out of the proceeds of the sale of lands or other moneys received on capital account (not being borrowed moneys) they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

Application of sections of Act of 1897 to borrowings under this Part of this Order.

42. The following sections of the Act of 1897 shall be and are hereby made applicable to all moneys borrowed or raised by the Corporation under the powers of this Order so far as they relate to the purchase and maintenance of a dredger and general harbour purposes in the same manner as if such moneys had been borrowed or raised under the powers of Part VI. Financial of the Act of 1897 (that is to say) :—

Section 47 (Form of mortgage) and the Third Schedule to the Act therein referred to;

Section 49 (Transfer of mortgages) and the Fourth Schedule to the Act therein referred to;

Section 50 (Transmission of mortgages in case of bankruptcy);

Section 51 (Mortgages to be personal estate);

Section 52 (Discharge of mortgages) and the Fifth Schedule to the Act therein referred to;

Section 53 (Corporation not bound to regard trusts as regards mortgages);

Section 54 (Application of money borrowed by the Corporation).

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Harbour accounts to be transmitted to Minister of Transport.

43. The Corporation shall within one calendar month after the same are made up and audited transmit to the Minister of Transport annually a copy of the accounts relating to the harbour of Perth.

Former bonds and securities not to be prejudiced.

44. Nothing herein contained shall prejudice or affect any bonds or securities which may have been granted by the Corporation for money borrowed by them previous to the commencement of this Order on the credit and security of the common good and the burgh rate but the same shall as to the rates funds and property comprised therein respectively have priority over all money borrowed under the section of this Order of which the marginal note is "Power to borrow for dredger and harbour purposes."

Estimate and assessment as regards harbour.

45. Section 57 of the Act of 1897 is hereby repealed The estimate provided by section 30 of the Act of 1856 to be made and recorded shall be an estimate of the sum of money which when added to the surplus revenues mentioned in that section shall be sufficient for the payment of any annuities unconverted and unredeemed and the dividends and interest on any debenture stock and moneys for the time being created and issued or borrowed by the Corporation in respect of the harbour and the amounts by the Act of 1891 the Act of 1897 the Order of 1908 and this Order directed to be set apart as sinking funds and the assessment by section 31 of the Act of 1856 authorised shall be an assessment sufficient to raise and provide the amount of such estimate (together with a reasonable sum to cover the expenses of collection) but not exceeding fivepence in the pound upon the annual value of all lands and heritages within the burgh and shall be recoverable in the same way and manner in all respects as assessments are authorised to be recovered by the Burgh Police (Scotland) Act 1892 and sections 353 to 357 of that Act shall apply to the recovery of the said assessment as if they were incorporated in this Act and subject to the provisions of this section sections 30 31 33 and 34 of the Act of 1856 shall continue to have effect as if the same were re-enacted in this Order.

City Hall.

Power to borrow for city hall.

46.—(1) The Corporation (in addition to any moneys they have already borrowed) may from time to time borrow at interest on the credit and security of the

general improvement rate and the burgh general assessment leviable by them under the Police Acts and any order made thereunder or on the credit and security of either of them or partly of the one and partly of the other of them as they may resolve for the several purposes hereinafter named sums not exceeding the amounts hereinafter mentioned for the respective purposes following (that is to say):—

(*a*) In respect of the amount expended by the Corporation in completing the city hall in excess of the borrowing powers conferred upon them for the purpose by the Order of 1908 the sum of two thousand five hundred pounds;

(*b*) In respect of the reconstruction of the roof of the city hall the sum of two thousand five hundred pounds.

(2) All moneys borrowed under this section shall be applied only to the purposes for which they are authorised to be borrowed being in every case purposes to which capital is properly applicable.

(3) If having borrowed any money under the powers of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund as in this Order prescribed or out of the proceeds of the sale of lands or other moneys received on capital account (not being borrowed moneys) they may re-borrow the same and so on from time to time Provided that all moneys so re-borrowed shall for the purposes of repayment be deemed part of the original loan and shall be repaid within the period prescribed for the repayment of the moneys in lieu of which such re-borrowing has been made.

Application of section 82 of Order of 1908.

47. Section 82 (Bonds for borrowed money) of the Order of 1908 shall be and is hereby made applicable to the money authorised to be borrowed under the last preceding section of this Order in the same manner as if such money had been borrowed under the authority of section 81 (Power to borrow for city hall &c.) of the said Order of 1908.

Present bonds and securities not to be prejudiced.

48. Nothing herein contained shall prejudice or affect any bonds or securities which may have been granted by the former commissioners of the burgh or by the Corporation for money borrowed by them respectively on the

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credit and security of the general improvement rate and the burgh general assessment or either of them previous to the commencement of this Order but the same shall as to the rates funds and property comprised therein respectively have priority over all money borrowed under the section of this Order of which the marginal note is "Power to borrow for city hall."

Rates to include interest and sinking fund &c.

49. The Corporation shall subject to the provisions of this Order annually include in and as part of the general improvement rate and the burgh general assessment authorised to be assessed and charged by them by or under the Police Acts and any order made thereunder or either of them such sums as shall be necessary for paying the interest of any moneys borrowed by them under the authority of this Order on the credit and security thereof and also the cost of the annual maintenance and management of the city hall and the sum payable under section 61 of the Order of 1908 and the instalments or sums to be repaid or set apart annually as a sinking fund as hereinafter in this Order provided.

General.

Periods of repayment of moneys.

50. The Corporation shall pay off all moneys borrowed by them under the powers of this Order (other than moneys to be borrowed with the sanction of the Secretary for Scotland) within the respective periods following (which periods shall severally be deemed to be "the prescribed period" referred to in section 47 (Sinking fund) of the Order of 1904) (that is to say):—

(1) As to moneys borrowed under the authority of the section of this Order of which the marginal note is "Power to borrow additional money for water undertaking" within forty years from the date or dates of the borrowing of the same:

(2) As to moneys borrowed under the authority of the section of this Order of which the marginal note is "Borrowing powers for tramway purposes" within twenty years from the date or dates of the borrowing of the same:

(3) As to moneys borrowed under the authority of the section of this Order of which the marginal note is "Power to borrow for dredger and

harbour purposes" within twenty years from the date or dates of the borrowing of the same:

(4) As to moneys borrowed under the authority of the section of this Order of which the marginal note is "Power to borrow for city hall" within the period of thirty years from the date or dates of the borrowing of the same:

(5) As to moneys borrowed for paying the costs charges and expenses referred to in the section of this Order of which the marginal note is "Costs of Order" within five years from the commencement of this Order.

Application of sections of Order of 1904 to borrowings under this Order.

51. The following sections of the Order of 1904 shall mutatis mutandis be and are hereby made applicable to all moneys borrowed or raised by the Corporation under the powers of this Order in the same manner as if such moneys had been borrowed or raised under the powers of the Order of 1904 (that is to say):—

Section 46 (Mode of repayment);
Section 47 (Sinking fund);
Section 48 (Power to Corporation to borrow on cash account);
Section 49 (Protection of lenders from inquiry);
Section 50 (Order not to restrict borrowing powers of Corporation);
Section 51 (Annual return to Secretary for Scotland with respect to sinking fund).

Powers of Secretary for Scotland in relation to borrowing.

52. In relation to any sanction to be given by the Secretary for Scotland to the borrowing of money by the Corporation under this Order the Secretary for Scotland shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889.

Manner in which mortgages and deeds to be granted by the Corporation.

53. Notwithstanding anything contained in the Water Acts the Gas Acts the Act of 1897 or any other Act or Order under which the Corporation act every mortgage or other deed to be granted by the Corporation after the commencement of this Order for moneys borrowed for the purposes of the said Acts or this Order or for any other purposes shall be granted in the corporate name of the Corporation and shall be executed and completed in the manner prescribed by section 9 of the Town Councils (Scotland) Act 1900.

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PART VI.

MISCELLANEOUS.

Definition of lodging-house keeper and lodged.

54. The expression "lodging-house" in Part V. Regulation of common lodging-houses of the Public Health (Scotland) Act 1897 in its application to the burgh shall from and after the commencement of this Order mean a house or part thereof in which any person is lodged by the night at a rate not exceeding one shilling per night for each person whether the same be payable nightly or weekly or at any period not longer than a fortnight and shall include any place where emigrants are lodged and all boarding-houses for seamen irrespective of the rate charged for lodgings or boarding the expression "lodging-house keeper" shall mean the occupier of such lodging-house who lodges such person and the word "lodged" shall mean any person so lodged Provided that the Scottish Board of Health or the Corporation with the approval of that Board may from time to time diminish or again raise the sum payable per night according to which as in this section mentioned it is ascertained whether a house or part thereof is a common lodging-house but so as not to exceed one shilling per night.

Crown rights.

55. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any lands heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose which consent the said Commissioners and Board are hereby respectively authorised to give.

Costs of Order.

56. The costs charges and expenses of and incident to the preparing and applying for and the issue of this Order and the confirmation thereof by Parliament or otherwise in relation thereto shall be paid by the Corpora-

tion to the extent of three-fourths thereof in respect of the water undertaking to the extent of one-sixteenth thereof in respect of the gas undertaking to the extent of one-sixteenth thereof in respect of the tramway undertaking to the extent of one-sixteenth thereof in respect of the harbour and to the extent of the remaining one-sixteenth thereof in respect of the city hall out of the funds and revenues of those five undertakings or out of moneys which the Corporation are hereby authorised to borrow for the payment of the costs charges and expenses aforesaid on the security of the said funds and revenues in the same proportions.

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