



## CHAPTER x.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Westlothian (Bathgate District) Water. [27th March 1925.]

A.D. 1925.

**W**HEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners 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.

Confirma-  
tion of  
Order in  
schedule.

2. This Act may be cited as the Westlothian (Bathgate District) Water Order Confirmation Act 1925.

Short title.

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SCHEDULE.

WESTLOTHIAN (BATHGATE DISTRICT) WATER.

*Provisional Order to authorise the District Committee of the Bathgate District of the County of Linlithgow to construct and maintain waterworks and to supply water within their district to authorise and require the County Council of the County of Linlithgow to levy assessments and to borrow money for the purposes of such water supply to change the name of the county and for other purposes.*

WHEREAS the county council of the county of Linlithgow (hereinafter called "the County Council") are the local authority for the said county in the execution of the Public Health Acts as hereinafter defined with respect to acquiring and holding lands rating and borrowing :

And whereas the county of Linlithgow has for the purposes of the administration therein of the Public Health Acts been divided into districts in accordance with the provisions of the Local Government (Scotland) Act 1889 and such districts include the Bathgate District :

And whereas the District Committee of the Bathgate district (hereinafter called "the District Committee") are the local authority for the execution within their district of the Public Health Acts except with respect to acquiring and holding lands rating and borrowing :

And whereas the present population of the county of Linlithgow within the Bathgate district is considerable and is increasing and the supply of water is insufficient in quantity for their needs :

And whereas the County Council have by resolution dated fifteenth December one thousand eight hundred

and ninety-one adopted the provisions of the Public Health (Scotland) Amendment Act 1891 within the Bathgate district: A.D. 1925.

And whereas it is expedient that the County Council should be authorised and required to levy assessments and charges in respect of the water supply within the water supply area in the manner provided by this Order and to borrow on the security of such assessments and charges such moneys as may be necessary for the purposes of this Order:

And whereas estimates have been prepared for the purchase of land for and for the execution of the works by this Order authorised and such estimates are as follows:—

|                                       | £        |
|---------------------------------------|----------|
| Purchase of lands and servitudes      | 10,000   |
| Storage reservoirs                    | 164,000  |
| Service tanks and relative works      | 20,000   |
| Aqueducts conduits and lines of pipes | 153,000  |
| Roads of access                       | 3,500    |
| Subsidiary works                      | 11,500   |
|                                       | £362,000 |

And whereas the said works are permanent works and it is expedient that the cost thereof should be spread over a period of years:

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order have been deposited with the principal sheriff-clerk of the counties of Peebles Lanark Midlothian and Linlithgow in their offices at Peebles Glasgow Airdrie Lanark Edinburgh and Linlithgow respectively and are hereinafter respectively referred to as “the deposited plans sections and book of reference”:

And whereas the county of Linlithgow has for many years been known for certain purposes as the county of Westlothian and it would be of public and local advantage

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A.D. 1925. — and in accordance with the sentiments of the inhabitants that the change of the name of the county should be effected for all purposes :

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 commencement of Order.

1. This Order may be cited for all purposes as the Westlothian (Bathgate District) Water Order 1925 and shall come into operation at the date of the passing of the Act confirming the same which date is referred to in this Order as “the commencement of this Order.”

Interpretation.

2. In this Order the several words and expressions to which meanings are assigned by the Local Government (Scotland) Acts 1889 to 1908 and the Public Health (Scotland) Acts 1897 to 1907 and 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 And the following expressions shall have the meanings assigned to them in this section :—

“The county” means the county of Westlothian;

“The County Council” means the county council of the county;

“The District Committee” means the district committee of the Bathgate District of the county;

“The Bathgate district” means the parishes of Uphall Livingston Whitburn Bathgate and Torphichen excluding the burghs of Armadale Bathgate and Whitburn as at present existing;

“The Public Health Acts” means the Public Health (Scotland) Acts 1897 to 1907 and any Acts amending the same;

“The Act of 1889” means the Local Government (Scotland) Act 1889 and includes any Act amending the same;

“The Standing Joint Committee” means the Standing Joint Committee of the County Council and

the Commissioners of Supply of the county appointed in pursuance of the Act of 1889; A.D. 1925.

“The water supply area” means the Bathgate District;

“The valuation roll” means the valuation roll for the county made up in terms of the Lands Valuation (Scotland) Act 1854 and any Act amending the same;

“The sheriff” means the sheriff of the Lothians and Peebles and includes any of his substitutes;

“The undertaking” means the existing waterworks of the District Committee and the waterworks which may be constructed under the powers of this Order and all lands and property rights powers privileges duties and obligations pertaining to the said waterworks for the time being.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes of and are not inconsistent with or varied by the provisions of this Order) are hereby incorporated with and form part of this Order:— Incorporation of Acts.

The Lands Clauses Acts:

The Waterworks Clauses Act 1847 except the sections and provisions thereof with respect to:—

(a) The communication pipes to be laid by the undertakers;

(b) The amount of profit to be received by the undertakers when the waterworks are carried on for their benefit; and

(c) Also except sections 68 70 and 72:

The Waterworks Clauses Act 1863; and

The sections and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith and in construing the said clauses for the purposes of this Order the word “company” shall mean the District Committee and the word “railway” shall mean the aqueducts conduits or lines of

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pipes service reservoirs or tanks and works immediately connected therewith authorised by this Order and the words "centre of the railway" shall mean the centres of the aqueducts conduits or lines of pipes and the boundaries of the service reservoirs or tanks respectively :

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

Power to  
construct  
works.

4. Subject to the provisions of this Order the District Committee may on the lands to be acquired by the county council as hereinafter provided make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described. The works hereinbefore referred to and authorised by this Order are situated in the counties of Peebles Lanark Midlothian and Westlothian and are the following (that is to say) :—

Work No. 1 A reservoir (hereafter called the Lyne reservoir) to be situated on the stream called the Lyne Water and adjacent lands commencing at a point in the said Lyne Water 250 yards or thereby measured in a northerly direction from the north-west corner of the Hareshaw Cottage and terminating at an embankment to be formed across the Lyne Water at a point 570 yards or thereby measured in a north-westerly direction from the north-west corner of Cairnmuir House which said embankment will commence at a point 220 yards or thereby westwards and will terminate at a point 160 yards or thereby eastwards from the said point at which the Lyne Water will be crossed by the centre line of the said intended embankment which reservoir and embankment will be wholly situated in the parish of Linton and county of Peebles.

Work No. 2 An intake situated at a point on the Lyne Water 630 yards or thereby measured in a northerly direction from the point where the centre line of the aforesaid embankment Work No. 1 crosses the Lyne Water which said intake will be wholly situated in the parish of Linton and county of Peebles.

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Work No. 3 An aqueduct conduit line or lines of pipes commencing at the aforesaid intake Work No 2 and terminating at a point 80 yards or thereby measured in a northerly direction from the point at which the centre line of the aforesaid embankment Work No. 1 crosses the Lyne Water which work will be wholly situated in the parish of Linton and county of Peebles.

Work No. 4 An access road commencing at a point in the public road 60 yards or thereby measured in a westerly direction from the western corner of Baddinsgill farm buildings and terminating at the western end of the aforesaid embankment Work No. 1 which access road will be wholly situated in the parish of Linton and county of Peebles.

Work No. 5 An aqueduct conduit line or lines of pipes commencing in the parish of Linton and county of Peebles at the termination of the aforesaid conduit Work No. 3 and passing through in or into the parish of Linton in the county of Peebles the parishes of Dunsyre and Carnwath in the county of Lanark and the parish of West Calder in the county of Midlothian and terminating in the service tank Work No. 6 hereinafter described in the parish of West Calder and county of Midlothian.

Work No. 6 A service tank wholly situated in the parish of West Calder and county of Midlothian at a point 1270 yards or thereby measured in a southerly direction from the south-west corner of Longford Cottage.

Work No. 7 An aqueduct conduit line or lines of pipes commencing in the aforesaid service tank Work No. 6 and passing through in or into the parish of West Calder in the county of Midlothian and the parish of Whitburn in the county of Westlothian and terminating at a point where the public road from Bents Station to Fauldhouse crosses the road from Longridge to Breich Station in the parish of Whitburn and county of Westlothian.

Work No. 8 An aqueduct conduit line or lines of pipes commencing in the aforesaid service tank

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Work No. 6 and passing through in or into the parish of West Calder in the county of Midlothian and the parishes of Whitburn Livingston and Bathgate in the county of Westlothian and terminating at a point in the Edinburgh-Bathgate road 230 yards or thereby measured in an easterly direction from the point where the Bathgate burgh boundary crosses said road in the parish of Bathgate and county of Westlothian.

Work No. 9 An access road commencing at a point in the public road from West Calder to Wilsontown 100 yards or thereby measured in a westerly direction from the south-west corner of Longford Cottage and terminating at or near the service tank Work No. 6 which said access road will be wholly situated in the parish of West Calder and county of Midlothian.

Work No. 10 An enlargement of the existing reservoir known as Forrestburn Reservoir authorised by the Bathgate Water Supply Confirmation Act 1892 commencing at a point at or near where the public road from Bentfoot to Forrestfield crosses Forrestburn and terminating in the existing eastern and northern embankments by raising and extending the said eastern and northern embankments of the said reservoir and by constructing an embankment Work No. 11 hereinafter described which said enlargement will be wholly situated in the parish of Shotts and county of Lanark.

Work No. 11 An embankment commencing at a point in the field or enclosure No. 2392 on the 25-inch Ordnance survey map of the parish of Shotts (edition 1913) 512 yards or thereby measured in an easterly direction from the south-east corner of Papperthills farm buildings and terminating in the field or enclosure No. 2393 on the said 25-inch Ordnance survey map 406 yards or thereby measured in an easterly direction from the said south-east corner of Papperthills farm buildings which said embankment will be wholly situated in the parish of Shotts and county of Lanark.



5. The District Committee shall if and when required by the local authority of the district in which the works by this Order authorised are situate (in this section called "the local authority") make provision to the satisfaction of the local authority for the proper housing and sanitary requirements of the persons employed in constructing the said works and for the treatment of cases of sickness (other than infectious disease) and accident occurring among the said persons during the construction of the said works. In considering what provision ought to be made for the said purposes the local authority shall take into consideration the provision already available in the neighbourhood of or conveniently accessible from the said works.

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Accommo-  
dation for  
workmen  
&c.

In the event of any dispute arising between the District Committee and the local authority as to the amount or nature or situation of the housing accommodation or sanitary requirements to be provided or as to the sufficiency of the provision for the treatment of cases of sickness (other than infectious diseases) and accident or as to the time within which such accommodation shall be provided and such provision made or as to the carrying out by the District Committee of any requirement of the local authority under this section either party may appeal to the Scottish Board of Health (in this section called "the Board") and the decision of the Board shall be final and binding on both parties:

Provided that if it appears to the Board at any time that sufficient provision for the aforesaid purposes is not made the Board shall have power to require the District Committee to make provision or additional provision therefor to the satisfaction of the Board.

In the event of the District Committee or the local authority failing to comply with any order or requirement of the Board under this section they shall be liable to a penalty not exceeding five pounds for every day during which such failure continues and such penalty shall be recoverable with expenses at the instance of the Lord Advocate on behalf of the Board in any competent court.

For the purposes of this section the Board shall have the same powers of holding inquiries and of requiring reports to be made by the local authorities and their officials as they have under the Public Health (Scotland)

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A.D. 1925. Act 1897 for the purposes of that Act and the provisions of the said Act relating to such inquiries and reports shall apply accordingly.

Power to make subsidiary works.

6. In addition to the waterworks by this Order authorised and in connection therewith the District Committee may upon or in the lands delineated on the deposited plans and described in the deposited book of reference or upon or in any other lands acquired for the purposes of this Order make erect and maintain all such embankments dams weirs intake weirs by-wash channels bridges roads accesses approaches wells tanks gauges filters filterbeds sluices outlets drains aqueducts culverts channels cuts mains pipes pumps rams hydraulic and other engines machinery buildings and other works and conveniences as may be necessary or convenient in connection with or subsidiary to the waterworks or of any of them or necessary for conducting distributing inspecting maintaining repairing cleansing managing and using the same but nothing in this section shall exonerate the District Committee from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to acquire lands for water supply.

7. Subject to the provisions of this Order the County Council may purchase acquire hold enter upon appropriate take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works hereinbefore described.

Limits of deviation.

8. The District Committee may in constructing the works by this Order authorised deviate laterally from the lines and position thereof as shown on the deposited plans to the extent of the limits of lateral deviation shown thereon and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and the District Committee may also deviate vertically from the levels of the various works as shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided always that except for the purposes of crossing over a stream no part of any pipe shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections Provided further that the District Committee shall not construct any embankment or retaining wall of any reservoir of a greater height above

the general surface of the ground than that shown on the deposited sections in the case of the corresponding embankment or wall and five feet in addition.

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9. Subject to the provisions of this Order the District Committee may by means of the works by this Order authorised or some of them or some part or parts thereof divert impound take appropriate store use and distribute the waters of the Lyne Water and the streams called Ravendean Burn Lynslie Burn Hareshaw Sike Glenmade Burn the Forrestburn Water and the Dewshills Burn and all affluents streams springs above the points of intake and waters flowing into or arising within the said streams and the County Council or the District Committee may from the said works authorised by this Order and the works authorised by the Order confirmed by the Bathgate Water Supply Confirmation Act 1892 or some of them or works already constructed under the Public Health Acts supply water within the water supply area and to such persons and places beyond the same as the District Committee are authorised by this Order to supply with water.

Power to impound streams and supply water.

10. From and after the commencement of this Order the agreement dated the seventeenth twentieth and twenty-third days of April one thousand eight hundred and ninety-four and made between the District Committee of the one part and the Commissioners of the Burgh of Armadale of the other part shall be cancelled and cease to have effect.

Cancellation of agreement.

11. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Order grant to the County Council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Order in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu-duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to grant servitudes &c. by agreement.

12. The County Council may in lieu of acquiring any land for the purpose of the conduits or lines of pipes by this Order authorised where the same are intended to be constructed underground acquire such servitudes only in

Power to acquire servitudes only for lines of pipes.

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Power to acquire additional lands by agreement.

13. In addition to the lands which the County Council are by this Order authorised to purchase compulsorily and any other lands which they may acquire and hold for the protection of their waterworks they may from time to time by agreement purchase any additional quantity of land not exceeding in the whole ten acres provided that neither the County Council nor the District Committee shall upon any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with their waterworks.

Limiting powers of District Committee to abstract water.

14. The District Committee shall not construct any works for taking or intercepting water from any lands acquired by them unless the works and the lands upon which the same are to be constructed are specified in this Order or in an Act of Parliament or Order confirmed by Parliament.

Owners may be required

15. Whereas in the exercise of the powers of this Order it may be shown that portions only of certain

properties shown on the deposited plans may be sufficient for the purposes of the District Committee and that such portions may be severed from the remainder thereof 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 properties numbered on the deposited plans (10) (21) (22) and (69) in the parish of Linton (3) in the parish of Carnwath (23) (24) (30) (32) (83) (85) and (86) in the parish of West Calder (37) in the parish of Whitburn (6) in the parish of Livingston (8) (9) and (12) in the parish of Bathgate and (25) in the parish of Shotts whereof parts only are required for the purposes of this Order may if such portions can in the opinion of the tribunal to whom the question of disputed compensation shall be submitted be severed from the remainder thereof without material detriment thereto be required to sell and convey to the County Council the portions only of the properties so required without the County Council being obliged or compellable to purchase the whole or any greater portion thereof the County Council paying for the portions required by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

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 to sell parts  
 only of  
 certain  
 properties.

16. The following provisions shall have effect and shall be binding on the County Council and the District Committee for the protection of all persons interested in the waters flowing down the said Lyne Water and the River Tweed (that is to say):—

For pro-  
 tection of  
 persons  
 interested.

- (1) Until the date of the completion of the Lyne Reservoir and the embankment Work No. 1 and the first filling of the said reservoir the County Council or the District Committee shall not divert into their works the waters of the Lyne Water by the intake Work No. 2 and the conduit Work No. 3 by this Order authorised unless a flow of water at the rate of 750,000 gallons per diem is passing the compensation gauge referred to in subsection (6) of this section and the County Council or the District Committee shall be entitled to take and divert into the said intake Work No. 2 and the said conduit Work No. 3 the remainder of the water

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flowing in the Lyne Water up to an amount not exceeding 1,250,000 gallons per diem and in the event of the whole flow of the Lyne Water before such last-mentioned abstraction exceeding the rate of 2,000,000 gallons per diem the County Council or the District Committee shall be entitled to take and divert into the said intake Work No. 2 and said conduit Work No. 3 five-sevenths of such excess in addition to the 1,250,000 gallons before provided and shall leave in the Lyne Water as compensation water to flow past the said compensation gauge two-sevenths of such excess in addition to the 750,000 gallons per diem hereinbefore provided :

- (2) The County Council or District Committee shall as soon as the waterworks authorised by this Order are completed so as to be able to afford the supply of compensation water hereinafter mentioned and during every day of twenty-four hours in every year until the amount of compensation water hereinafter provided for is determined and no longer permit to flow or shall deliver regularly and continuously into the Lyne Water from the Lyne Reservoir by this Order authorised from or at the foot of the foresaid embankment not less than 750,000 gallons of water :
- (3) For the purpose of determining with greater accuracy the compensation water to be provided by the County Council or District Committee there shall be two arbiters William Archer Tait and James Simpson Pirie or failing them or either of them some competent persons or person to be appointed instead of them or him by the President of the Institution of Civil Engineers and so from time to time and an oversman in case of difference shall be appointed by the two arbiters and in case they differ as to such appointment or if the person should die or refuse or become incapable to act an oversman shall be appointed by the said President and the said arbiters and oversman are in this section referred to as " the arbiters " :

- (4) The arbiters shall at the cost of the County Council or District Committee (including the fees and costs of the arbiters) cause to be erected and thenceforward maintained during the seven years next following the first day of January nineteen hundred and twenty-five such number of rain gauges and in such positions upon the drainage area of the Lyne Reservoir as they shall think fit and within six months after the termination of the said seven years they shall determine the amount of the available rainfall on the said area and the County Council or District Committee shall thereafter in lieu of the amount of compensation water hereinbefore specified permit to flow or shall deliver regularly and continuously into the Lyne Water from the said reservoir a uniform daily quantity of water equivalent in every year to two-sevenths of the said available rainfall :
- (5) The available rainfall shall be determined by the arbiters after taking into consideration all the circumstances of the case :
- (6) (a) For the purpose of measuring the quantity of water to be so allowed to pass down the said stream or to be so discharged or delivered into the said stream the County Council or the District Committee shall erect and maintain at a point on the said stream below the said embankment Work No. 1 not more than two hundred yards from the foot of the embankment a proper and suitable measuring gauge over or through which the said compensation water shall flow and such gauge shall be under the sole management and control of the County Council or District Committee and shall be open to the inspection and examination at all reasonable times of all persons interested therein or of persons duly authorised by them in that behalf and the County Council or District Committee shall furnish monthly to the county clerk of Peeblesshire the town clerk of Peebles and the clerk to the Commissioners for the River Tweed appointed by and acting in pursuance of the Tweed Fisheries Act 1857 for

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the execution of that Act and the Tweed Fisheries Amendment Act 1859 copies of the records of the said measuring gauge;

(b) In case of any neglect on the part of the County Council or District Committee to maintain the gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said quantity of compensation water shall not so flow the County Council or District Committee shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them;

(c) If any difference arises between the County Council or the District Committee and any person so interested with respect to the construction or use of the gauge or the state of repair or condition thereof or as to the quantity of compensation water such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the sheriff;

(d) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water which the County Council or District Committee can divert collect impound or appropriate by means of the works authorised by this Order on the Lyne Water except in respect of any lands situate between the foot of the said embankment Work No. 1 and the said point of discharge of water into the Lyne Water.

No fish ladder or pass to be erected.

17. No fish ladder or fish pass shall be constructed into the Lyne Reservoir.

Compensation for injury to fishings.

18. The County Council or the District Committee shall within twelve months after the commencement of this Order pay to the said Commissioners for the River Tweed the sum of five hundred pounds sterling in respect of injury to the fishings in the said River Tweed to be



caused by the construction of the Lyne Reservoir and the abstraction of water thereby. A.D. 1925.

19. The County Council or the District Committee shall be bound so soon as the waterworks authorised by this Order are completed so as to permit of the supply of water on requisition made by the county council of Peebles within ten years from the said date of completion to supply from the main pipe such quantity of water as may be reasonable and necessary for the supply of the village of West Linton at cost price based on the cost of the reservoir and the main pipe so far as in Peeblesshire on such terms and conditions as may be agreed upon and failing agreement on such terms and conditions as may be fixed by an arbiter mutually chosen or in the event of disagreement nominated by the sheriff on the application of either party concerned.

Supply of  
water to  
West  
Linton.

20. The powers of the County Council for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years after the commencement of this Order.

Period for  
compulsory  
purchase of  
lands.

21. If the works authorised by this Order are not completed within eight years from the date of the commencement of this Order then on the expiration of such period the powers by this Order granted to the District Committee for executing the said works or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the District Committee from extending enlarging duplicating altering or renewing any of their engines machinery weirs tanks pipes and other works from time to time as occasion requires for the purpose of supplying water under this Order.

Period for  
completion  
of works.

22. The water to be supplied by the District Committee need not be constantly laid on under pressure during the execution of necessary repairs renewals or alterations and the District Committee shall not be required to supply water in any case at a pressure greater than can be supplied or afforded by gravitation from the service reservoirs already existing or by this Order authorised from which the supply is taken.

Constant  
supply and  
pressure.

23. The District Committee may subject to the provisions of this Order lay down maintain use extend

District  
Committee

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

alter renew relay replace enlarge and increase the number and size of the works (other than reservoirs) drains watercourses filters pure water basins mains pipes and other conveniences from time to time in use or required for filtering storing conveying and distributing water under the powers of this Order Provided always that such laying down extension enlargement or increase shall be executed only on lands or property for the time being belonging to the County Council or which may be acquired by them by agreement or over which they have acquired or may acquire a servitude or in any roads or streets which the District Committee are by the Waterworks Clauses Acts 1847 and 1863 and this Order entitled to open and break up.

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

24. The District Committee 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.

As to breaking up ground for maintaining communication pipes.

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

Power to discharge water temporarily into streams.

26. The District Committee may at any time for the purpose of repairing or of cleansing any existing works or any of the works or aqueducts authorised by this Order cause the water in any such works or aqueducts to be temporarily discharged into any available drain stream or watercourse.

In the exercise of the power conferred by this section the District Committee 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 powers the amount

of compensation to be settled in case of difference by an arbiter to be appointed (failing agreement) by the sheriff on the application of either party. A.D. 1925.

27. If it should appear to the District Committee that by reason of any injury to or defect in any communication pipe which is situate in a street and which the District Committee are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the District Committee to execute such repairs as may be necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the District Committee in executing such repairs shall be recoverable by the District Committee from the owner of the premises supplied or in cases where the communication pipe is repairable by the occupier of such premises from the occupier. Power to District Committee to repair communication pipes.

28.—(1) The County Council may hold any lands acquired by them under this Order and may also by agreement purchase acquire and hold any lands or take servitudes or restrictions over any lands which may in their opinion be necessary or desirable for the purpose of securing the purity of water in the drainage area of the waterworks of the District Committee and of protecting their water supply against pollution nuisance encroachment or injury and so long as such necessity shall continue such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts. Power to acquire and hold lands for prevention of pollution.

(2) The County Council may let for such period as they think fit or sell or feu any land acquired under this section on such terms conditions and restrictions as regards its use as to the County Council may seem fit and to secure that such land shall not be manured or broken up for tillage and that no buildings shall be erected or works or matters done which may prejudicially affect the water supply or the purity of the water The proceeds of the sale of any lands by the County Council shall only be applied to the purposes of this Order to which capital is properly applicable.

(3) Nothing in this Order shall exonerate the District Committee from any action or other proceeding

A.D. 1925. — for nuisance in the event of any nuisance being caused or permitted by them upon any lands acquired by the County Council under the powers of this section and the District Committee shall not erect or permit the erection of any buildings on such lands except such as are required in connection with their water undertaking or for farm buildings.

For protection of reservoirs &c. from pollution. 29. The District Committee may on any lands acquired by the County Council under the powers of this Order or otherwise construct all such drains channels and other works as they may think necessary or desirable for preventing sewage or polluting liquids or contaminated or impure water from entering or polluting any of the reservoirs conduits or watercourses of the District Committee or any waters flowing into the same.

Power to sell &c. lands. 30. Notwithstanding anything to the contrary contained in the Lands Clauses Consolidation (Scotland) Act 1845 the County Council may retain and hold and from time to time sell feu lease or otherwise dispose of for such consideration and on such terms and conditions as they may think fit any lands acquired by them under the powers of this Order and in their judgment not required or not immediately required for the purposes of their undertaking Moneys received from the sale of lands under this section shall be applied to purposes in connection with the undertaking of the District Committee to which capital is properly applicable.

Reservation of water rights on sale. 31. Subject to the provisions of the section of this Order whereof the marginal note is "Limiting powers of District Committee to abstract water" the County Council on selling any lands acquired for or in connection with the purposes of this Order and not required to be retained for those purposes may reserve to themselves all or any part of the water rights belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

Power to agree as to drainage of lands. 32. The District Committee may make and carry into effect agreements with the owner lessee or occupier of any lands within the drainage area of any reservoir or

work belonging to the District Committee with reference to the execution by the District Committee or such owner lessee or occupier of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters authorised to be diverted collected and appropriated by the District Committee flowing to upon or from such lands directly or derivatively into such reservoirs and works. A.D. 1925.

33. The County Council may for the protection of the waterworks of the District Committee from injury from subsidence or otherwise by agreement purchase acquire and hold any mines and minerals under any lands for the time being vested in the County Council for the purposes of the undertaking or servitudes or wayleaves in or through which are vested in the County Council for such purposes or in on or through which any works of the District Committee are for the time being situate or pass or under any lands adjoining any such lands respectively. Acquisition of minerals by agreement.

34. If any of the apparatus 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 by the District Committee or by any officer of the District Committee the District Committee or any person authorised by them may enter upon such premises and repair renew and make water-tight all such apparatus and the District Committee shall be entitled to recover from the owner or occupier so failing the cost of such repair or renewal together with any penalty which may have been incurred for wilful waste of water or for suffering such apparatus to be out of repair in the manner provided in the Acts herewith incorporated 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 watercloset ball-cock stop-cock valve and other articles used in the supply or storing of water in houses manufactories or premises or in connection 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 District Committee may repair apparatus on failure by owner or occupier.

A.D. 1925. — deduct the same from his rent unless otherwise provided for by the terms of the tenancy.

Power to District Committee to re-washer fittings.

35. The District Committee may re-washer any water fittings belonging to any person supplied by them with water and may recover as a civil debt from such person the reasonable charges of the District Committee in providing the necessary materials and workmanship.

Supply of water for domestic use within water supply area.

36. The District Committee may so far as not already laid cause pipes to be laid and water to be brought through all streets or roads or portions of streets or roads within the water supply area and shall as soon as conveniently may be after the completion of the reservoirs and other works by this Order authorised to be constructed at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling situated within the water supply area or any person entitled to demand a supply of water under the provisions of this Order furnish to such person by means of service or communication pipes and other necessary and proper apparatus to be provided and laid down (so far as not already provided and laid down) and maintained by and at the cost of such person unless otherwise agreed between him and the District Committee a sufficient supply of water for domestic purposes in any such house or dwelling (including a supply for private waterclosets and private fixed baths in each 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 District Committee to lay down pipes unless some pipe of the District Committee shall have been laid within 100 yards of the premises in respect of which such supply of water is demanded measuring from the outer wall of such premises or in the case of tenements situated in a private close or place unless a water-pipe of the District Committee shall have been laid within 100 yards of the entrance to such close or place or unless the District Committee 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 100 yards of such premises.

Owners to provide and

37. For the purpose of providing for the better distribution of the water supply among the inhabitants the

District Committee may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street within the water supply area in which the pipes of the District Committee 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 District Committee in any such street (such connection to be made by the District Committee 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 standpipes or taps cisterns and other means and apparatus and in such positions as shall appear to the District Committee 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 it shall be lawful for the District Committee 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 under this Order and the Waterworks Clauses Acts 1847 and 1863 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 District Committee may reasonably deem necessary Provided also that in case of any question or difference arising between the District Committee and any owner with respect to the necessity of a supply of water being provided for any 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 in a summary manner on application by either of the parties and the decision of the sheriff shall be final.

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—  
maintain  
service  
pipes.

38. The District Committee shall not be bound to supply more than one house or tenement of houses by means of the same communication pipe but they may if they think fit require that a separate pipe from the

District committee not bound to supply several tenements of houses by one pipe.

A.D. 1925. — main pipe be laid into each house or tenement of houses supplied by them with water.

Supply of water to tenements in a row.

39. Where there are two or more tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the District Committee to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him assessed or rated for a supply of water.

Power to supply water by agreement.

40. Subject to the provisions of this Order the District Committee may if they see fit from time to time enter into and carry into effect such contracts and arrangements with any local authority company body or person with respect to the supply of water in bulk outside the water supply area as the District Committee may think fit and every such contract and arrangement may be for such period and on such terms (pecuniary or otherwise) and conditions as the District Committee may think fit:

Provided that nothing in this section contained shall authorise the District Committee in any place beyond the water supply area to furnish a supply of water to any person unless the District Committee previously obtain the consent in writing of the local authority of the place in which the supply is proposed to be given and of any water company or authority at the time authorised by Parliament to supply such place with water.

District Committee may supply water for other than domestic purposes.

41. The District Committee may furnish to any person within the water supply area a supply of water for other than domestic purposes at such rates and charges and upon such terms and conditions as shall from time to time be fixed by the District Committee and published by being exhibited in the office of the clerk of the District Committee at Linlithgow or wherever such office may be situated. Provided that so far as possible and in so far as extra expenditure is not involved in giving a supply 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 this Order and the Acts incorporated therewith.



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In the event of there being any dispute at any time as to the ability of the District Committee to give a supply for purposes other than domestic purposes under this section or as to the rates terms or conditions on which such supply is to be given the same shall subject to the provisions of this Order be referred to the sheriff in a summary manner on application by either of the parties and the decision of the sheriff on the question so referred shall be final and not subject to review.

42. The supply of water beyond the water supply area shall not prejudicially affect or restrict the supply of water from time to time required for domestic use or trade purposes within the water supply area and the supply of water for other than domestic purposes within the water supply area shall not prejudicially affect or restrict the supply of water from time to time required for domestic use within the water supply area.

Supply of water for other than domestic purposes not to affect domestic water supply.

43. The District Committee shall not be bound to supply with water otherwise than by meter any building used by an occupier as a dwelling-house when any part is used by the same occupier for any trade or manufacturing purpose for which water is required.

Supply of water to house partly used for trade.

44. Every person who takes water from any public fountain or stand-pipe supplied from any of the mains or pipes belonging to the District Committee for any purposes other than domestic use shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for taking water from public fountains &c. except for domestic use.

45. The District Committee may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any person desiring to take such supply shall subject to the provisions of this Order supply him with water by measure for other than domestic purposes. In every such case a meter for ascertaining the quantity consumed shall if the District Committee so require be provided by such person and the annual cost of upkeep thereof paid for by him. Provided that when water is supplied for other than domestic purposes it shall not be lawful for the District Committee to charge the person so supplied both with the domestic water rate applicable to the buildings or premises so supplied and also for the supply of water obtained for other than domestic purposes to those buildings or premises but the District Committee

Water to be supplied by measure if required in certain cases.

A.D. 1925. may either charge the said rate leviable on such buildings or premises or charge by measure for the supply of water furnished to the same as they may think fit. Provided that when any such buildings or premises are separately owned and occupied the District Committee if they think fit may charge the owner with his proportion of the domestic water rate leviable on such buildings or premises and may in lieu of the occupier's proportion thereof charge such occupier by measure for the supply of water furnished to him. Provided always that when water is supplied to any buildings or premises for domestic purposes but a further supply is given for purposes other than domestic the District Committee may charge the rate leviable for domestic supply and in addition may make such charges for the additional supplies as may from time to time be fixed by the District Committee.

Provided further that in the application of this section to lands premises or buildings belonging to any railway company such company shall be entitled to require the County Council to set off against the aggregate of the said rate levied upon their whole lands premises and buildings other than dwelling-houses within the water supply area the aggregate amount of the charges for water furnished to such companies for other than domestic purposes at all places wheresoever within the water supply area the County Council being entitled to charge either of such aggregates as they shall think fit.

Power to  
sell or let  
meters.

46. The District Committee may sell and dispose of meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they may think fit.

Notice to  
District  
Committee  
of con-  
necting or  
disconnect-  
ing meters.

47. Before any person connects or disconnects any meter by means of which any of the water of the District Committee is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the District Committee of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under due superintendence of any officer of or person authorised by the District Committee and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

48. Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the District Committee or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the District Committee shall (without prejudice to any other right or remedy for the protection of the District Committee) be liable to a fine not exceeding five pounds and the District Committee may in addition thereto recover the amount of any damage by them sustained.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the District Committee or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the District Committee the District Committee may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for ensuring the proper registering by such meter of the quantity of water supplied by means thereof and the expenses of such repair and of all such works matters and things shall be repaid to the District Committee by the person so offending and may be recovered by them as water rates are recoverable. The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the District Committee when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be prima facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully caused by the consumer using such pipe meter instrument or fittings.

49. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the District Committee without their written consent to affix or permit or suffer to be affixed any tube or hose to

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Injuring  
meters &c.Tube or hose  
not to be  
affixed to  
mains or  
pipes.

A.D. 1925.  
—  
without  
consent of  
District  
Committee.

any of the mains or pipes of the District Committee 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 foot-paths or roads or for filling the boiler or cooling apparatus of any engine or for any other purpose and any person who contravenes this enactment shall be guilty of an offence and shall for each such offence forfeit and pay to the District Committee a penalty not exceeding forty shillings.

Water  
may be  
supplied for  
cleansing  
streets &c.

50. The District Committee may if they see fit furnish a supply of water for the purposes of watering or cleansing the streets or for flushing or cleansing sewers or 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. Provided always 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 purposes within the water supply area.

Byelaws for  
preventing  
waste &c.  
of water.

51.—(1) The District Committee may subject to the provisions of sections 183 to 188 of the Public Health (Scotland) Act 1897 as modified by this Order make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water belonging to or supplied by them and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connection disconnection alteration and repair of pipes meters cocks ferrules valves waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination and such byelaws may provide for such penalties for breaches of such byelaws not exceeding forty shillings for each offence as may be considered expedient.

(2) Such byelaws shall apply only in the case of premises to which the District Committee afford a supply of water.

(3) In case of failure of any person to observe such byelaws as are for the time being in force the District

Committee may if they think fit after twenty-four hours' notice in writing enter upon any premises and by or under the direction of any duly authorised officer or person repair replace or alter any water fittings not in accordance with the requirements of such byelaws and belonging to or used by any person failing as aforesaid and the expense of every such repair replacement or alteration shall be recoverable as the water rates or charges in respect of the premises are recoverable.

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52. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the clerk or water superintendent to the District Committee or if it be a notice to pay a rate or charge in respect of the supply of water by the name of the county collector or the collector of the District Committee being affixed thereto in print or in writing or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to any inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Form of service of notices by District Committee.

53. It shall be sufficient compliance by the District Committee with the provisions of the Waterworks Clauses Act 1847 with respect to the deposit of a map showing the course and situation of all pipes or conduits of the District Committee for the collection passage or distribution of water and underground works belonging to them if such pipes or conduits and underground works of the District Committee shall be shown on the maps or plans required under the provisions of section 19 of the said Act to be kept in the office of the District Committee and on the maps or plans required to be deposited under the provisions of section 20 of the said Act with the county clerks of the counties within which the pipes or conduits and underground works are situate.

Deposit of maps.

54. A notice to the District Committee from a consumer for the discontinuance of a supply of water

Notice of discontinuance.

A.D. 1925. shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the clerk to the District Committee or be given personally by the consumer at such office.

District Committee to have powers of local authority for laying mains.

55. The District Committee shall have and may exercise for the purpose of laying water mains and pipes other than the works described in the section of this Order whereof the marginal note is "Power to construct works" elsewhere than in any public road or street all the powers of a local authority under the Public Health (Scotland) Acts with respect to the laying of water mains and pipes inside the district of the local authority.

Minimum water rate.

56. The District Committee shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year.

Works to form part of existing water undertaking of area.

57. The works authorised by this Order and the water supply obtained therefrom shall be held and used by the District Committee as part of their water undertaking for the supply of the water supply area and subject to the provisions of this Order the powers and provisions of subsection (1) of section 4 of the Public Health (Scotland) Amendment Act 1891 relating to the imposition and levying of the domestic water rate shall apply to the purposes of this Order.

Public water rate to be levied.

58. The County Council may and they are hereby authorised annually to impose and levy an assessment to be called the public water rate equally upon owners and occupiers of all lands and heritages within the water supply area according to the full yearly rent or value thereof as entered in the valuation roll such rate not to exceed fourpence in the pound when the domestic water rate levied under the Public Health (Scotland) Amendment Act 1891 does not exceed two shillings and sixpence in the pound and not to exceed fivepence in the pound when the said domestic water rate exceeds two shillings and sixpence in the pound. Provided that the said public water rate shall come in place of and shall not be in addition to the public water rate levied under the said Public Health (Scotland) Amendment Act 1891.

59. The public water rate by this Order authorised shall be imposed and levied and be payable and may be recovered in the same manner as nearly as may be as assessments under the provisions of the said Public Health (Scotland) Amendment Act 1891.

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As to mode of levying and recovering assessments.

60. The County Council may subject to the provisions of this Order and in the manner and under the powers of the Act of 1889 from time to time borrow the sums following :—

Power to County Council to borrow.

- (1) For the purchase of lands and servitudes ten thousand pounds :
- (2) For storage reservoirs one hundred and sixty-four thousand pounds :
- (3) For service tanks and relative works twenty thousand pounds :
- (4) For aqueducts conduits and lines of pipes one hundred and fifty-three thousand pounds :
- (5) For roads of access and subsidiary works fifteen thousand pounds :
- (6) For the general purposes of the undertaking twenty-five thousand pounds.

And the County Council may make and grant mortgages or other securities of the public water rate and the domestic water rate and water rents and charges in the manner authorised by the Act of 1889 in security of the money so borrowed and interest thereon and any sums so to be borrowed may be borrowed on terms of the repayment thereof by annuity instalment or otherwise.

61. The County Council shall pay off all moneys to be borrowed by them under this Order for the purposes of the undertaking in the manner provided by the Act of 1889 within the respective periods following (that is to say) :—

Repayment of borrowed money.

As to moneys borrowed for the purposes (1) (2) and (3) mentioned in the immediately preceding section of this Order within fifty years from the date or dates of borrowing.

As to moneys borrowed for the purpose (4) mentioned in that section within forty years from the date or dates of borrowing the same.

[Ch. x.] *Westlothian (Bathgate District) Water Order Confirmation Act, 1925.* [15 GEO. 5.]

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As to moneys borrowed for the purposes (5) and (6) mentioned in that section within thirty years from the date or dates of borrowing the same.

Prosecution of offences.

62. All offences against the provisions of this Order or of any of the Acts incorporated with the same respectively or against any of the byelaws of the District Committee may be prosecuted and all penalties and forfeitures in respect of offences against any of such provisions or byelaws except any penalties which may be imposed on the District Committee may be recovered by and in the name of the District Committee under the Summary Jurisdiction (Scotland) Acts.

Form of mortgage.

63. All bonds and dispositions and assignments in security or mortgages to be granted by the County Council for the purposes of this Order and transferences or assignments and discharges thereof may be in the forms contained in the Second Schedule to the Public Health (Scotland) Act 1897 with such modifications as may be required to suit the circumstances of the case.

Manner in which mortgages to be executed.

64. Every mortgage to be granted by the County Council for the purposes of this Order shall in addition to being sealed be signed by two of the members of the County Council and the county clerk. Provided always that no county councillor or official holding office under the County Council shall by his subscription of any such mortgage be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed or any interest thereon or of any sums whatsoever in respect thereof.

Transfer of mortgages.

65. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed or by indorsation on the mortgage duly stamped wherein the consideration shall be truly stated.

Transfer of mortgages in case of bankruptcy.

66. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the County Council official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred.



67. All mortgages and all moneys advanced and lent on the security of the assessments rates rents and charges under this Order shall be moveable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate. A.D. 1925.  
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Mortgages of rates to be personal estate.

68. Any person entitled to any mortgage granted by the County Council under the authority of this Order may discharge the same and his right and interest therein in favour of the County Council and every such discharge may be written on the mortgage and such discharge when signed by the person entitled to such mortgage shall be valid and effectual to all intents and purposes. Discharge of mortgages.

69. No person lending money to the County Council shall be bound to inquire as to the observance by the County Council of any provision of this Order or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof. Protection of lender from inquiry.

70.—(1) From and after the commencement of this Order the name of the county of Linlithgow shall for all purposes be the county of Westlothian. Change of name of county.

(2) The change of name of the county shall not affect any rights or obligations of the County Council or any other authority or person whose designation may be affected by the said change or render defective any legal proceedings by or against the County Council or such authority or person and any legal proceedings that might have been commenced or continued by or against the County Council authority or person by the former designation may be commenced or continued by or against the Council authority or person as the case may be by the new designation.

(3) Notwithstanding the change of the name of the county all deeds instruments purchases sales securities and contracts before the commencement of this Order made or carried into effect shall be as effectual to all intents in favour of against and with respect to the County Council or any such authority or person as aforesaid as if the name of the county had remained unchanged.

(4) Any Act of Parliament or Order made under an Act of Parliament passed or made prior to the commencement of this Order shall apply to in favour of or against

A.D. 1925. the County Council or any such authority or person as aforesaid in as full a manner as it would have applied to the County Council authority or person as the case may be if this Order had not been made.

(5) Nothing in this Order shall affect the name of the parliamentary county of Linlithgow as set forth in the Ninth Schedule of the Representation of the People Act 1918.

For protection of Calder District Committee of County Council of Midlothian.

71. In the execution of the works and the exercise of the powers by this Order authorised and conferred so far as they affect highways in the county of Midlothian the following provisions for the protection of the Calder District Committee of the county council of Midlothian (hereinafter in this section called "the Calder District Committee") shall (except so far as agreed to in writing between the District Committee and the Calder District Committee) have effect (that is to say):—

(1) All aqueducts conduits or lines of pipes or other works to be laid in or along any county highway or in upon or across any county bridge shall so far as practicable be laid in such position in or at the side thereof as the Calder District Committee in writing under the hand of their surveyor for the district may reasonably direct:

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 all county highways and county bridges opened and broken up or interfered with by the District Committee in the exercise of the powers of this Order provided that the notice required by section 30 of that Act shall not be less than seven days instead of three days:

(2) The plan required by section 31 of the last mentioned Act shall be accompanied by a section of the proposed works and a short specification thereof and shall be delivered to the Calder District Committee or their surveyor for the district by the District Committee not less than in the case of a county bridge one month and in all other cases fourteen days before they

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commence to break or open up any county highway or interfere with any county bridge for the purpose of executing the works :

(3) No greater length than one hundred and fifty yards of any county highway shall be broken up at any one place at one time without the consent of the Calder District Committee. A clear and sufficient carriageway shall if practicable be kept for the passage of carriages and traffic along every county highway and county bridge during any interference therewith by the District Committee unless where by arrangement with the Calder District Committee a county highway or county bridge may be shut up and in case of default in compliance with this provision the Calder District Committee may by their own servants and workmen clear any such carriageway and may recover the expenses of and incident thereto from the District Committee :

(4) Nothing in this Order contained shall authorise the District Committee to interfere with the structural part of any county bridge or culvert without the consent in writing of the road surveyor for the Calder district which consent shall not be unreasonably withheld and may be given upon such conditions as the Calder District Committee or the said surveyor may reasonably determine provided that the Calder District Committee shall be deemed to have given such consent required under this subsection and under subsection (1) of this section if within one month after plans have been submitted to the said surveyor he shall not have given written notice to the District Committee objecting thereto :

(5) Nothing in this Order contained shall interfere with the right of the Calder District Committee to alter the level of or divert or improve in any manner they think fit any county highway in or along which any aqueduct conduit or line of pipes of the District Committee shall have been laid and the District Committee shall forthwith on receiving notice in writing under the hand of

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the clerk or surveyor of the Calder District Committee alter the position of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner hereinafter prescribed :

(6) Nothing in this Order contained shall interfere with the right of the Calder District Committee at any time or times to remove alter or rebuild any county bridge or the approaches thereto or culvert over near or attached to which any aqueduct conduit or line of pipes of the District Committee is carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto or culvert if this Order had not been confirmed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge or culvert and in the event of any such bridge or the approaches thereto or culvert over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the District Committee shall at their own cost alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto or culvert as aforesaid Provided that during the removal alteration or rebuilding of such bridge or the approaches thereto or culvert as aforesaid the Calder District Committee shall afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across or along any road or stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes :

(7) All works shall be so executed by the District Committee as not to stop the traffic and so far as reasonably practicable not in any way to impede or interfere with the traffic on any

highway or over any county bridge or the approaches thereto: A.D. 1925.

- (8) The Calder District Committee shall not be liable for or in respect of any damage or injury done to any work of the District Committee by reason of such work being laid at a depth below the surface of any highway insufficient for its protection from injury arising from the reasonable use of any steam or other roller or traction engine for the repair of such county highway or from the passage of the traffic in such highway or in repairing any county bridge or the approaches thereto or culvert:
- (9) For the purposes of section 57 of the Roads and Bridges (Scotland) Act 1878 the District Committee shall be deemed to be the person by whose order any excessive weight shall have been passed or any extraordinary traffic conducted on the county highways in connection with the execution of the works by this Order authorised:
- (10) If any difference arise between the Calder District Committee and the District Committee touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be referred to the decision of an arbiter to be named (failing agreement of the parties to name an arbiter) by the sheriff on the application of either party and the decision of such arbiter shall be final.

72. For the protection of the county council of the county of Lanark and the district committees of the Upper and Middle ward districts of that county who for their respective rights jurisdictions and interests under and in virtue of the Local Government (Scotland) Acts the Roads and Bridges (Scotland) Acts the Public Health (Scotland) Acts and the Lanarkshire Gas Orders 1914 to 1922 are in this section included under the expression 'the county authorities' the following provisions shall unless otherwise agreed between the District Committee and the county authorities have effect (that is to say):—

For protection of County Authorities of Lanark.

- (1) Before constructing any works authorised by this Order or any subsequent repairs thereof the execution of which may in any way interfere

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with or affect any street highway or bridge repairable by the county authorities or any sewer drain or pipe or other work belonging to them the District Committee shall give to the county authorities not less than fourteen days' notice in writing accompanied by plans and (so far as practicable) sections and specifications showing the manner in which such works are proposed to be executed which plans and sections shall be subject to the approval (which shall not be unreasonably withheld) of the county authorities. Provided that if the county authorities do not within ten days after service of such notice on them intimate to the District Committee their approval or disapproval of the said plans and sections the District Committee may proceed to execute the works in accordance therewith. Provided further that in cases of emergency such notice only as is reasonably practicable shall be given:

- (2) All mains pipes or works authorised by this Order to be laid in or along any street or highway or in upon or across any bridge repairable by the county authorities or the roadway over the same shall be laid in such position in such street highway bridge or roadway or at the side thereof and at such depth as the county authorities may reasonably direct:
- (3) In all cases where the District Committee propose to lay mains pipes and works authorised by this Order in proximity to any main sewer drain pipe or other work belonging to the county authorities such mains pipes and works shall be laid in such position and at such levels in relation to the main sewer pipe or works of the county authorities as the county authorities may reasonably direct:
- (4) Nothing in this Order shall authorise the District Committee to interfere with the structural part of any bridge repairable by the county authorities without the consent in writing of the county authorities which consent shall not be unreasonably withheld and may be given upon such

conditions as the county authorities may reasonably determine: A.D. 1925.

- (5) No main sewer drain pipe or other work or property of the county authorities shall be in any way altered or interfered with by the District Committee in the construction of any works authorised by this Order or subsequent repairs thereof except in accordance with plans sections and specifications previously submitted to and approved by the county authorities which approval shall not be unreasonably withheld and any such alteration or interference shall be made at the expense of the District Committee:
- (6) The county authorities shall not be liable for or in respect of any damage or injury to any main pipe or other works of the District Committee to be laid down or constructed under the powers of this Order in or on any street highway or bridge or the roadway over any such bridge caused by the use of road rollers and other road plant and heavy traffic or resulting from the reasonable exercise by the county authorities of the powers vested in them from time to time:
- (7) Nothing in this Order contained shall take away or abridge any power vested or to be vested in the county authorities to construct build lay repair maintain open or break up alter enlarge improve divert or relay or reconstruct any street highway or bridge or any main sewer drain pipe or other work of the county authorities and in the event of the county authorities in the exercise of any such power finding it necessary to interfere with any main pipe fittings or work of the District Committee to be laid down or constructed under the powers of this Order the District Committee on receiving notice in writing from the county authorities shall subject to the provisions of this Order at their own cost alter relay or if necessary remove such main pipe or work temporarily or permanently in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined

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by arbitration in the manner hereinafter provided :

- (8) All works authorised by this Order to be constructed shall be so executed by the District Committee so far as reasonably practicable as not to stop impede or interfere with the traffic on any street or highway repairable by the county authorities or over any bridge carrying any such street or highway :
- (9) The District Committee in opening or breaking up for the purpose of constructing works authorised by this Order or subsequent repairs thereof any street or highway or the roadway over any bridge repairable by the county authorities shall not without the consent of the county authorities have more than one hundred lineal yards open or broken up at any one place at one time in any such street highway or roadway and the District Committee shall complete their operations and restore the said street highway or roadway and the surface thereof to the reasonable satisfaction of the county authorities with all reasonable despatch and maintain the same for a period of twelve months from the date of a certificate by the county authorities or their surveyor certifying that such street highway or roadway has been satisfactorily restored which certificate shall not be unreasonably delayed or withheld The restoration of streets highways or roadways under this section shall mean and include the causewaying or paving of such as are causewayed or paved the bottoming and metalling in cases where such streets highways or roadways opened or broken up had been bottomed and metalled and the rolling and completion of the tracks opened up with materials and in a manner reasonably approved of by the county authorities :
- (10) The District Committee shall pay to the county authorities the reasonable costs which they may incur in the repair and reinstatement of so much of any street or highway or the



roadway of any bridge repairable by the county authorities in which the mains pipes and works of the District Committee may be laid or constructed under the powers of this Order as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said mains pipes and works :

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- (11) Any extra expenses which may be incurred by the county authorities in carrying out any powers vested or which may be vested in them by any existing or future Acts of Parliament or otherwise in consequence of the construction by the District Committee of works by this Order authorised shall be repaid to the county authorities by the District Committee :
- (12) The District Committee shall pay to the county authorities the costs or expense they may reasonably incur or be put to in superintending any works of the District Committee to which the provisions of this section relate :
- (13) All notices to be given or plans to be submitted under the provisions of this section shall be deemed to be sufficiently served on or submitted to the county authorities if the same be sent to the district clerk of the District Committees of the Upper and Middle ward districts of the county of Lanark at his office :
- (14) If any difference at any time arises between the county authorities and the District Committee under this section such difference shall be settled by an arbiter to be agreed upon between them or failing agreement to be appointed on the application of either party by the sheriff.

73. The following provisions for the protection of David William Ramsay Carrick-Buchanan of Mount Vernon and Drumpellier and his successors as proprietors of the lands in the parish of Shotts hereinafter in this section mentioned (hereinafter in this section referred to as "the proprietor") shall unless otherwise agreed to in writing between the proprietor and the County

For protection of David William Ramsay Carrick-Buchanan.

A.D. 1925. Council or District Committee apply and have effect  
viz :—

(1) No operations shall be carried out by the District Committee on the said stream called the Forrestburn Water and the affluents streams springs and waters flowing into and arising within the same likely to affect prejudicially the water supply from the spring situated to the north of the said stream to the farm of Bentfoot belonging to the proprietor unless a substitute water supply to the said farm shall previously have been provided by the District Committee which substitute supply shall thereafter be maintained by the District Committee :

(2) If and when the County Council in the exercise of the powers by this Order conferred acquire that piece of ground numbered on the deposited plans (6) in the parish of Shotts and belonging to the proprietor or any part thereof they shall be bound to acquire from the proprietor the remainder of the enclosure marked No. 2371 on the 25-inch Ordnance survey map 1913 for the north-eastern division of the parish of Shotts of which the said piece of ground numbered (6) forms part and that at a price of three pounds per acre and subject to the same conditions mutatis mutandis as shall apply to the acquisition of the said piece of ground numbered (6) :

(3) Any question or difference between the County Council or the District Committee as the case may be and the proprietor arising under this section shall be referred to and be determined by an arbiter to be appointed by the sheriff of Lanarkshire on the application of the County Council or the District Committee or the proprietor.

For protec-  
tion of  
Robert  
Thornton  
and others.

74. The following provisions shall have effect for the protection of Robert Thornton James Waddell Thornton Thomas Thornton Mrs. Jeanie Thornton or Bucknell Mrs. Mary Thornton or Stevens and Miss Margaret Thornton or other the proprietors for the time

being of the lands known as Handaxwood in the parish of West Calder in the county (hereinafter in this section referred to as "the proprietors") and William Dixon Limited or other the lessees or tenants for the time being of the proprietor (hereinafter in this section referred to as "the tenants") unless otherwise agreed in writing in relation to their respective rights and interests between the County Council and the District Committee or either of them on the one hand and the proprietors or the tenants as the case may be on the other hand (that is to say) :—

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(1) Nothing in this Order shall limit or interfere with the rights of the proprietors or the tenants to work any mines or minerals lying under or adjacent to the lands hereinbefore in this section referred to nor shall the proprietors or the tenants be liable to make good or to pay compensation for any damage which may be occasioned to any aqueduct conduit line or lines of pipe or other works authorised by this Order to be laid in along or across the said lands or to pay compensation for any loss sustained by the County Council or the District Committee in consequence of such damage by the working of the said mines or minerals whether the said damage be due to subsidence or otherwise :

(2) The District Committee shall do as little damage as may be to the lands hereinbefore in this section referred to in laying down maintaining or repairing the said works and shall make good any damage to the said lands by reason thereof and shall restore and make good the surface of the ground whenever the same is interfered with for the purposes foresaid The said works shall be maintained by the District Committee in all time coming in a good state of repair and free from leakage The District Committee shall be bound to compensate the proprietors and the tenants and feuars for the time being for all loss or damage occasioned to them on account of the overflowing breaking out bursting or leaking of the District Committee's aqueducts conduits or lines of pipes or on account of the

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failure or insufficiency of their works or in any other manner or way whatever in consequence of the operations of the District Committee authorised by this Order or otherwise.

Confirming agreement between Patrick Chalmers Bruce and County Council.

75. The agreement as set forth in the schedule to this Order made between the County Council and the District Committee on the one part and Patrick Chalmers Bruce paper manufacturer proprietor of the estate of Baddinsgill on the other part is hereby confirmed and made binding on the parties thereto.

For protection of London and North Eastern and London Midland and Scottish Railway Companies.

76. The following provisions for the protection of the London and North Eastern Railway Company and the London Midland and Scottish Railway Company (hereinafter in this section called for their respective interests "the company") shall unless otherwise agreed between the company and the County Council or the District Committee as the case may be apply and have effect (that is to say) :—

(1) The County Council shall not under the powers of this Order take or acquire by compulsion any lands or property of the company but the County Council may purchase and the company shall sell if required by the County Council 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 the works by this Order authorised :

(2) Before constructing any work under the powers of this Order or any subsequent repairs thereof in over under or affecting any of the railways works and property of the company the District Committee 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 and the mode of execution thereof for the approval of the Company which approval shall not be unreasonably withheld and shall be deemed to have been given unless the company signify their disapproval within twenty-one days after submission of the said

plans sections working drawings and specifications for approval : A.D. 1925.

- (3) All the said works and operations shall be constructed carried on and completed and thereafter maintained repaired and renewed by the District Committee in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the District Committee and at the sight and to the reasonable satisfaction of the engineer of the company :
- (4) The District Committee shall not without the previous consent in writing of the company enter upon or alter or interfere with the railways works and property of the company further or otherwise than may be necessary for constructing maintaining and renewing under the powers of this Order any works to be laid in upon over or under the said railways works and property of the company of which they shall give the company fourteen days' notice in writing except in cases of emergency in which case such notice as is reasonably practicable shall be given :
- (5) The District Committee shall pay to and reimburse the company in all reasonable costs charges and expenses which they may incur in connection with the construction of any works under the powers of this Order or the subsequent maintenance renewal use alteration replacing or repair thereof including (without prejudice to the said generality) any expense which the company may reasonably incur in connection with the employment of inspectors signalmen watchmen and others and for superintendence during construction of the works constructed under the powers of this Order and for all extra precautions for the safety and working of their traffic or protection of their property on account of the execution maintenance renewal use alteration replacing or repair of the said works :
- (6) All the said works and operations and the subsequent maintenance renewal alteration replacing or repair thereof shall in so far as the

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same affect the railways works and property of the company be carried out by the District Committee so as not to injure or alter or interfere with (except so far as may be necessary for carrying out the said works and operations) or endanger the structure or stability of any of the said railways works and property of the company and the District Committee shall at their own expense execute all underpinning or other works which may be necessary to secure the support or safety of the said railways works and property of the company and should any damage or 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 said works or operations of the District Committee or the failure of or defect in any of the said works or operations the District Committee shall at their own cost and free of all expense to the company execute and do all such works as may be necessary to restore the damage or injury and remove such interruption impediment or interference as the case may be or the company in their option and for any of these purposes may enter upon the works or property of the District Committee and execute all such works and do all such things as may be necessary to restore such damage or injury or to remove or prevent such interruption impediment or interference and the District Committee shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith :

- (7) The District Committee shall make reasonable compensation to the company for all loss or damage caused by such works and operations interruption impediment or interference to or with the said railways and works and property of the company and the District Committee shall also free and relieve and indemnify the company from all damages or compensation which may be recovered from them at the instance of their employees passengers owners

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of merchandise traders or owners of property adjoining the said works or any other person or persons by reason of such interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident shall have been occasioned by or through the acts or default of the District Committee or those for whom they are responsible :

- (8) Should it be necessary in constructing any works under the powers of this Order or in subsequently maintaining renewing altering or repairing the same to alter or remove any telegraph posts wires or telegraphic telephonic or signalling apparatus belonging to or maintained by the company the District Committee shall pay to and reimburse the company in all expense incurred by them in connection with such alteration or removal and the erection of other posts wires or apparatus in substitution for those so altered or removed :
- (9) 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 lines of railway or other works or property belonging to them without interference on the part of the District Committee and without incurring any liability to them or to any person using any works constructed under the powers of this Order for any loss injury damages or expenses which may arise from such maintenance repair reconstruction alteration renewal deviation widening or enlarging Provided that any extra expense which the company may incur in such maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of any of the said works shall be paid by the District Committee :
- (10) In the event of the company doing any of the acts referred to in the immediately preceding subsection they shall do so in such manner as to cause as little damage and interference as

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practicable to and with the works of the District Committee and shall give (except in case of emergency in which case such notice as is reasonably practicable shall be given) fourteen days previous notice in writing to the District Committee before commencing any such operations as may affect any of the said works :

(11) If the company give to the District Committee notice that they themselves desire to construct so much of any works constructed under the powers of this Order or to carry out so much of the alterations of any mains pipes or culverts to be laid by the District Committee under the powers of this Order as will be situate on the lands and property of the company the company may themselves execute such works and alterations at the sight and to the reasonable satisfaction of the engineer to the District Committee and recover the reasonable cost thereof from the District Committee :

(12) Any question or difference between the County Council or the District Committee as the case may be and the company arising under this section shall be referred to and determined by an arbiter to be agreed upon between the County Council or the District Committee and the company or failing agreement to be nominated by the sheriff on the application of the County Council or the District Committee or the company.

Costs of Order.

77. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the County Council out of the water rates leviabie within the Bathgate district of the county or out of the moneys to be borrowed under the authority of this Order or out of any other moneys which the County Council may legally apply to such purpose but in the event of such costs being paid out of borrowed money the same shall be repaid within five years from the commencement of this Order.



The SCHEDULE referred to in the foregoing Order. A.D. 1925.

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AGREEMENT between the County Council of the county of Linlithgow (hereinafter called "the County Council") and the District Committee of the Bathgate District of the county of Linlithgow (hereinafter called "the District Committee") on the one part and Patrick Chalmers Bruce paper manufacturer proprietor of the estate of Baddingsgill (including the farm of Wakefield) in the parish of Linton and county of Peebles (who and his heirs and successors in the said estate of Baddingsgill are hereinafter called "the owner") on the other part.

CONSIDERING that an application has been made under the provisions of the Private Legislation Procedure (Scotland) Act 1899 for a Provisional Order (hereinafter referred to as "the Order") intituled "(Draft) Provisional Order to authorise the District Committee of the Bathgate District of the County of Linlithgow to construct and maintain waterworks and to supply water within their district to authorise and require the County Council of the county of Linlithgow to levy assessments and to borrow money for the purposes of such water supply to change the name of the county and for other purposes":

Further considering that section 4 of the Order provides that the District Committee may on the lands to be acquired by the County Council as therein provided make and maintain inter alia a reservoir to be called the Lyne Reservoir an intake an access road and an aqueduct conduit line or lines of pipes and other works:

Further considering that the said Lyne Reservoir and other works are to be made and constructed upon the said estate of Baddingsgill:

Further considering that the owner lodged with the Right Honourable the Secretary for Scotland a petition against the Order praying that it might not pass into law and that he might be heard against the clauses and provisions thereof:

Further considering that the County Council and the District Committee and the owner have come to an agreement whereby on the one part the owner withdraws his opposition to the granting of the Order and on the other part the County Council and the District Committee agree to certain clauses for the protection of the owner:

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Therefore the parties hereby agree as follows the following provisions shall provided the Secretary for Scotland assents thereto be inserted in the Order or in a Schedule annexed to the Order and shall unless otherwise agreed to in writing have effect for the protection of Patrick Chalmers Bruce proprietor of the said estate of Baddinsgill and his heirs and successors in said estate of Baddinsgill (who and his foresaids are hereinafter called "the owner").

First No land or servitude shall be acquired by the County Council under the powers of the Order from the owner otherwise than by agreement except so much of the lands and servitudes within the limits of deviation shown in the deposited plans and sections as the District Committee shall reasonably require for the construction and maintenance of the Lyne Reservoir and the works connected therewith.

Second The exclusive right of sporting fishing and boating over any lands acquired by the County Council as aforesaid whether or not hereafter covered with water shall with access and right of entry be wholly reserved or granted and belong to the owner who shall have the right to have upon the Lyne Reservoir one boathouse to be erected at such place as may be adjusted between him and the District Committee and not exceeding two boats on the water at one time for the use of himself and his friends Provided that the rights of fishing in and use of boats on the said reservoir shall not be assigned or let apart from the said estate and mansion house or either of them or the shooting rights over the said estate that the owner shall not give permits to any outside person or club to fish and boat in the said Lyne Reservoir and that the owner shall not in the exercise of the rights reserved do anything which may affect the purity of the water in the said reservoir or the stability thereof.

Third A proportion of the land tax stipend heritors' assessment and feu-duty (if any) payable for said estate shall be apportioned at the expense of the County Council upon the lands acquired by the County Council.

Fourth There is to be reserved to the owner the use and privilege of drainage of all farms and places not acquired by the County Council as now enjoyed and if any alterations or works interfering with such drainage are required by the District Committee in order to prevent pollution of the water in the said reservoir the cost of carrying out such alterations and works shall be borne and paid by the District Committee and the owner may either carry out such alterations and works and charge the District Committee therewith provided the work is carried out to the satisfaction of the District Committee or of anyone acting on their behalf or permit the District Committee to execute the same and in such case a month's written notice of any works required to be done shall be given to the owner.

Fifth Compensation shall be paid by the District Committee to the owner for the compulsory purchase of lands and servitudes and for all damages sustained by him by the construction of the works as well during the course of construction as after construction and through the loss of water power in the Lyne Water or otherwise through the exercise of the powers of acquiring such lands servitudes and others and otherwise in relation thereto and the construction of the said works and the said compensation shall failing agreement be settled by reference to James Inglis Davidson valuator Saughton Mains Corstorphine as sole arbiter whom failing to an arbiter to be appointed by the sheriff of the Lothians and Peebles and the said arbiter shall assess the said compensation in accordance with the rules and principles of the Land (Assessment of Compensation) Act 1919.

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Sixth Notice to treat for the purchase of the lands servitudes and others shall be given within nine months of the commencement of the Order and the purchase shall be completed and possession given within three months after the amount of the purchase money shall have been determined and if not so completed interest at the rate of five per centum per annum shall be paid from the expiration of such period of three months until payment.

Seventh The reservoir shall be fenced off from the adjoining property by a substantial bar iron fence of not less than 5 feet in height from the ground level on the higher side with gates where reasonably required by the owner and such fence and gates shall be maintained by the District Committee in proper condition.

Eighth No barbed wire shall be used in the construction of fences or other works authorised by the Order.

Ninth In the construction of any catchwater the District Committee shall provide a swing-gate where such catchwater intersects a wall or fence to prevent the passage of sheep or cattle along such catchwater.

Tenth The District Committee shall be responsible for all damage to stock of the owner caused by reason of and during the execution of any of the works by the Order authorised and for all other damage to the owner or his animals crops and property caused by workmen and others for whom they may be responsible.

Eleventh The District Committee shall at all times give and maintain free of charge in all cases where a supply of water to any property of the owner or his servants is severed or injured by reason of the works of the District Committee a proper and sufficient supply of not less than the supply existing before such severance or injury.

Twelfth In the construction and maintenance of aqueducts and conduits the District Committee shall first carefully remove from the surface all turf on the line or site of works and on the completion of the works or any repairs or other maintenance they

A.D. 1925. shall replace the turf and restore the surface as near as may be to its former level and state. All surplus material arising from the construction or maintenance of the works shall be disposed of as the owner may from time to time direct at any place not exceeding the distance of one mile from the work.

Thirteenth Any telegraph or telephone wires or other means of communication laid by the District Committee from the public road from West Linton to Baddinsgill through the estate of the owner shall be placed in such manner as the owner may direct.

Fourteenth The District Committee shall in constructing any aqueduct or conduit through any land belonging to the owner fence in all excavations from time to time made on the lands of the owner or in some other effectual manner prevent cattle sheep, and other animals from falling into such excavation and the District Committee shall when the works are completed remove such fences and shall restore the level surface of the ground excavated.

Fifteenth The District Committee shall from time to time at the request of the owner provide suitable drains where such have been interfered with by the works authorised by the Order. If the land abutting on the said reservoir is drained or is likely to be drained and discharges, or will discharge into the said reservoir the District Committee shall provide a catchment lead drain with an outlet above top water level so as to convey the discharge of the drainage to one or some points and so prevent the mouths from being choked.

Sixteenth All fences gates watercourses roads conveniences and other matters and things belonging to the owner which may be interfered with by the District Committee during construction or maintenance of the works by the Order authorised shall subject to the provisions hereof forthwith after such interference be made good by the District Committee to the reasonable satisfaction of the owner.

Seventeenth The District Committee shall compensate and indemnify the owner for and against any loss or damage caused by the leakage or bursting of the reservoir aqueducts or works by the Order authorised or any other occurrence arising out of the said reservoir aqueducts or works.

Eighteenth The right of the owner his servants and tenants of passing over and using the land over or under the aqueducts for all purposes is reserved.

Nineteenth Without prejudice to the provisions of the section of the Order the marginal note of which is "Power to discharge water temporarily into streams," if by reason of the discharge of water into any stream or on any of the lands of the owner from any wash-outs any portion of the lands of the owner be flooded or other injury caused the District Committee

shall compensate the owner and his tenants for any injury or loss occasioned thereby. A.D. 1925.

Twentieth During the construction or any extraordinary repair of the works by the Order authorised the District Committee shall at their own expense provide and pay a suitable and competent person to supervise the men employed on any works upon or near the property of the owner so as to prevent trespass on the lands of the owner and shall defray any reasonable additional expense to which the owner may be put in the employment of a keeper or watcher.

Twenty-first The District Committee shall not except during the construction or extraordinary repair of the works by the Order authorised erect or use any engine shaft or steam engine upon the lands purchased from the owner. The site plans and designs of any buildings whether of a temporary or permanent nature to be erected by the District Committee on such lands shall be submitted to the owner and be subject to his reasonable approval.

Twenty-second The owner his servants and tenants shall be entitled at their own risk at all times to pass over and along the top and to take a horse and cart over and along the top and to drive sheep cattle and other animals over and along the top of the embankment of the Lyne Reservoir by the Order authorised and over the intervening ground between the ends of the said embankment and the boundaries of the reservoir ground and the District Committee shall at their own expense erect and maintain the necessary bridge across the overflow.

Twenty-third Any damage caused by the District Committee during the progress and maintenance of the works by the Order authorised to the road leading to Baddinsgill Cottage from the main road from West Linton to Biggar shall be immediately repaired by the District Committee to the satisfaction of the owner. Thereafter that portion of the said road which is not a public road shall be kept in good order and repair at the expense of the District Committee. Any portion of the said road and continuation thereof past Baddinsgill Cottage as well as any other road upon the estate of the owner which may be submerged by the formation of the said reservoir or may be included in lands acquired by the County Council shall be reinstated at the expense of the District Committee on sites to be approved of by the owner and to his satisfaction. The owner his servants and tenants shall be entitled at all times to use and to drive sheep cattle and other animals along the access road being Work No. 4 in the section of the Order the marginal note of which is "Power to construct works."

Twenty-fourth Should the County Council acquire Baddinsgill Cottage and offices (including byre and kennels) and the Hareshaw Cottage and offices (including sheep dipping trough

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and folds) the District Committee shall erect other suitable cottages and offices upon sites and according to plans to be approved of by the owner and to his satisfaction or if requested by the owner to do so shall pay the owner the cost of the erection of said cottages and offices or one or other of them. The District Committee may at their own cost and to the satisfaction of the owner construct any drainage required to carry away the effluent and sewage from said cottages and offices so that it will not find its way into the said reservoir.

Twenty-fifth The owner shall be entitled to erect at his own expense a turbine for generating electricity to be driven by the compensation water to be provided by the District Committee under the Order the full head of pressure being given by the District Committee by means of a pipe from said reservoir but said head of pressure may vary as the water in the said reservoir is drawn off.

Twenty-sixth No sheep cattle or other animals shall be grazed by the District Committee on any lands acquired by the County Council except with the consent of the owner.

Twenty-seventh All disputes between the owner and the District Committee or the County Council relating to any matter contained herein as to which no provision is made herein for the determination thereof shall be determined by a single arbiter to be mutually appointed or failing agreement to be appointed by the sheriff whose decision shall be final and binding upon the said parties.

Twenty-eighth The provisions herein shall be in addition to and not in derogation from any other provisions of the Order or any other Act or Order incorporated therewith which may enure for the protection or benefit of the owner.

Twenty-ninth The section of the Order the marginal note of which is "Power to sell &c. lands" shall not apply to the lands and estate of the owner.

Thirtieth This agreement is made subject to such alterations as Parliament or the Secretary for Scotland may see fit to make therein. Should any alteration be made on this agreement by Parliament or the Secretary for Scotland which in the opinion of the Dean of the Faculty of Advocates for the time being whom failing the Vice-Dean of the Faculty of Advocates for the time being is material hereto either party may withdraw therefrom.

Thirty-first The parties hereto consent to registration hereof for preservation. In witness whereof:

In witness whereof these presents typewritten on this and the seven preceding pages for Menzies & Thomson writers to the Signet Edinburgh are executed as follows videlicet They are subscribed for and on behalf of the County Council by William Cuthbertson and William Montgomerie Walker Wilson two of the members of the County Council and by John George Barron

Henderson Clerk to the County Council as follows By the said A.D. 1925.  
William Cuthbertson and William Montgomerie Walker Wilson  
both at Broxburn on the first day of September nineteen hundred  
and twenty-four before these witnesses Robert Campbell Wilson  
clerk Park road Broxburn and George Hamlet Bolton clerk  
St. John's road Broxburn and by the said John George Barron  
Henderson at Linlithgow on the second day of the month and  
year both last mentioned before these witnesses Robert Nicol  
and William Gilroy both clerks to the said John George Barron  
Henderson the seal of the County Council being at the last  
mentioned place and time impressed thereon They are sub-  
scribed for and on behalf of the district committee by the said  
William Cuthbertson and William Montgomerie Walker Wilson  
two of the members of the District Committee and by the said  
John George Barron Henderson clerk to the District Committee  
at the respective places on the respective dates and before the  
respective witnesses immediately before mentioned And they  
are subscribed by the said Patrick Chalmers Bruce the owner at  
Edinburgh on the tenth day of the month and year both last  
mentioned before these witnesses John Gordon Thomson solicitor  
Supreme Courts Edinburgh and Ruth Ritchie Young typist to  
the said Menzies and Thomson.

(Signed)

|                         |                      |
|-------------------------|----------------------|
| R. C. WILSON Witness.   | WILLIAM CUTHBERTSON. |
| G. H. BOLTON Witness.   | W. M. W. WILSON.     |
| ROBERT NICOL Witness.   | J. G. B. HENDERSON.  |
| WILLIAM GILROY Witness. | P. C. BRUCE.         |
| J. G. THOMSON Witness.  |                      |
| RUTH R. YOUNG Witness.  |                      |

L.S.

|                         |                      |
|-------------------------|----------------------|
| R. C. WILSON Witness.   | WILLIAM CUTHBERTSON. |
| G. H. BOLTON Witness.   | W. M. W. WILSON.     |
| ROBERT NICOL Witness.   | J. G. B. HENDERSON.  |
| WILLIAM GILROY Witness. |                      |

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