CHAPTER lxi.

An Act to authorise the Stirling Waterworks Commissioners to acquire additional lands and to make and maintain additional works and for other purposes. A.D. 1893.

[9th June 1893.]

WHEREAS by the Stirling Waterworks Act 1848 (herein-after called "the Act of 1848") the Stirling Waterworks Commissioners (herein-after called "the Commissioners") were authorised to supply with water the royal burgh of Stirling and suburbs thereof within the limits of the said Act:

And whereas by the Stirling Waterworks Amendment Act 1864 (herein-after called "the Act of 1864") the Commissioners were authorised to make and maintain additional reservoirs and other works and to introduce an additional supply of water into the said burgh and suburbs and to extend the supply of water beyond the limits of the Act of 1848 but within the parishes of Stirling Saint Ninians and Logie:

And whereas by the Stirling Waterworks Amendment Act 1881 (herein-after called "the Act of 1881") the Commissioners were incorporated and the limits of the recited Acts were extended so as to comprise and include the parliamentary burgh of Stirling with the exceptions therein stated and the Commissioners were authorised to make and maintain an additional reservoir and other works to introduce an additional supply of water into the said burgh and suburbs and to supply water to places situate beyond the limits of the recited Acts but within the parishes of Stirling Saint Ninians and Logie:

And whereas the population of the said burgh and suburbs has increased and is still increasing and it is expedient that the Commissioners should be authorised to acquire additional lands for filtering purposes and to construct the additional works herein-after described for improving the supply of water to the said burgh and suburbs and that further provision should be made for regulating

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the supply and preventing waste misuse or pollution of water for levying and recovering water assessments and rates and for the nomination and election of Commissioners and that in these and in other respects as herein-after provided the recited Acts should be amended:

And whereas the Commissioners have expended for the purposes of their undertaking upwards of fifty-four thousand six hundred and twenty-seven pounds and the debt owing by them as at sixteenth September one thousand eight hundred and ninety-two being the balance of moneys borrowed on mortgage under the authority of the recited Acts amounted to twenty-seven thousand nine hundred and eighty-one pounds two shillings and one penny and it is expedient that the Commissioners should be authorised to raise a further sum of money for defraying the expense of the works by this Act authorised and for the general purposes of their undertaking:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the principal sheriff clerk of the county of Stirling and are herein-after respectively referred to as the deposited plans sections and book of reference:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

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 as the Stirling Waterworks Act 1893 and the recited Acts and this Act may be cited together as the Stirling Waterworks Acts 1848 to 1893.

Interpretation.

2. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction:

"The burgh" means the parliamentary burgh of Stirling;

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

"Schoolmaster" in Acts wholly or partially incorporated with this Act includes session clerk;

"Lands and heritages" has the same meaning as in the Lands Valuation (Scotland) Act 1854 and "valuation roll" or "valuation rolls" means the roll or rolls made up in terms of that Act and any Acts amending the same;

"Owner" and "occupier" used with reference to any lands or premises shall respectively have the same meaning as in the Burgh Police (Scotland) Act 1892;

"Premises" includes lands buildings and structures of any kind;

"Undertaking" means the waterworks undertaking authorised by the recited Acts and this Act;

"Collector" means the collector for the time being appointed by the Commissioners or such other officer or officers as may from time to time be appointed by them to collect the rates by the recited Acts or this Act authorised or any of them.

Repeal of certain provisions of recited Acts.

3. Subject to the provisions of this Act sections 12 13 33 to 44 46 47 and 51 of the Act of 1848 and sections 19 50 and 52 to 55 of the Act of 1881 and also all such other provisions of the recited Acts as are in any way inconsistent with the provisions of this Act are hereby repealed.

Limits of Act.

4. The limits of the Stirling Waterworks Acts 1848 to 1893 shall be the parliamentary burgh of Stirling and the parishes of Stirling Saint Ninians and Logie so far as the said parishes are without the said burgh and the limits of the said Acts for the compulsory supply of water shall be the parliamentary burgh of Stirling but excepting always Stirling Castle and the lands of Raploch and Kildean belonging or reputed to belong to George Frederick William Callander of Craigforth and the lands of Torbrex belonging or reputed to belong to the Reverend Patrick Arkley Wright Henderson and such last-mentioned limits are herein-after called "the limits of compulsory supply."

Incorporation of general Acts.

5. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with and form part of this Act and shall apply to the undertaking of the Commissioners:—

The Lands Clauses Acts;

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;

The Commissioners Clauses Act 1847 with the exception of sections 20 to 25 28 to 33 45 49 50 84 86 and 87 thereof;

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

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by the undertakers when the waterworks are carried on for their benefit and except sections 68 69 70 71 and 72; and

The Waterworks Clauses Act 1863.

Power to acquire additional lands for filtering area.

6. The Commissioners may subject to the provisions of this Act enter upon and take and use for the purposes of and in connexion with the works first to eighth herein-after described authorised by this Act or some of such works or parts thereof certain lands in the parish of Saint Ninians and county of Stirling shown on the deposited plans and described in the deposited book of reference extending in all to four acres or thereby and lying on the east west and south sides of and adjoining the existing Reservoir No. 1 of the Commissioners and the Commissioners may appropriate and use the said lands and the site of the said reservoir as a filtering area and for the purposes of the said works first to eighth herein-after described and for the other purposes of their undertaking.

Power to make new works.

7. The Commissioners may subject to the provisions of this Act make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described or some of them together with all necessary and proper embankments roads approaches ways wells tanks gauges filtering apparatus stand pipes dams sluices waste weirs outlets outfalls discharge pipes aqueducts culverts conduits drains mains pipes junctions valves engines walls fences and conveniences for conducting inspecting maintaining repairing cleansing managing and using the same or for conveying the water of the streams herein-after mentioned into the filters herein-after mentioned or into the existing or other works of the Commissioners and may enter upon take and use such of the lands delineated on the said plans and described in the deposited book of reference as may be required for the said purposes or any of them and for any of the other purposes of this Act.

Description of works.

8. The works herein-before referred to and authorised by this Act are—

First. Four filters and two pure water tanks or basins and also conduits or lines of pipes connecting the same with each other and with the settling pond next herein-after described and with the main pipe or pipes now leading from the existing Reservoir No. 1 of the Commissioners to the town of Stirling and with the conduit or line of pipes ninth herein-after described at or near the point where such main pipe or pipes pass under the north wall of such reservoir;

Second. A settling pond situate on and adjoining the stream which flows from the existing Reservoir No. 2 of the Commissioners into their existing Reservoir No. 1;

Third. An embankment across the stream above mentioned at a point therein thirty-seven yards or thereby measured in a westerly direction from the centre of the west wall surrounding the said existing Reservoir No. 1;

Fourth. A byewash channel or waste weir commencing in the settling pond above described and terminating in the stream above mentioned;

Fifth. A conduit or line of pipes commencing in the settling pond above described and terminating in the filters first above described;

Sixth. A conduit or line of pipes commencing in the stream which flows northward along or near the south-east and east walls which surround the said existing Reservoir No. 1 and terminating by a junction with the conduit or line of pipes fifth above described;

Seventh. A conduit or line of pipes commencing by a junction with the conduit or line of pipes fifth above described and terminating by a junction with the main pipe or pipes leading from the said existing Reservoir No. 1 to the town of Stirling and with the conduit or line of pipes ninth herein-after described;

Eighth. A road of access to the works first above described commencing at a point on the road leading in a westerly direction from Touchmollar Farm Steading through the said farm and moor of Touch and terminating at a point eighty yards or thereby measured in a north-westerly direction from the said point of commencement:

The works first to eighth above described will be wholly situate in the parish of Saint Ninians and county of Stirling:

Ninth. A conduit or line of pipes commencing by a junction with the conduits or lines of pipes connecting the pure water tanks or basins first above described with the existing main pipe or pipes leading from Reservoir No. 1 at or near the point where such pipe or pipes pass under the north wall enclosing the said reservoir and terminating at or near the junction of Cowane Street with Upper Bridge Street in the burgh of Stirling:

The work ninth above described will be situate in the parishes of Saint Ninians and Stirling and county of Stirling.

Limits of deviation.

9. In the construction of the works authorised by this Act the Commissioners may deviate from the lines thereof to any extent not exceeding the limits of deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also

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deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet upwards and six feet downwards Provided that no part of any aqueduct conduit or line of pipes shall be constructed or laid in any public road so as to be above the general surface of the ground Provided also that the Commissioners shall not in the exercise of the powers of deviation hereby given construct any embankment or retaining wall of a greater height above the general service of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and three feet in addition excepting in the case of the work second herein-before described where the height of the embankment or retaining wall may be six feet in addition and that if the Commissioners shall exercise the powers of vertical deviation hereby granted they shall construct the embankments in each case of such additional thickness at the base as shall be equal to five feet for every foot of additional height and shall make a corresponding addition to the strength of any retaining wall.

Power to alter sewers &c. temporarily.

10. For the purposes and during the execution of the several works which the Commissioners are by this Act authorised to make and subject to the provisions of this Act the Commissioners may from time to time break up or cross over or under alter or stop up temporarily any sewers drains watercourses gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference and which they may from time to time find it expedient for any of those purposes so to interfere with or in any of the lands acquired by the Commissioners under the powers of this Act or in which lands they may acquire an easement providing when possible a temporary substitute before interrupting the flow of water gas sewage or electricity in any such sewer drain watercourse or pipe and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with electric apparatus or other property of Her Majesty's Postmaster-General or with any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of section 15 of that Act apply.

Commissioners may acquire easements only in certain lands.

11. The Commissioners may in lieu of acquiring any lands for the purpose of any aqueducts conduits or pipes by this Act authorised acquire such easements and rights in such lands as they may require for the purpose of constructing placing laying inspecting maintaining cleansing repairing conducting or managing the same and may give notice to treat in respect of such easements and rights and may in such notice describe the nature thereof

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and the several provisions of the Lands Clauses Acts inclusive of those with regard to arbitration and the summoning of a jury shall apply to such easements and rights as fully as if the same were lands within the meaning of such Acts Provided always that nothing herein contained shall authorise the Commissioners to acquire by compulsion any such easement in any case in which the owner in his particulars of claim shall require the Commissioners to acquire the lands in respect of which they have given notice to treat for the acquisition of an easement only and every notice to treat for the acquisition of an easement shall be endorsed with notice of this proviso Provided also that as regards any lands taken or used by the Commissioners for the purpose of laying aqueducts conduits or pipes therein where such aqueducts conduits or pipes are laid underground the Commissioners shall not (unless they give notice to treat for such lands and not merely for easements therein) 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 at all times after the completion of the works save when such aqueducts conduits or pipes are being examined altered or amended by the Commissioners have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Commissioners.

Lands for extra-ordinary purposes.

12. In addition to the lands authorised to be taken and acquired under the powers of this Act the Commissioners may purchase by agreement or take on lease lands not exceeding three acres for the purpose of forming depôts pipe yards sites for houses for their workmen and other buildings and conveniences in connexion with their undertaking and it shall be lawful for any person to sell and convey or grant leases of land to the Commissioners for such purposes and to contract in reference thereto Provided that nothing in this Act shall exempt the Commissioners from any indictment action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired or taken under the powers of this section.

Works to form part of undertaking of Commissioners.

13. The works authorised to be made and maintained by this Act and above described shall for all purposes whatsoever form part of the undertaking of the Commissioners and the Commissioners are hereby authorised to convey and supply water to the Burgh of Stirling within the limits of compulsory supply hereinbefore defined and to such places beyond the said limits as are specified in section 20 of the Act of 1881.

For protection of reservoirs from pollution.

14. The Commissioners may on any lands or in any stream or watercourse to which they now have right or which they may

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hereafter acquire under the powers of this Act 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 any of the reservoirs aqueducts or watercourses of the Commissioners or any waters flowing into the same.

Limiting time for compulsory purchase of lands.

15. The powers of the Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease as regards the works first to eighth herein-before described after the expiration of three years and as regards the work ninth herein-before described after the expiration of five years from the passing of this Act.

Period for completion of works.

16. If the works first to eighth herein-before described and authorised by this Act are not completed within three years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for executing any of such works not so completed or in relation thereto shall cease except as to so much thereof as is then completed and if the work ninth herein-before described and authorised by this Act is not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Commissioners for executing such work or in relation thereto shall cease except as to so much thereof as is then completed.

Commissioners may alter or increase number and size of filters and other works.

17. The Commissioners may from time to time subject to the provisions of this Act make lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) filters pure water basins mains pipes and other conveniences from time to time in use or required for preventing the pollution of and for purifying conveying and distributing water under the powers of the recited Acts and this Act and may also erect and keep in repair a dwelling-house or dwelling-houses suitable for the workmen in charge of the filters and other works forming part of the undertaking Provided always that such making laying down extension enlargement or increase of works of the Commissioners or such erection or repair of workmen's dwelling-houses shall be executed only on lands or property for the time being belonging to the Commissioners or which they are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes or over which they have acquired easements for that purpose under the powers of the recited Acts and this Act.

Tube or hose not to be affixed to

18. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the Commissioners without

their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the Commissioners or to any service pipe or apparatus of such owner or any other owner or occupier for the purpose of washing horses carriages or other vehicles windows houses or buildings or for watering gardens or washing pavements or footpaths of roads or for any other purpose and they may interdict the same and without prejudice thereto any person who contravenes this enactment shall be guilty of an offence and shall for every such offence forfeit and pay to the Commissioners a penalty not exceeding forty shillings.

mains or pipes without consent of Commissioners.

19. The Commissioners shall cause pipes to be laid so far as not already laid and water to be brought through all streets and roads or portions of streets or roads along which houses are built within the limits of compulsory supply as defined by this Act and shall as soon as conveniently may be after the passing of this Act at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling in any such street or road as aforesaid situated within the limits of compulsory supply furnish to such person by means of service or communication pipes and other necessary and proper apparatus to be provided laid down and maintained by and at the cost of such person unless otherwise agreed between him and the Commissioners a sufficient supply of water for domestic purposes in any such house or dwelling (including a supply for private water closets and private fixed baths in any such dwelling house) including the office-houses yards and other pertinents of the same Provided that no person shall be entitled to demand such supply of water or to require the Commissioners to lay down pipes or fire-plugs unless some pipe of the Commissioners shall have been laid within one hundred feet of the premises in respect of which such supply of water or pipes or fire-plugs is demanded or in case of tenements situated in a private close or place unless a water pipe of the Commissioners shall have been laid within one hundred feet of the entrance to such close or place or unless the Commissioners shall have become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act 1847 to cause pipes to be laid down within the said distance of one hundred feet of such premises.

Supply of water for domestic use within limits of compulsory supply.

20. The Commissioners may furnish to any person within the limits of the recited Acts and this Act a supply of water for other than domestic purposes to shops offices and warehouses and for shipping steam engines or railway or harbour purposes or for warming or ventilating any premises other than dwelling-houses or for working any machine or apparatus or for cattle or for horses or for washing carriages where such horses or carriages are kept

Commissioners may supply water for other than domestic purposes.

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for hire or are the property of a dealer or for gardens fountains or ornamental purposes farm buildings and farms or for any trade manufacture business or occupation or for poor-houses hospitals prisons barracks schools churches or other public buildings or for any other purpose not domestic such respective supplies being so furnished at such rates and upon such terms and conditions as shall from time to time be fixed by the Commissioners and published by being exhibited in the offices of the clerk and of the collector of rates of the Commissioners at Stirling Provided always that so far as possible the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply and the charges for such supply shall be recoverable in the same manner as any other water rates or charges may be recovered under the authority of the recited Acts and this Act Provided also that the supply of water under this section shall not prejudicially affect or restrict the supply of water from time to time required for domestic use within the limits of compulsory supply.

Owners to provide and maintain service pipes.

21. For the purpose of providing for the better distribution of the water supply among the inhabitants it shall be lawful for the Commissioners to require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street or road within the limits of compulsory supply in which the pipes of the Commissioners are laid to take a supply of water for such house or tenement by connecting a service or communication pipe with the main pipe of the Commissioners in any such street (such connexion to be made by the Commissioners or some person to be employed by them at the expense of the owner) and to provide lay and maintain in good and sufficient repair such service or communication pipes stand pipes or taps cisterns and other means and apparatus and in such positions as shall appear to the Commissioners to be necessary for that purpose and in the event of refusal or delay on the part of such owner to comply with such requisition within a month from the date on which such requisition is given it shall be lawful for the Commissioners or persons employed by them after twenty-four hours' notice in writing to enter such house or tenement and premises connected therewith between the hours of nine in the morning and four in the afternoon and to provide lay and maintain such service or communication pipes stand pipes or taps cisterns and other means and apparatus in such positions as aforesaid and to recover the expense thereof from such owner in the same manner as rates or charges are recoverable by the Commissioners under this Act Provided always that in the case of houses not exceeding five pounds of yearly rent or value such owner shall not be required to introduce water into each house if such means of supply has been

provided for each tenement of houses as the Commissioners may reasonably deem necessary Provided also that in case of any question or difference arising between the Commissioners and such owner with respect to the necessity for such supply being provided for any such house or tenement or with respect to the number or description of service or communication pipes stand-pipes or taps cisterns or other means and apparatus necessary for the purpose aforesaid the same shall be determined and fixed by the sheriff on summary application by either of the parties and the decision of the sheriff shall be final and not subject to appeal or review in any court or by any process whatsoever.

Provision as to common pipes.

22. When there shall be in any building or part of a building within the limits of compulsory supply a common pipe the supply through and from which pipe shall be used by or shall be accessible to the various occupants of such building or part of a building as aforesaid nothing in the recited Acts or this Act shall render it obligatory upon the Commissioners to give or continue a supply of water through or from such common pipe unless the several water rates and charges which may be payable under the provisions of the recited Acts and this Act to the Commissioners in respect of the supply of water through such common pipe to such building and every part thereof shall first have been paid to the Commissioners by the owner or occupier of such building or part of a building as aforesaid.

Pressure.

23. The water to be supplied from any main or pipe of the Commissioners need not be supplied in any case at a level above or at a greater pressure than can be supplied or afforded by gravitation from the pure water tanks or basins of the Commissioners hereinbefore described.

Water may be supplied for cleansing streets &c.

24. The Commissioners may if they see fit furnish a supply of water for the purposes of watering or cleansing streets or of flushing or cleansing sewers and drains or for public baths or washhouses or for public fountains either gratuitously or at such charge or reduced charge and upon such terms and conditions as they shall think proper.

Conditions of supply.

25. The Commissioners notwithstanding anything contained in the Waterworks Clauses Acts 1847 and 1863 or in the recited Acts or in this Act shall not be bound to supply any water unless the pipes valves cocks cisterns water-closets or other apparatus to be used be sufficient in their judgment to prevent the waste misuse or undue consumption or contamination of the water supplied.

Penalty for interfering with appara-

26. Every person who shall wilfully carelessly or without due authority from the Commissioners in any way interfere with any

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tus or works of Commissioners.

valve pipe lock cock or other apparatus or works of the Commissioners or with any meter used for registering the quantity of water supplied by the Commissioners to the injury of the Commissioners shall without prejudice to any other right or remedy competent to the Commissioners for the punishment of such offender be liable to a penalty not exceeding five pounds for every such offence.

Commissioners may repair apparatus on failure by owner or occupier.

27. If any of the apparatus used in connexion with the supply of water shall be out of order the owner or occupier of the house or premises in or to which such apparatus is placed or attached shall be bound to repair and make good the same and if such owner or occupier fail to make the requisite repairs within twenty-four hours after notice in writing so to do given by the superintendent or other officer of the Commissioners the Commissioners or any person authorised for that purpose in writing under the hand of the clerk to the Commissioners and producing his authority if called upon to do so may enter upon such premises and repair renew and make watertight all such apparatus and shall be entitled to recover in the name and at the instance of the said clerk or collector from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner by the Acts herewith incorporated provided for the recovery of penalties or by action in any court of competent jurisdiction and for the purposes of this section the word "apparatus" means and includes pipe cistern bath water-closet ball-cock stop-cock valve and other articles used in the supply or storing of water in houses manufactories or premises or in connexion therewith Provided that in the event of the expense of such repair or renewal being paid by the occupier of any such house or premises he shall be entitled to recover such expense from the owner thereof or to deduct the same from his rent unless otherwise provided for by the terms of the tenancy.

Rent for water may be ascertained by meter.

28. The Commissioners may agree with any person for a supply of water by measure and may require any person supplied with water for any other than domestic purposes to take and pay for such supply by measure and in both cases a meter for ascertaining the quantity consumed shall (unless otherwise agreed on) be provided by the Commissioners at a reasonable rent to be fixed by them.

Commissioners to estimate annual sums required.

29. The Commissioners shall and they are hereby authorised and required once in every year to estimate and fix the amount of money necessary to be levied for the purposes of the recited Acts and this Act for defraying the costs charges and expenses of

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supplying water for and during the year then current and the interest of money already borrowed by the Commissioners under the recited Acts and the interest of money that may be borrowed or be due under the provisions of this Act the payment of instalments of debt and annuities and the payment to the sinking funds under the recited Acts and this Act and the reserved fund under this Act together with the expense of maintaining and managing or extending the works mains and pipes and obtaining and providing and distributing supplies of water within the limits of compulsory supply and the limits of the recited Acts and this Act and the whole or such portion of the salaries wages and other expenses of the treasurers engineers surveyors clerks collectors or other officers or servants employed by the Commissioners as they shall think equitable and fair to charge to such account and all other charges and expenses in connexion with the undertaking chargeable against revenue.

Commissioners to assess and levy rates.

30. The estimate to be made up in manner herein-before provided shall be submitted to and considered by the Commissioners at a meeting to be held immediately after they shall have obtained a copy of the valuation roll or rolls for the year then current and at such meeting or at any adjournment thereof the Commissioners shall and they are hereby authorised and required in order to raise such a sum of money as along with the public water rate after-mentioned and other water revenues of the Commissioners shall be sufficient for the purposes after-mentioned annually to impose assess and levy a rate for the purposes of the recited Acts and of this Act to be called "the domestic water rate" upon and from the occupiers of all dwelling-houses and buildings used partly as dwelling-houses and their pertinents and inns hotels shops offices and warehouses within the limits of compulsory supply according to the full annual rent or value thereof but so as not to exceed ninepence in each pound of such value in the case of shops offices and warehouses respectively according to the valuation roll for the time being in force and which domestic water rate in respect of shops offices and warehouses shall be in addition to any charge for water used for other than domestic purposes in any of such shops offices or warehouses Provided always that in addition to the rate levied as herein-before provided upon the occupiers of all dwelling-houses inns and hotels the Commissioners are hereby empowered and required annually for a period of fifty years commencing at Whitsunday one thousand eight hundred and eighty-one but no longer to levy and assess a rate of threepence in the pound upon the occupiers of all dwelling-houses inns hotels taverns and other similar premises situated within those parts of the burgh which were by the fifth section of the Act of 1881 added to the limits specified in the third

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section of the Act of 1848 all as provided in the said fifth section of the Act of 1881 and that upon the full annual value of the said dwelling-houses and other buildings as appearing in the valuation roll for the time being in force:

Provided (A) that in every case in which any part of a building shall be appropriated and occupied as a dwelling-house and the remainder of such building shall be appropriated and used only as a building other than a dwelling-house and such parts are separately valued in the valuation roll they shall be deemed for the purposes of this enactment a separate dwelling-house and separate building respectively and where in any case such parts are not separately valued in the valuation roll the Commissioners may and they are hereby required to apportion to such part of the building as shall be occupied as a dwelling-house its due proportion of the value of the entire building as valued in the valuation roll and to apportion to the remainder of such building the residue of the entire value thereof and thereupon such parts shall for the purposes of this enactment be deemed a separate dwelling-house and separate building respectively of such apportioned yearly values respectively and the Commissioners may for the purposes of assisting them in making any such apportionment employ any surveyor or other skilled person:

(B) That when the annual value of any building or part of a building liable to be rated separately under this section shall not exceed the sum of three pounds the rate shall in every such case be paid by the owner of such building or part of a building in the event of the occupier failing to pay the same:

(C) That as regards all persons who shall be the occupiers of any subjects or premises (other than tenements situate in a private close or place) they shall not be liable to be assessed in respect thereof for the said rate unless some pipe of the Commissioners shall be laid down within one hundred feet of the outer wall fence or boundary of the same:

(D) That as regards the occupiers of tenements situate in a private close or place they shall not be liable to be assessed in respect of such tenements for the said rate unless some pipe of the Commissioners shall be laid down within one hundred feet of the entrance to such close or place or the nearest part thereof.

Public water rate to be levied.

31. The Commissioners shall and they are hereby authorised and required annually to impose assess and levy a rate to be called "the public water rate" of one penny in the pound upon and from the owners of all lands and heritages within the limits of compulsory supply according to the full annual rent or value thereof according to the valuation roll for the time being in force and such public

water rate may be levied by the Commissioners from the occupiers of such lands and heritages and any occupier so paying the said public water rate shall be entitled to deduct from his rent the rate so paid by him.

Public water rate on certain lands and heritages to be assessed at one-fourth of annual value thereof.

32. The annual value of the following lands or heritages shall for the purposes of the public water rate be held to be the nearest aggregate sum of pounds sterling to one-fourth of the annual value thereof entered in the valuation roll viz. :—

(1) All lands and premises used exclusively as a canal or basin of a canal or towing-path for the same or as a railway excepting the stations depôts wharves and buildings thereof which shall be assessable to the same extent as other lands and heritages within the limits of compulsory supply ;

(2) All the underground gas pipes or underground works of any gas undertaking ;

(3) All woodland arable meadow or pasture ground or other ground used for agricultural purposes ;

(4) All mines minerals and quarries.

Rates on unoccupied premises.

33. When any premises in respect of which any person may be liable to be assessed for the domestic water rate under the provisions of this Act shall at the time of assessing any such rate be unoccupied then and in every such case it shall be lawful for the Commissioners to include such premises describing them in the column in the water rate book appropriated to the name of occupier as being "unoccupied" and if any person shall afterwards occupy such premises during any part of the period for which such rate may have been assessed it shall be lawful for the Commissioners to insert the name of such person as occupier and to levy from him or from the owner if he shall be liable to pay the same as in this Act provided such part of the said rate as shall be proportioned to the time during which such person shall occupy such premises and every such person shall thereupon be deemed to all intents and purposes to be properly rated and all such rates may be levied and recovered from the person who shall be liable to pay the same under the provisions of this Act Provided always that any such person whose name shall be so inserted in such water rate book and such owner as last aforesaid may appeal against the same to the Commissioners as provided by this Act Provided also that except as aforesaid no domestic water rate shall be payable by any person in respect of unoccupied premises.

Rate book to be kept and notice to be given to ratepayer.

34. Every assessment for the domestic water rate and public water rate shall be fairly transcribed in the water rate book to be kept for that purpose which may be in the form of the schedule to this Act annexed or to the like effect and every such assessment

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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 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 the date of the Appeal Court and that he may in the manner herein-after provided appeal to the Commissioners against the same within ten days after such notice.

Entry in rate book where name of owner or occupier is unknown.

35. If the name of any owner or occupier whose name is required to be entered in the water rate book of the Commissioners under the provisions of this Act shall not after due inquiry be known to the Commissioners it shall be sufficient to state such owner or occupier in the water rate book as the owner or occupier of the property to be rated by the designation of "the owner" or "the occupier" without stating his name or by such or the like description or designation as may appear in the valuation roll in force for the time.

Rate book to be open to inspection and copies may be taken.

36. The water rate book immediately after any rate is assessed shall be open in the office of the collector at all reasonable times to the inspection of any person interested or liable to pay such rate and any such person may take copies or extracts from the water rate book of the rate in which he is interested or for which he is liable without paying anything for the same and any person having the custody of such rate book who refuses or does not permit any person so interested or rated as aforesaid to take copies or extracts in regard to such rate shall for every such offence be liable to a penalty not exceeding five pounds.

Rate book may be amended.

37. The Commissioners may from time to time amend the water rate book in respect of any such rate assessed by virtue of this Act by inserting therein the name of any person claiming and entitled to have his name therein as owner or occupier or by inserting therein the name of any person who ought to have been rated or by striking out the name of any person who ought not to have been rated or by making such other amendments therein as will make such rate conformable to this Act and no such amendment shall be held to make void the rate Provided always that every person aggrieved by any such alteration shall have the same right of appeal therefrom as he would have had if his name had been originally inserted in the water rate book and no such alteration had been made and as respects such person the rate shall be considered to have been assessed at the time when he received notice of such alteration.

Appeal against rate may be lodged with collector.

38. If any person shall consider himself to be improperly rated he may within ten days from the date of the notice being given of such rate lodge with the collector a written appeal against the same

signed by him and the Commissioners or a committee named by them shall at an appeal court to be held by them on the last Tuesday of October yearly or at any adjournment of the Court of which notice shall be given to such person by the collector not less than two days previously consider such appeal and shall dispose thereof summarily and without written pleadings and the decision of the Commissioners or of their committee shall be final Provided always that no such appeal shall be competent against the value of any premises in the rate book if the same is the annual rent or value thereof according to the valuation roll for the time being in force or has been apportioned by the Commissioners as provided in the section of this Act the marginal note of which is "Commissioners to assess and levy rates."

Rates may be assessed prospectively or retrospectively.

39. The Commissioners may assess the domestic water rate and the public water rate prospectively in order to raise money to pay the interest on borrowed money and contributions to the sinking fund reserved fund annuities and instalments and charges and expenses to fall due or to be incurred thereafter or retrospectively in order to raise money to pay charges and expenses already incurred and such assessments may be made levied and recovered notwithstanding that the works authorised by this Act may not at the time have been made or a supply of water given under this Act within the whole limits of compulsory supply and the domestic water rate and the public water rate shall be assessed for the period from the term of Whitsunday in each year to the term of Whitsunday in the year following and shall be payable in advance by a yearly payment as at Whitsunday in each year for the year following to the collector at his office and the first assessment under this Act shall be made and imposed as from the term of Whitsunday one thousand eight hundred and ninety-three for the year following and the rates so assessed shall be payable as at such last-mentioned term.

Recovery of rates.

40. The provisions contained in sections 43 to 48 both inclusive of the Act of 1881 with respect to the recovery of assessments rates or rents leviable under the recited Acts shall apply to the recovery of the assessments rates or rents leviable under this Act.

Commissioners may inspect public or parochial assessments and take copies or extracts.

41. The Commissioners or any person by them authorised may from time to time inspect all or any of the public or parochial rates and assessments embracing the lands and heritages within the limits of supply or any part thereof and the books in which are contained all the assessments by which the same are made and may take copies thereof or extracts therefrom respectively and any person having the custody of such rates and assessments and books

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who shall not suffer the Commissioners or any person authorised by them to inspect the same at reasonable times or to take copies thereof or extracts therefrom shall be liable to a penalty not exceeding five pounds for each offence.

Application of rates and income.

42. The several rates rents and charges levied and received by the Commissioners under the authority of the recited Acts and this Act and the other income of the Commissioners for the supply of water shall be applied in the manner and to the purposes following (that is to say) :—

First.—In defraying the expense of managing and maintaining the undertaking including salaries and other payments to officers and servants and the charges and expenses of providing and supplying water and paying any feu duties and ground annuals and other annual payments exigible in respect of any land streams or property forming part of the undertaking;

Secondly.—In payment of the interest on the money borrowed by the Commissioners under the recited Acts and this Act with respect to the undertaking;

Thirdly.—In providing for the repayment by instalments or annuities or otherwise of money already borrowed or to be borrowed and setting apart the sinking funds by the Act of 1881 and by this Act required;

Lastly.—In payment of such portion of the expense of enlarging or increasing and renewing and from time to time extending the works mains and pipes as the Commissioners shall think it reasonable to charge against the revenue for the year and of any other necessary annual expenditure and for providing a reserved fund which the Commissioners are hereby authorised to make to meet any contingencies.

Power to borrow money.

43. The Commissioners may from time to time borrow on mortgage and security of their undertaking and clear revenues of the lands and property connected therewith and of the rates and rents leviable under the recited Acts and this Act any sums not exceeding in the whole twenty thousand pounds in addition to the moneys borrowed or authorised to be borrowed by them under the recited Acts and if after having borrowed the sums of money by this Act and the recited Acts authorised or any part thereof the Commissioners shall pay off the same or any part thereof otherwise than by means of the sinking fund provided by this Act or of the proceeds of the sale of surplus lands or other moneys in the nature of capital not being borrowed moneys the Commissioners may again borrow the amount so paid off and so from time to time.

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Application of borrowed money.

44. The money borrowed or raised on mortgage or by means of the funded debt under the authority of the recited Acts and this Act shall be applied in or towards defraying the expense of the works by the recited Acts and this Act authorised to be made and maintained being in all cases purposes to which capital is properly applicable and the provisions contained in sections 50 52 53 55 and 56 of the Act of 1848 and in sections 23 to 38 of the Act of 1881 shall be applicable to the money to be borrowed under the authority of this Act in the same manner and to the same effect as the said provisions are applicable to the money borrowed under the authority of the recited Acts and the certificate mentioned in the said sections 55 and 56 of the Act of 1848 shall not be granted by the sheriff until the whole of the principal moneys borrowed by the Commissioners on mortgage under the authority of the recited Acts and this Act and the annuities payable to the holders of the said funded debt have been paid off and discharged.

Increase of reserved fund.

45. In addition to the sinking fund to be formed for paying off moneys borrowed under the authority of the recited Acts and this Act the Commissioners may from time to time deduct set apart and appropriate out of the several rates leviable by them under the recited Acts and this Act such sum of money as they shall think fit for and towards a reserved fund to meet any extraordinary claims or demands which may at any time arise against them for the repair of their works and for enlarging increasing and renewing their works mains and pipes from time to time or otherwise in relation thereto and such reserved fund with the interest and dividends thereof shall from time to time be deposited in any chartered or other bank having its head office in Scotland or shall be invested in the purchase or on loan on any of the stocks funds or other property specified in the third and fourth sections of the Trusts (Scotland) Amendment Act 1884 or in any Act amending the said Act until the same shall amount to the sum of five thousand pounds and the provisions contained in sections 52 and 53 of the Act of 1848 shall be applicable to the said reserved fund Provided always that the sum of five thousand pounds shall be held as substituted in the said sections for the sum of one thousand pounds therein mentioned.

Commissioners may borrow temporarily money for current annual expenditure.

46. In order to raise such money as may be necessary to defray the current annual expenditure for the undertaking of the Commissioners until the rates rents and charges which they are authorised to levy shall be levied and collected they may borrow during the currency of any year from the fifteenth day of May in one year to the fifteenth day of May in the succeeding year in addition to the other sums authorised to be borrowed on the security of such rates rents and charges in such way and manner as they may deem most

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expedient any sum or sums not exceeding in the whole two-third parts of the estimated amount of such rates rents and charges for the year then current from any bank or banking company or other company or person on such terms and conditions and in such form as may be agreed on between the parties Provided always that such sums so borrowed shall be paid off and extinguished out of revenue on or before the fifteenth day of May concluding the year to which such borrowing applies.

Commissioners may enter into agreements with local authorities and others for supply of water.

47. The Commissioners may enter into agreements with any companies bodies corporations county councils sanitary authorities parochial boards local authorities or other public bodies or persons for the supply of water or for the laying of mains pipes or other works within the limits of compulsory supply and the limits of the recited Acts and this Act.

Amendment of section 18 of Act of 1881 with reference to per-centages payable to proprietor of estate of Touch.

48. Whereas by section 18 of the Act of 1881 it was enacted that notwithstanding anything contained in the minute of agreement and feu contract therein mentioned or in the Act of 1864 the per-centage on the excess of the gross annual revenue of the Commissioners beyond four hundred pounds as therein mentioned should as and from the term of Whitsunday one thousand eight hundred and eighty-two be taken exacted and received so long as and in so far as the said gross revenue in each year should amount to or should not exceed two thousand five hundred pounds at the rate of ten pounds per centum per annum on such excess and should be taken exacted and received at the rate of five pounds per centum per annum instead and in place of ten pounds per centum per annum on the amount by which such gross annual revenue should in each year exceed the said sum of two thousand five hundred pounds such per-centage to be payable at the same term and subject to all such and the like incidents privileges and conditions as if the same had been stipulated for along with or instead or in place of the per-centage mentioned in the said minute of agreement and feu contract and so that the net sum on which the said per-centage at the rate of ten pounds per centum per annum should be payable in any one year should not exceed the sum of two thousand one hundred pounds And whereas Sir Alan Henry Seton Steuart baronet now the owner or reputed owner of the said estate of Touch and the Commissioners have agreed that the per-centages provided for by the said section of the Act of 1881 should be varied and modified as herein-after provided Now therefore notwithstanding anything contained in the said section of the said Act the per-centage on the said gross annual revenue shall as from and after the term of Whitsunday one thousand eight hundred and ninety-three be taken exacted and received by the said Sir Alan Henry Seton Steuart or other the owner for

the time being of the said estate of Touch according to the following scale (that is to say) That to the extent of four hundred pounds the aforesaid gross annual revenue shall as heretofore not be liable in payment of any per-centage that to the extent by which the said gross annual revenue exceeds four hundred pounds but does not exceed two thousand five hundred pounds the per-centage shall as heretofore be at the rate of ten pounds per centum per annum that to the extent by which the said gross annual revenue exceeds two thousand five hundred pounds and does not exceed three thousand four hundred pounds the per-centage shall be at the rate of five pounds per centum per annum and that to the extent by which the said gross annual revenue exceeds three thousand four hundred pounds the per-centage shall be at the rate of two pounds ten shillings per centum per annum.

As to supply of water from Touch Burn.

49. Notwithstanding the provisions contained in section 17 of the Act of 1881 the owner or reputed owner of the estate of Touch and the Commissioners may for the purpose of increasing as may be necessary the supply of water to be taken from Touch Burn and its affluents for the purposes of the recited Acts and this Act enter into an agreement for restricting to such extent as may be agreed upon the amount of compensation water which the Commissioners are required by the said section to discharge into Touch Burn.

Commissioners may discontinue certain public wells in Stirling.

50. The Commissioners may from time to time discontinue and remove permanently all or any of the public wells or fountains which as provided by section 25 of the Act of 1848 they were required to construct and maintain in the burgh of Stirling.

Qualification of Commissioners.

51. Every person rated under this Act on a dwelling-house for the domestic water rate in respect of any such property of the yearly rent or value of ten pounds at the least and who not later than two o'clock in the afternoon of the Saturday immediately preceding the latest day for nominating candidates for the annual election of Commissioners by the ratepayers under the recited Acts and this Act shall have paid such rate due and payable by him in respect of such property under the recited Acts and this Act at or before the term of Whitsunday preceding such election and no other person shall be qualified to be elected a Commissioner by the ratepayers under the recited Acts and this Act.

Qualification of electors.

52. Every person rated under this Act on a dwelling-house for the domestic water rate in respect of any such property of the yearly rent or value of three pounds or upwards and who not later than two o'clock in the afternoon of the Saturday immediately preceding the latest day for nominating candidates for the annual election of Commissioners by the ratepayers under the recited Acts and this

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Act at which he tenders his vote shall have paid such rate due and payable by him in respect of such property under the recited Acts and this Act at or before the term of Whitsunday preceding such election and no other person shall be entitled to vote in the election of Commissioners to be elected by the ratepayers under the recited Acts and this Act.

Election of Commissioners by ratepayers and nomination of candidates for election.

53. The prescribed time for the Commissioners elected by the ratepayers going out of office by rotation shall be the second Tuesday of November in every year and on the said day the electors duly qualified as provided by the immediately preceding section shall elect two persons duly qualified under this Act to be elected Commissioners by the ratepayers and each of such persons shall be nominated by two and his nomination assented to by five of such qualified electors and consented to by the nominee all in terms as nearly as may be of Schedule IX. annexed to the Burgh Police (Scotland) Act 1892 and the notices in connection with the election and the nomination of candidates shall be made and the annual election of Commissioners and the ascertainment and declaration of the result of such election shall be conducted as nearly as the circumstances will permit in the manner provided with respect to the nomination and the election of town councillors in the royal burghs of Scotland under the Royal Burghs (Scotland) Act 1833 the Municipal Elections (Scotland) Act 1868 the Municipal Elections Amendment (Scotland) Act 1870 and the Ballot Act 1872 and by sections 39 40 and 41 of the Burgh Police (Scotland) Act 1892 and Schedules IX. and X. annexed to that Act The hours of polling shall be from twelve o'clock noon till eight o'clock afternoon In case of an equality in the number of votes for any two or more such persons the returning officer shall if necessary to prevent an excess in the number of Commissioners decide by lot which of such persons shall be elected .Provided that in all such elections the chairman of the Commissioners or any one of the Commissioners to be appointed by him or whom failing by the sheriff on the application of any two of the Commissioners or of the clerk to the Commissioners shall act as returning officer and the clerk to the Commissioners shall in all respects occupy the place and perform the duties of the town clerk under the above-mentioned Acts in so far as necessary to carry the provisions of the recited Acts and this Act into effect and the whole expense of and incident to the elections under the recited Acts and this Act shall be paid by the Commissioners out of the moneys levied by them under the recited Acts and this Act.

Returning officer to appoint

54. The returning officer for the time being shall appoint a person qualified to act as presiding officer at elections of town

councillors in the royal burghs of Scotland to act as presiding officer at each polling station required in the election of Commissioners by the ratepayers under the recited Acts and this Act and shall fix the place of election notice of which shall be given in the intimation to be made of the annual election of Commissioners.

officers to preside at elections of Commissioners.

55. The Commissioners may hold special meetings and any two or more of the Commissioners may by requisition made to the clerk in writing stating the object of the intended meeting and signed by two of the Commissioners require a special meeting to be held but no such meeting shall be held unless two clear days' notice thereof at the least be given and the object of the meeting shall be stated in the notice.

Commissioners may hold special meetings.

56. The Commissioners may at any meeting from time to time appoint committees for any purposes which in the opinion of the Commissioners would be better regulated and managed by means of such committees and they may appoint the chairman and fix the quorum of any such committee and may continue alter or discontinue such committee and every committee so appointed may meet from time to time and may adjourn from place to place as they may think proper for carrying into effect the purposes of their appointment but no business shall be transacted at any meeting of the committee unless the quorum of members if any fixed by the Commissioners or if no quorum be fixed three of such members be present and at all meetings of the committee the chairman appointed by the Commissioners if present or in his absence a chairman chosen by the committee shall preside and in case of an equal division of votes the chairman shall have a casting vote in addition to his vote as a member of the committee.

Commissioners may appoint committees and fix quorum.

57. The Commissioners shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1867 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restriction on taking houses of labouring class.

For the purpose of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings

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a week and the families of any such persons who may be residing with them.

Saving rights of the Crown.

58. Nothing contained in this Act shall authorise the Commissioners to take use or in any manner interfere with any land or hereditaments or any rights of whatsoever description belonging to the Queen's most Excellent Majesty in the right of Her Crown and under the management of the Commissioners of Woods without the consent in writing of the Commissioners of Woods on behalf of Her Majesty first had and obtained for that purpose (which consent such Commissioners are hereby authorised to give) neither shall anything in this Act contained extend to take away prejudice diminish or alter any of the estates rights privileges powers or authorities vested in or enjoyed or exercisable by the Queen's Majesty Her heirs or successors.

Saving rights of Her Majesty's Principal Secretary of State for the War Department.

59. And whereas it is necessary that the lands hereditaments and works belonging to Her Majesty or vested in Her Majesty's Principal Secretary of State for the War Department for the public service should be preserved intact and free from all intrusion or obstruction Be it therefore enacted that nothing in this Act contained shall authorise the Commissioners to enter upon use or interfere with any land soil or water or any right in respect thereof vested in or exercised by the said Principal Secretary for the time being or to take away lessen prejudice or alter any of the rights privileges or powers vested in or exercised by the said Principal Secretary for the time being without his previous consent signified in writing under his hand and which consent the said Principal Secretary for the time being is hereby authorised to give subject to such special or other conditions as he shall see fit to impose on the Commissioners.

Costs of Act.

60. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of the moneys belonging to or the rates and revenues leviable or receivable by them under the recited Acts or this Act.

The SCHEDULE.

Form of Water Rate Book.

Assessment for the domestic water rate and the public water rate under the Stirling Waterworks Amendment Act 1893 for the year from the fifteenth day of May one thousand eight hundred and
to the fifteenth day of May one thousand eight hundred and
at the rate of . in the pound for the domestic water rate on dwelling-houses inns and hotels and at the rate of
in the pound for the domestic water rate on shops offices and warehouses and at the rate of in the pound for the public water rate.

Number.	Name of owner.	Name of occupier.	Description and situation of property.	Full annual value.	Domestic rate.		Public rate at in the pound.
					at in the pound.	at in the pound.	

Printed by Eyre and Spottiswoode,
for
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
Eyre and Spottiswoode, East Harding Street, Fleet Street, E.C.; or
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90, West Nile Street, Glasgow; or
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