



## CHAPTER lxxx.

An Act for incorporating and conferring powers upon the Galloway Water Power Company and for other purposes. A.D. 1929.  
[10th May 1929.]

**W**HEREAS the construction and working of electricity generating stations in the parishes of Tongland Kirkcudbright Kells Dalry and Carsphairn in the county of Kirkcudbright for the supply of electricity would be of public and local benefit :

And whereas the application for that purpose by means of the works by this Act authorised of power afforded by water derived from the lochs rivers streams and gathering grounds in the said county and in the county of Ayr will facilitate the provision of such supply at low rates of charge :

And whereas the persons in this Act named with others are willing at their own expense to construct such generating stations and works for the purposes of such supply and it is expedient that they be incorporated into a company (hereinafter called "the Company") and that power should be conferred on the Company for such purposes and for acquiring certain lands for such generating stations and works and generally for carrying out the objects and provisions of this Act :

And whereas it is expedient that such provisions should be made with reference to the supply of electricity by the Company as are in this Act contained :

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO.5.]  
Act, 1929.

A.D. 1929.  
—

And whereas it is expedient that the other powers mentioned in this Act should be conferred on the Company and that such other provisions should be made as are in this Act contained :

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Act and describing the lands to be taken for the purposes of this Act with a book of reference containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands and other property required or which may be taken for the several purposes or under the powers of this Act were duly deposited with the sheriff clerks of the counties of Kirkcudbright and Ayr and are hereinafter respectively referred to as the deposited plans sections and book of reference :

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

May it therefore please Your Majesty that it may be enacted and be it enacted by the 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 (that is to say) :—

PART I.

PRELIMINARY.

Short title.

1. This Act may be cited as the Galloway Water Power Act 1929.

Act divided into Parts.

2. This Act is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Financial provisions.

Part III.—Administrative provisions.

Part IV.—Works and lands.

Part V.—Supply of electricity.

Part VI.—Additional powers.

Part VII.—Miscellaneous provisions.

Applica-  
tion of  
Electricity  
(Supply)  
Acts.

3. This Act shall be deemed a special Act within the meaning of the principal Acts but sections 2 and 3 of the Electric Lighting Act 1888 shall not apply to the Company or to their undertaking.

4. 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 Act are incorporated with and form part of this Act (that is to say) :—

A.D. 1929.  
—  
Incorporation of Acts.

- (1) The Companies Clauses Consolidation (Scotland) Act 1845:
- (2) Part I (Cancellation and surrender of shares) and Part III (Debenture stock) of the Companies Clauses Act 1863 as amended by subsequent Acts:
- (3) The Lands Clauses Acts with the exception of section 120 (Lands not wanted to be sold or in default to vest in owners of adjoining lands) of the Lands Clauses Consolidation (Scotland) Act 1845:
- (4) The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith and section 16 (Company may execute works) of that Act. Provided that in the application of the said provisions to this Act "the railway" shall mean the several works by this Act authorised and "the centre of the railway" shall mean the respective centre lines of such works as shown on the deposited plans:
- (5) The provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by subsequent Acts except as follows :—
  - (a) Sections 2 (2) 3 4 (3) 5 7 to 9 21 to 29 30 (so far as regards a supply to authorised undertakers) to 37 41 to 60 63 to 68 69 (3) 71 75 and 78 shall not apply to the Company or their undertaking;
  - (b) Section 81 shall not apply to any generating station or works on any of the lands described in the First Schedule to this Act :

Provided that section 20 shall have effect as if after the words "electric signalling communication" wherever

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO.5.]  
Act, 1929.

A.D. 1929. — they occur there were inserted the words “or electrical control of railways.”

Interpre-  
tation.

5. In this Act the several words terms and expressions to which by the principal Acts or the Acts wholly or partially incorporated herewith meanings are assigned shall have the same respective meanings unless varied by this Act or unless there be something in the subject or context repugnant to that construction And—

“the Company” means the Company incorporated by this Act;

“the undertaking” means the undertaking authorised by this Act;

“the area of supply” means the area of supply defined in the section of this Act of which the marginal note is “Area of supply”;

“the principal Acts” means the Electricity (Supply) Acts 1882 to 1928 and the schedule to the Electric Lighting (Clauses) Act 1899 as varied by this Act;

“the Central Board” means the Central Electricity Board constituted under the Electricity (Supply) Act 1926;

“the Electricity Commissioners” means the Electricity Commissioners constituted under the Electricity (Supply) Act 1919;

“the Minister” means the Minister of Transport;

“the road authority” means as the case may be the county council or the district committee thereof constituted under the Local Government (Scotland) Acts 1889 to 1929 and any Acts amending the same and having jurisdiction in the district in which the road footpath or other right of way in relation to which the expression is used is situate and the burgh council;

“the directors” means the directors of the Company;

“authorised to supply electricity” means authorised by Act of Parliament licence Provisional Order confirmed by Parliament or Special or other Order to supply electricity;

“authorised distributors” means any local authority company body or person authorised to supply electricity within any part of the area of supply;

“authorised undertakers” means authorised distributors and any authority authorised by any Act of Parliament licence Provisional Order confirmed by Parliament or Special or other order to undertake or contract for the lighting of streets bridges or public places within any part of the area of supply;

A.D. 1929:

“a supply of electricity for power” means and includes a supply of electricity for any purpose other than (a) a supply in bulk and (b) a supply for lighting or general domestic purposes (including office purposes);

“railway company” and “railway” have the same meaning as in the Regulation of Railways Act 1873.

6. Percy John Pybus the Honourable Robert Henry Brand Sir Charles Edward Ellis Sir George Ernest May Wellwood Maxwell James McQueen the Right Honourable Lord Meston the Right Honourable the Earl of Stair and all other persons who have already subscribed to or shall hereafter become proprietors in the undertaking and their executors administrators successors and assigns respectively shall be and are hereby united into a company for the purposes hereinafter mentioned and for those purposes shall be and are hereby incorporated by the name of the Galloway Water Power Company and by that name shall be a body corporate with perpetual succession and a common seal and with power to purchase take hold and dispose of land and other property for the purposes of this Act and with all the other powers and privileges of a body corporate.

Company incorporated.

7. The Company shall be established for the purpose of producing generating using and supplying electricity and abstracting diverting and using water for furthering such production and generation and of constructing erecting laying down maintaining working and using electricity generating stations engines turbines dynamos supply channels mains pipes and other works for the said purposes or any of them and generally for the purpose of carrying out the powers and purposes of this Act and the Company may subject to the provisions of this Act erect lay down maintain work and use such stations and works and produce generate use transform

General purposes and powers of Company.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929. — transmit distribute and supply electricity for any public or private purpose and abstract divert and use water accordingly The powers of the Company shall also include the acquisition construction maintenance working and user or discontinuance sale letting and disposal of all such land buildings works machinery plant fittings apparatus materials matters and things and the exercise of such powers and the construction and doing of such works and things as may be necessary or convenient in for or in connection with or arise or be used in the production generation use transformation transmission distribution and supply of electricity and shall include all necessary powers for providing or working materials matters and things for those purposes or any of them or for otherwise carrying on the undertaking.

Domicile of Company.

8. The domicile of the Company for the purposes of any judicial proceedings relating to the undertaking or to the execution of any of the powers contained in this Act shall be deemed to be Edinburgh.

PART II.

FINANCIAL PROVISIONS.

Capital.

9.—(1) The capital of the Company shall be two hundred and fifty thousand pounds Provided that the capital of the Company may from time to time be increased to such extent up to but not exceeding two million pounds as may be authorised by a Special Order or orders made by the Electricity Commissioners and confirmed by the Minister in accordance with the provisions of the principal Acts and the Company are hereby authorised to make application for and the Electricity Commissioners to make and the Minister to confirm such orders accordingly Provided further that a Special Order made in pursuance of the powers conferred by this section shall be laid before each House of Parliament and shall not come into force unless and until approved either with or without modifications by a resolution passed by each such House.

(2) The Company may raise any capital which they may from time to time be authorised to raise by the creation and issue at their option of shares or stock either ordinary or preference and either of one class with like privileges or of several classes and with different privileges and of the same or different amounts and respectively with

any fixed fluctuating contingent preferential perpetual terminable deferred or other dividend or interest or wholly or partially by one or more of those modes respectively Provided always that the Company shall not issue any share of less nominal value than one pound nor shall any share vest in the person accepting the same unless and until a sum not being less than one-fifth of the amount of such share shall have been paid or deemed to have been paid in respect thereof.

A.D. 1929.

10. If—

- (a) it be determined by or under a scheme prepared and adopted under section 4 of the Electricity (Supply) Act 1926 that the generating stations authorised by this Act or any of them when erected shall be a selected station or stations within the meaning of that Act and the Company are supplied by the Central Board with electricity and the amount of such supply used by the Company for power and for lighting or general domestic purposes (including office purposes) within the area of supply is equivalent to ten per centum of the amount of electricity sold by the Company to the Central Board; or
- (b) the Company enter into an agreement or arrangement with the Central Board for the purchase by the Central Board of electricity generated under the powers of this Act and the amount so purchased is less than ninety per centum of the electricity so generated and the remainder of such electricity is used by the Company for power and for lighting or general domestic purposes (including office purposes) within the area of supply; or
- (c) within seven years from the date of the passing of this Act the said generating stations or any of them shall not be a selected station or stations or an agreement or arrangement shall not be entered into as aforesaid;

Electricity Commissioners may make Special Order providing for relation between charges and dividends.

the Electricity Commissioners may by a Special Order under section 26 of the Electricity (Supply) Act 1919 make provision as to the relation between the charges to be made by the Company for electricity supplied under this

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929. — Act and the divisible profits on the capital of the Company and subsection (1) of section 32 of the Electricity (Supply) Act 1926 shall accordingly apply and have effect as if the Company were a company with respect to which the Electricity Commissioners are by that subsection empowered to make such a Special Order.

Power to borrow.

11.—(1) The Company may raise for the purposes of this Act at their option either by borrowing on mortgage of the undertaking or by the creation and issue of debentures or debenture stock or wholly or partially by any of those modes any sum or sums not exceeding in the whole one-half of any capital for the time being issued by the Company under the provisions of the section of this Act of which the marginal note is "Capital":

Provided that no part of any such sum or sums shall be so raised until the Company have proved to the sheriff who is to certify under the forty-second section of the Companies Clauses Consolidation (Scotland) Act 1845 before he so certifies that the whole of the capital in respect of which the power to raise the same is to be exercised has been issued and accepted and that one-half thereof has been paid up and that not less than one fifth part of the amount of each separate share in such portion of capital has been paid on account thereof before or at the time of the issue or acceptance thereof and that such portion of capital was issued bona fide and is held by the persons to whom the same was issued or their executors administrators successors or assigns and that such persons their executors administrators successors or assigns are legally liable for the same and upon production to such sheriff of the books of the Company and of such other evidence as he shall think sufficient he shall grant a certificate that the proof aforesaid has been given which shall be sufficient evidence thereof.

(2) Notwithstanding any other provisions of this Act if—

(a) it be determined by or under a scheme prepared and adopted under section 4 of the Electricity (Supply) Act 1926 that the generating stations authorised by this Act or any of them when erected shall be a selected station or stations within the meaning of that Act; or



(b) the Company enter into an agreement or arrangement with the Central Board for the purchase by the Central Board of electricity generated under the powers of this Act;

A.D. 1929.

the Company may raise for the purposes of this Act wholly or partially by any of the said modes any sum or sums not exceeding in the whole two million seven hundred and fifty thousand pounds but if the powers of raising money conferred by this subsection come into force the amount raised under the powers of this section together with the amount raised under the provisions of the section of this Act of which the marginal note is "Capital" shall not exceed in the whole three million pounds.

**12.** The mortgagees of the undertaking may enforce payment of arrears of interest or principal or principal and interest due on their mortgages by the appointment of a judicial factor In order to authorise the appointment of a judicial factor in respect of arrears of principal the amount owing to the mortgagees by whom the application for a judicial factor is made shall not be less than one-tenth of the amount for the time being borrowed by the Company.

For appointment of a judicial factor.

**13.** The Company may create and issue debenture stock subject to the provisions of Part III of the Companies Clauses Act 1863 but notwithstanding anything therein contained the interest of all debenture stock and of all debentures and mortgages at any time created and issued or granted by the Company under this Act or any subsequent Act or Order shall subject to the provisions of any subsequent Act or Order rank *pari passu* (without respect to the dates of the securities or of the Act or Order or resolutions by which the stock debentures and mortgages were authorised) and shall have priority over all principal moneys secured by such stock debentures and mortgages Notice of the effect of this enactment shall be endorsed on all debentures mortgages and certificates of debenture stock.

Debenture stock.

**14.** Subject to the provisions of this Act all moneys raised under this Act whether by shares stock debentures debenture stock or borrowing shall be applied only to purposes to which capital is properly applicable.

Application of moneys.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929.

Redeem-  
able  
securities.

**15.**—(1) The Company may issue as redeemable preference shares or stock or redeemable debentures or debenture stock any preference shares or stock or debentures or debenture stock which the Company are authorised by this Act to create and issue provided that the resolution authorising the creation or issue of such redeemable preference shares or stock debentures or debenture stock (hereinafter in this section referred to as “redeemable securities”) shall specify the terms and conditions on which redeemable securities shall be redeemed.

(2) If it is so provided in the resolution under which redeemable securities are created or issued the Company may—

- (a) call in and pay off the redeemable securities or any part thereof at any time before the fixed date of redemption; and
- (b) redeem the redeemable securities or any part thereof either by paying off the securities or by issuing to any holder of the redeemable securities subject to his consent other securities in substitution therefor.

(3) For the purpose of providing money for paying off the redeemable securities or of providing substituted securities the Company may create and issue new securities (either redeemable or irredeemable) or re-issue redeemable securities originally created and issued under this section provided that the creation and issue for the purpose of any particular class of capital does not make the total nominal amount of such capital exceed the amount of that class of capital which the Company are for the time being authorised to issue save so far as such creation and issue is for the purpose of paying off shares stock debentures or debenture stock issued under the provisions of this section or of providing shares stock debentures or debenture stock substituted therefor under this section.

Priority of  
mortgages  
and debenture  
stock  
over other  
debts.

**16.** All money to be raised by the Company on mortgage debentures or debenture stock under the provisions of this Act shall have priority against the Company and the property from time to time of the Company over all other claims on account of any debts incurred or engagements entered into by them after the passing of

this Act Provided always that this priority shall not affect any claim against the Company or their property in respect of any feu duty or ground annual granted or to be granted by them in pursuance of the Lands Clauses Acts or in respect of any feu duty ground annual rent or sum reserved or payable under any feu-charter feu-contract contract of ground annual disposition lease or other deed granted or made to the Company which is entitled to rank in priority to or pari passu with the interest on their mortgages or debenture stock.

A.D. 1929.

**17.** Nothing in the section of this Act of which the marginal note is "Redeemable securities" shall be deemed to prevent the Company purchasing and the Company are hereby authorised to purchase any securities of the Company issued under the provisions of that section.

Purchase and cancellation of Company's securities.

Any securities so purchased shall immediately after the purchase thereof be cancelled and shall thenceforth be and be taken to be extinguished and the directors shall cause the same to be duly noted as so cancelled and extinguished in the books of the Company.

No such security so purchased otherwise than in the open market shall be purchased at a price exceeding the price as recorded in the Company's books at which the last transaction in the same class of security has taken place.

The Company shall not re-issue any security which shall have been cancelled under the provisions of this section.

**18.** When one hundred thousand pounds of the capital of the Company shall have been subscribed under contract binding the parties thereto and their personal representatives or successors for the payment of the several sums in such portion of capital by them respectively subscribed it shall be lawful for the Company to put in force the powers of this Act in relation to the compulsory taking of land and such sum shall be deemed to be the prescribed sum for the purposes of section 16 of the Lands Clauses Consolidation (Scotland) Act 1845.

Capital subscription for exercise of compulsory powers.

**19.** A certificate under the hand of the sheriff certifying that the said sum of one hundred thousand pounds has been subscribed as aforesaid shall be sufficient evidence thereof and on the application of the Company

Certificate of subscription of capital.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929.

and the production of such evidence as the sheriff shall think proper and sufficient a certificate shall be granted accordingly.

Shares may be issued in payment for land &c.

**20.** The Company may agree with the owner of any lands or any estate or interest therein or any right or servitude in over or affecting the same which the Company are by this Act authorised to acquire that the consideration to be paid for the same including the compensation (if any) for damage by severance or other injurious affection of the lands of the owner shall be paid wholly or in part by the allotment to such owner of such number of fully paid-up shares or fully paid-up stock in the capital of the Company or such debentures or such amount of debenture stock as shall be agreed upon between the Company and such owner and thereupon it shall be lawful for the Company to issue such shares stock debentures or debenture stock accordingly and all shares or stock issued pursuant to this section shall for all purposes be deemed to be fully paid-up shares or stock in the capital of the Company and all shares stock debentures or debenture stock so issued shall vest in the person to whom they are issued and the names of the holders thereof shall be inserted as such in the registers of the Company of shareholders stockholders debenture-holders or debenture stockholders as the case may be.

Company may incur temporary loans.

**21.**—(1) The Company may for the purposes of or in connection with the undertaking borrow or raise moneys on temporary loans from bankers by means of overdrafts or otherwise or by the issue of notes or bonds of a currency of not less than five years and of not more than ten years and may draw accept and endorse bills of exchange or other negotiable instruments.

(2) The powers of raising moneys conferred by this section shall be in addition to any powers for the time being of the Company to borrow on debenture or mortgage of the undertaking or to raise moneys by the issue of debenture stock Provided that the aggregate amount outstanding at any one time of the moneys raised under this section shall not exceed five hundred thousand pounds.

As to disposal of shares or stock.

**22.** The Company may in issuing any portion of the capital or any securities authorised by this Act dispose of all or any of the shares or stock representing such capital

or such securities at such times to such persons on such terms and conditions and in such manner as the directors think advantageous to the Company. A.D. 1929.

**23.** The Company on any offer to the public of shares stock debentures or debenture stock or other securities which the Company may at any time be authorised to issue may pay a commission not exceeding seven and a half per centum to any person in consideration of his subscribing or agreeing to subscribe whether absolutely or conditionally for such shares stock debentures debenture stock or securities or procuring or agreeing to procure subscriptions therefor whether absolute or conditional if the payment of the commission and the amount or rate per centum of the commission paid or agreed to be paid are disclosed in the prospectus advertisement or other document of the Company inviting subscriptions or offers for such shares stock debentures debenture stock or securities Nothing in this section shall affect any power of the Company to pay brokerage. Power to pay commissions.

**24.** Notwithstanding anything in this Act or any Act incorporated therewith the Company may out of any money which they are by this Act authorised to raise pay and charge to capital account interest at such rate not exceeding six and a half per centum per annum as the directors may determine to any shareholder (which expression in this section includes stockholder) on the amount from time to time paid up on such of the shares (which expression in this section includes any stock other than debenture stock) held by him as were issued for moneys the expenditure of which remains unremunerative from the respective times of such payments for any period during which the expenditure remains unremunerative or for such less period as the directors may determine but subject always to the conditions hereinafter stated (that is to say) :— Payment of interest out of capital.

(a) No such interest shall accrue in favour of any shareholder for any time during which any call on any of his shares is in arrear;

(b) The aggregate amount to be so paid for interest shall not exceed one-fifth of the capital for the time being issued and paid up and the amount so paid shall not be deemed capital in respect of which the borrowing powers of the Company may be exercised;

A.D. 1929,

- (c) Notice that the Company have power so to pay interest out of capital shall be given in every prospectus advertisement or other document of the Company inviting subscriptions for shares and in every certificate of shares which may be issued by or on behalf of the Company during any period during which such interest shall be paid;
- (d) The yearly accounts of the Company shall show the amount of capital on which and the rate at which interest has been paid in pursuance of this section.

Save as hereinbefore set forth and except as may be otherwise expressly provided by this Act no interest or dividend shall be paid out of any share or loan capital which the Company are by this Act authorised to raise to any shareholder on the amount of the calls made in respect of the shares held by him but nothing in this Act shall prevent the Company from paying to any shareholder such interest on money advanced by him beyond the amount of the calls actually made as is in conformity with the Companies Clauses Consolidation (Scotland) Act 1845.

Interest  
out of  
capital on  
borrowed  
money.

**25.** The Company may charge to capital account the interest accruing on all or any moneys borrowed on mortgage or debenture or temporary loan or raised by the issue of debenture stock notes or bonds under the powers of this Act for the purpose of providing funds for the construction of the works by this Act authorised or other purposes to or on which capital may under the provisions of this Act be applied or extended:

Provided that such interest shall only be paid on any moneys the expenditure whereof remains unremunerative and for any period during which the expenditure out of such moneys remains unremunerative or such less period as the directors may determine.

Subscrip-  
tion for  
shares or  
loans in  
other under-  
takings.

**26.** The Company may subscribe for purchase hold and dispose of shares stock or securities in any company taking or agreeing to take a supply of electricity from the Company or who are establishing or about to establish factories or other works or who are or may be authorised to supply electricity in any area within or contiguous to the area of supply for the time being of the Company or to any company making producing or

dealing in electrical plant or appliances or other articles used in or in connection with the generation distribution or use of electricity and may lend money on mortgage bond or other security to any such company or to any firm or person taking or agreeing to take such supply from the Company or making producing or dealing in such plant appliances or articles Provided that the amount so subscribed and lent by the Company under this section shall not at any time exceed five hundred thousand pounds. A.D. 1929.

### PART III.

#### ADMINISTRATIVE PROVISIONS.

**27.** The first ordinary meeting of the Company shall be held within six months after the passing of this Act. First ordinary meeting.

**28.** The ordinary general meeting of the Company shall be held in each year at such time and place as the directors may from time to time appoint. Annual meeting of Company.

**29.** The number of directors shall be three but the Company may vary the number provided that the number be not less than three nor more than ten. Number of directors.

**30.**—(1) The qualification of a director shall be the possession in his own right of shares or stock or shares and stock of the Company of the nominal value of five hundred pounds and every director who is not qualified at the time of his appointment as a director shall obtain his qualification within two months after his appointment and if any director does not within such two months obtain his qualification, he shall vacate his office as director and shall be incapable of being re-appointed a director until he has obtained his qualification. Qualification of directors.

(2) Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 no person shall be disqualified from being a director by reason of his holding any office or place of trust or profit under the Company or by reason of his being interested in any contract with the Company nor shall any director be required to cease from voting or acting as a director by reason of his accepting any such office or place of trust or profit or becoming interested in any such contract Provided that in the case of his being or becoming interested in any contract with the Company whether such interest shall arise before or after his appointment

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929. — as a director the nature of his interest in the contract shall be disclosed by him at the meeting of the directors at which the contract is determined on if his interest then exists or in any other case at the first meeting of the directors after the acquisition of his interest or after his appointment and that no director shall as a director vote in respect of any such contract and if he does so vote his vote shall not be counted but this prohibition shall not apply to any contract by or on behalf of the Company to give to the directors or any of them any security by way of indemnity.

Quorum. **31.** The quorum of a meeting of directors shall be two when the total number of directors does not exceed five and three when the total number of directors exceeds five.

Directors. **32.** Percy John Pybus the Honourable Robert Henry Brand and the Right Honourable Lord Meston shall be the first directors of the Company and shall continue in office until the first ordinary meeting held after the passing of this Act At that meeting the proprietors of the Company present in person or by proxy may either continue in office the directors appointed by this Act or any of them or may elect a new body of directors or directors to supply the place of those not continued in office the directors appointed by this Act being if they continue qualified eligible for re-election At the first ordinary meeting to be held in every year after the first ordinary meeting the proprietors of the Company present in person or by proxy shall (subject to the power hereinbefore contained for varying the number of directors) elect persons to supply the places of the directors then retiring from office agreeably to the provisions of the Companies Clauses Consolidation (Scotland) Act 1845 The several persons elected at any such meeting being neither removed nor disqualified nor having died or resigned shall continue to be directors until others are duly elected in their stead.

Appoint-  
ment of  
managing  
director. **33.**—(1) The directors may appoint one or more of their body to be managing director or managing directors of the Company either for a fixed term or without any limitation as to time and may remove or dismiss him or them from office and appoint another or others in his or their place or places.



(2) A managing director shall not while holding that office be subject to retirement by rotation and shall not be taken into account in determining the rotation of retirement of directors but if he ceases to hold the office of director from any other cause he shall ipso facto immediately cease to be a managing director. A.D. 1929.

(3) The remuneration of a managing director shall from time to time be fixed by the directors and may be by way of salary or commission or participation in profits or by any or all of those modes.

(4) The directors may entrust to and confer upon any managing director such of the powers exercisable by the directors and subject to such conditions as they may think fit and may from time to time revoke withdraw alter or vary all or some of such powers.

**34.** Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 notice of all meetings of the Company whether ordinary or extraordinary may (if the directors so determine) be given by letter sent by ordinary letter post to each proprietor of the Company instead of by public advertisement Provided that the letters giving the notice shall be directed according to the registered address or other known address of each such proprietor prepaid and posted not less than seven clear days before the date of the meeting In proving that any such notice has been given it shall be sufficient to prove that the letter containing the notice was properly addressed and put into the post office as a prepaid letter not later than the time hereby prescribed. Notices of ordinary meetings.

**35.—**(1) At all general meetings of the Company every holder of ordinary shares or ordinary stock shall be entitled to one vote in respect of every amount of one pound of such shares or stock held by him Provided always that no shareholder shall be entitled to vote at any meeting in respect of any share on which any call remains unpaid. Defining right of voting.

(2) Except as otherwise expressly provided by the resolution creating the same no person shall be entitled to vote in respect of any share or stock to which a preferential dividend shall be assigned.

**36.** Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 the attorney of any shareholder or stockholder of the Company duly Appointment of proxies.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929. — authorised in writing may appoint a proxy to vote for and on behalf of the shareholder or stockholder and for that purpose may execute on behalf of the shareholder or stockholder the necessary form of proxy Provided that the instrument appointing the attorney shall be transmitted to the secretary at the same time as the instrument appointing the proxy.

Joint holders.

**37.** Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 where several persons are jointly entitled to and registered as holders of any shares or stock in the capital of the Company any one of those persons may vote at any meeting (at which holders of shares or stock of the same class are entitled to vote) either personally or by proxy in respect of the shares or stock as if he were solely entitled thereto but if more than one of the joint holders be present at any meeting personally or by proxy that one of the said persons so present whose name stands first on the register in respect of the shares or stock shall alone be entitled to vote in respect thereof Several executors or administrators of a deceased member in whose name any share or stock stands shall for the purposes of this section be deemed joint holders thereof.

Annual accounts.

**38.** If and so long as the ordinary meetings of the Company shall be held once only in each year the balance sheet and accounts made up in accordance with section 119 of the Companies Clauses Consolidation (Scotland) Act 1845 shall relate to the transactions of the Company in the course of the preceding year.

Interim dividends.

**39.** The directors may in any year without calling a meeting of proprietors of the Company for the purpose declare and pay such interim half-yearly dividend out of the then ascertained profits of the Company as in their judgment the position of the Company justifies.

Closing of transfer books

**40.**—(1) The directors may close the register of transfers for a period not exceeding fourteen days previous to the declaration of any dividend and they may close the register of transfers of mortgages debentures or debenture stock for a period not exceeding fourteen days previous to each date at which the interest thereon shall be payable and in the case of any such register they may fix a day for closing the same of which seven days' notice shall be given either by circular to each proprietor or by

advertisement in some newspaper published or circulating in the district within which the principal office of the Company is situate.

A.D. 1929.

(2) Any transfer of shares stock mortgages debentures or debenture stock made during the time when the register of transfers of such security is so closed shall as between the Company and the person claiming under the same but not otherwise be considered as made subsequently to the declaration of any such dividend or the payment of any such interest as the case may be.

41. In addition to the powers which the directors may exercise under the Companies Clauses Consolidation (Scotland) Act 1845 and the Companies Clauses Act 1863 as amended by subsequent Acts they may determine the remuneration of the secretary of the Company.

Determination of remuneration of secretary.

42. If any money is payable to a shareholder stockholder or mortgagee debenture-holder or debenture stockholder being a pupil minor idiot or lunatic the receipt of the guardian or committee of his estate or of his tutor or curator or curator bonis shall be a sufficient discharge to the Company.

Receipt in case of persons not sui juris.

43. Notwithstanding anything in the Companies Clauses Consolidation (Scotland) Act 1845 it shall not be necessary to authenticate the register of the shareholders or stockholders of the Company by affixing the common seal of the Company to the register.

As to shareholders' register.

44. Notwithstanding anything in any Act or Order relating to the Company any contract required to be in writing and not under seal may be signed on behalf of the Company by the secretary or other person appointed in that behalf by the directors.

As to contracts.

45.—(1) The Company shall annually appoint one person or two persons or a firm of accountants who shall be a member or members of the Institute of Chartered Accountants or the Society of Incorporated Accountants and Auditors or one of the chartered societies in Scotland or an accountant or accountants approved by the Electricity Commissioners to be the auditor or auditors of the Company.

Auditors.

(2) It shall not be necessary for any auditor to hold any shares or stock in the Company.

A.D. 1929.

(3) No person not being a retiring auditor of the Company shall be eligible to be elected at any general meeting an auditor of the Company unless notice in writing be given to the secretary or left at the principal office of the Company not less than three clear days before the date of the meeting that such person will be proposed for election as an auditor of the Company. The secretary shall on receipt of any such notice send a copy thereof to the retiring auditor and during such three days and the day of election keep a copy of the notice fixed in some conspicuous place in the said office.

(4) If any auditor of the Company dies or resigns the directors may appoint another auditor in his place and any auditor so appointed shall hold office until the next ordinary meeting.

Power to  
grant  
pensions  
&c.

**46.**—(1) The directors may grant such gratuities pensions or allowances or make such other payments as they may think fit to any employee of the Company or where in their opinion adequate provision is not otherwise made to the widow or family or any dependant of any such employee and may if they think fit establish and maintain a fund to be called "the pensions fund" for that purpose.

(2) The directors may with the sanction of a majority of the votes of the proprietors of the Company present in person or by proxy and entitled to vote and voting at an extraordinary meeting of the Company prepare put in force and from time to time modify alter or rescind a scheme prescribing the terms and conditions upon which employees of the Company or any classes of such employees may become contributors to the pensions fund and the contributions to be made by such employees and the gratuities pensions allowances or payments to which such contributors shall be entitled.

(3) The directors may enter into and carry into effect agreements with any insurance company or other association or company for securing to any such employee widow family or dependant such gratuities pensions allowances or payments as are by this section authorised to be granted or made.

(4) The directors may for all or any of the purposes of this section apply set aside and accumulate the funds and revenues of the Company.

(5) No pensions fund established under this section to which the employees of the Company are required to contribute shall come into operation until it has been registered under the Superannuation and other Trust Funds (Validation) Act 1927.

A.D. 1929.

(6) In this section the word "employee" includes any officer workman or servant.

47.—(1) The directors may prepare put in force and from time to time modify alter or rescind a scheme or schemes enabling the employees or any class or classes of the employees as may be defined in the scheme or schemes to participate in the profits of the Company or of any part of those profits as part of the terms of remuneration for the services of any such employee.:

Profit sharing.

Provided that no such modification alteration or rescission of any such scheme or schemes shall have any retrospective effect so as to deprive any employee without his consent of any benefit accrued due to him under such scheme prior to the date of such modification alteration or rescission.

(2) Any agreement as to service with any employee in pursuance of any such scheme may be entered into with any employee above the age of sixteen years and shall be in writing and may be made on the part of the Company under the hands of any two directors or under the hand of the secretary or of any person from time to time appointed in that behalf by resolution of the directors.

(3) Notwithstanding anything in any Act or Order relating to the Company the directors may if and whenever requested by any persons being the trustees under any such scheme so to do issue to any employee such number of ordinary shares or such amount of ordinary stock (not being less than five pounds nor including a fraction of one pound) as the trustees may specify within the limit of the amount of ordinary capital which the Company may for the time being be authorised to issue Provided that any ordinary shares or stock issued under the provisions of this section shall be issued at the market price of the same class of shares or stock at the date of issue or if there be no such market price at such price as shall be determined by the Company's auditors to be a fair price.

A.D. 1929.

(4) The directors may also as part of any such scheme accept on deposit on behalf of any employee any savings or other sums of money belonging to such employee and pay interest thereon out of the revenues of the Company.

#### PART IV.

#### WORKS AND LANDS.

Works.

48. Subject to the provisions of this Act the Company may make construct maintain and use in the lines and situations and according to the levels shown on the deposited plans and sections the works hereinafter described with all proper embankments dams roads railways ropeways approaches ways pumping works tanks weirs sluices culverts tunnels aqueducts channels catchwaters sewers drains pipes telegraphs telephones engines turbines dynamos cables electric lines apparatus buildings works and conveniences in connection with or auxiliary to the said works or any of them or necessary or convenient for constructing inspecting maintaining repairing cleansing managing and using the same and may enter upon take hold appropriate and acquire and use such of the lands and properties shown on the deposited plans and described in the deposited book of reference as they may require for the purposes of the said works or some of them or for the purposes of obtaining access thereto The works hereinbefore referred to are situate in the counties of Kirkcudbright and Ayr and are the following (that is to say) :—

Work No. 1 An aqueduct conduit line or lines of pipes in the parish of Tongland in the county of Kirkcudbright commencing at a point on the right bank of the river Dee 460 yards or thereby measured in a southerly direction from the milestone on the public road between Kirkcudbright and Castle Douglas marked "Kirkcudbright 3 miles" and terminating at a point in the said river 150 yards or thereby measured in a north-easterly direction from the centre of the east face of Tongland Bridge;

Work No. 2 A reservoir in the parishes of Tongland Kirkcudbright and Kelton in the county of Kirkcudbright to be formed by a dam 220 yards or thereby in length across the river Dee at a

point 530 yards or thereby measured in a southerly direction from the milestone on the public road between Kirkcudbright and Castle Douglas marked "Kirkcudbright 3 miles" and which said reservoir will commence at the said dam and terminate at a point on the said river 4,870 yards or thereby measured in a north-easterly direction along the said river from the said dam ;

A.D. 1929.  
—

Work No. 2A An aqueduct or deepening of the river Dee in the parishes of Tongland and Kirkcudbright in the county of Kirkcudbright commencing in the river Dee at a point 300 yards or thereby measured in a south-westerly direction from the centre of the west face of Tongland Old Bridge and terminating at the south side of the dam forming the reservoir (Work No. 2) hereinbefore described at a point on the said dam 90 yards or thereby measured in an easterly direction from the west end thereof ;

Work No. 3 A reservoir (being an enlargement of loch Ken and the river Dee) in the parishes of Crossmichael Balmaghie Parton Kells and Balmaclellan in the county of Kirkcudbright to be formed by a weir and sluices 140 yards or thereby in length across the river Dee at a point 90 yards or thereby measured in a northerly direction from the centre of the north face of Glenlochar Bridge and which said reservoir will commence at the said weir and terminate at a point on the Water of Ken 375 yards or thereby measured in a south-south-westerly direction along the centre of the said water from the south face of Ken Bridge ;

Work No. 4 An aqueduct conduit line or lines of pipes in the parish of Kells in the county of Kirkcudbright commencing at a point 630 yards or thereby measured in a westerly direction from the junction of the Green Burn with Clattering-shaws Lane and terminating at a point on the Coom Burn 680 yards or thereby measured in a north-westerly direction from the junction of the said burn with the Water of Ken ;

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929.  
—

Work No. 5 An aqueduct in the parish of Kells in the county of Kirkcudbright commencing at a point on the Craigshinnie Burn 540 yards or thereby measured in a westerly direction from Craigshinnie Bridge and terminating at a point on the aqueduct (Work No. 4) hereinbefore described 460 yards or thereby measured in a north-easterly direction from the said bridge;

Work No. 6 A reservoir in the parishes of Minnigaff and Kells in the county of Kirkcudbright to be formed by a dam 550 yards or thereby in length across the river Dee or Blackwater of Dee at a point 170 yards or thereby measured in a north-westerly direction from the centre of the north-west face of the High Bridge of Dee and which said reservoir will commence at the said dam and terminate at a point on the said river 4,600 yards or thereby measured in a northerly direction along the said river from the said dam;

Work No. 7 An aqueduct in the parishes of Minnigaff and Girthon in the county of Kirkcudbright commencing at a point 2,270 yards or thereby measured in a south-easterly direction from the centre of the south-east face of the High Bridge of Dee and terminating at the south-western end of the dam forming the reservoir (Work No. 6) hereinbefore described;

Work No. 8 An aqueduct in the parish of Minnigaff in the county of Kirkcudbright commencing at a point on Glenhead Burn 1,300 yards or thereby measured in a westerly direction from the junction of Dargall Lane with loch Dee and terminating at a point on Dargall Lane 300 yards or thereby measured in a north-easterly direction from the said point of commencement;

Work No. 9 A reservoir (being an enlargement of loch Grennoch) in the parishes of Girthon and Minnigaff in the county of Kirkcudbright to be formed by a dam 140 yards or thereby in length across the Pullaugh Burn at a point 150 yards or thereby measured in a northerly direction from the commencement of the said



burn at loch Grennoch and which said reservoir will commence at the said dam and terminate at a point 620 yards or thereby measured in a south-easterly direction from loch Grennoch Lodge;

A.D. 1929.

Work No. 10 An aqueduct in the parishes of Kirkmabreck and Girthon in the county of Kirkcudbright commencing at a point on the Mid Burn 2,620 yards or thereby measured in a south-westerly direction from loch Grennoch Lodge and terminating at a point 580 yards or thereby measured in a south-easterly direction from the said lodge;

Work No. 11 An aqueduct conduit line or lines of pipes in the parish of Kells in the county of Kirkcudbright commencing at a point 400 yards or thereby measured in a north-westerly direction from the centre of the northern face of Allangibbon Bridge and terminating at or near the right bank of the Water of Ken at a point 150 yards or thereby measured in a southerly direction from the said point on the said bridge;

Work No. 12 A reservoir in the parishes of Kells and Dalry in the county of Kirkcudbright to be formed by a dam 210 yards or thereby in length across the Water of Ken at a point 390 yards or thereby measured in a north-westerly direction from the centre of the northern face of Allangibbon Bridge and which said reservoir will commence at the said dam and terminate at a point on the said water 2,500 yards or thereby measured in a north-north-westerly direction along the centre of the said water from the said dam;

Work No. 13 An aqueduct conduit line or lines of pipes in the parish of Kells in the county of Kirkcudbright commencing at a point on the right bank of the Water of Ken in the reservoir (Work No. 14) hereinafter described on the north side of the intended dam and terminating 270 yards or thereby measured in a southerly direction from the said point of commencement;

[Ch. lxxx.] *Galloway Water Power [19 & 20 GEO. 5.]  
Act, 1929.*

A.D. 1929.

Work No. 14 A reservoir in the parishes of Kells Dalry and Carsphairn in the county of Kirkcudbright to be formed by a dam 350 yards or thereby in length across the Water of Ken at a point 940 yards or thereby measured in a south-westerly direction from the junction of the Cleugh Burn with the said water and which said reservoir will commence at the said dam and terminate at a point 2,500 yards or thereby measured in a north-north-westerly direction along the centre of the said water from the said dam;

Work No. 15 An aqueduct conduit line or lines of pipes in the parish of Dalry in the county of Kirkcudbright commencing at a point 750 yards or thereby measured in a south-westerly direction from the west face of the High Bridge of Ken and terminating at the junction of the Water of Deugh with the Water of Ken;

Work No. 16 An aqueduct conduit line or lines of pipes in the parish of Dalry in the county of Kirkcudbright commencing at a point on the Blackwater Burn 30 yards or thereby measured in a westerly direction from the west face of the Blackwater Bridge and terminating at a point in the aqueduct (Work No. 15) hereinbefore described 550 yards or thereby measured in a north-westerly direction from the said face of that bridge;

Work No. 17 A reservoir in the parishes of Dalry and Carsphairn in the county of Kirkcudbright to be formed by a dam 150 yards or thereby in length across the Water of Ken at a point 880 yards or thereby measured in a south-westerly direction from the west face of the High Bridge of Ken and by a dam 260 yards or thereby in length across the Water of Deugh at a point 200 yards or thereby measured in a westerly direction from the south-west face of Deugh Bridge and which said reservoir will commence at the said first-mentioned dam and terminate at a point on the Water of Deugh 290 yards or thereby measured in a north-westerly direction from the south-west face of Burnfoot Bridge;

A.D. 1929  
—

Work No. 19 A reservoir in the parish of Dalry in the county of Kirkcudbright to be formed by a dam 115 yards or thereby in length across the Blackwater Burn at a point 600 yards or thereby measured in a south-easterly direction from the south-east face of Auchenshinnoch Bridge and which said reservoir will commence at the said dam and terminate at a point on the said burn 3,800 yards or thereby measured in a south-easterly direction along the said burn from the said dam;

Work No. 20 An aqueduct in the parish of Dalry in the county of Kirkcudbright commencing at a point on the Fingland Lane 420 yards or thereby measured in a south-easterly direction from Auchenshinnoch Farm House and terminating at a point 1,200 yards or thereby measured in a south-easterly direction from the said house;

Work No. 21 An aqueduct conduit line or lines of pipes partly in the parish of Carsphairn in the county of Kirkcudbright and partly in the parish of Straiton in the county of Ayr commencing at a point in loch Doon 2,030 yards or thereby measured in a southerly direction from the junction of the Muck Burn with loch Doon and terminating at a point on the Bow Burn 630 yards or thereby measured in a north-easterly direction from the junction of the Bow Burn with the Water of Deugh;

Work No. 22 An aqueduct in the parish of Carsphairn in the county of Kirkcudbright commencing at a point on the Cullendoch Burn 570 yards or thereby measured in a south-westerly direction from the junction of the said burn with Carsphairn Lane and terminating at a point on the aqueduct (Work No. 21) hereinbefore described 860 yards or thereby measured in a north-westerly direction from the said junction;

Work No. 23 An aqueduct in the parish of Carsphairn in the county of Kirkcudbright commencing at a point on the Lamford Burn 240 yards or thereby measured in a south-westerly direction

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929.

from the west face of Lamford Bridge and terminating at a point on the Muck Burn 1,140 yards or thereby measured in a north-westerly direction from the said face of that bridge;

Work No. 24 A reservoir (being an enlargement of loch Doon) in the parishes of Straiton and Dal-mellington in the county of Ayr and the parish of Carsphairn in the county of Kirkcudbright to be formed by a dam 200 yards or thereby in length across the outlet from loch Doon at a point 10 yards or thereby measured in an easterly direction from the east face of the Bridge of Ness and which said reservoir will commence at the said dam and terminate at a point on the Gala Lane 1,100 yards or thereby measured in a south-westerly direction from its junction with loch Doon;

Work No. 25 A diversion in the parish of Tongland in the county of Kirkcudbright of the public road leading from Tongland to Rhonehouse commencing at a point on the public road from Castle Douglas to Kirkcudbright at the milestone marked "Kirkcudbright 2 miles" and terminating at a point on the said road from Tongland to Rhonehouse 150 yards or thereby measured in an easterly direction from the said point of commencement;

Work No. 26 A diversion in the parish of Tongland in the county of Kirkcudbright of the public road leading from Castle Douglas to Kirkcudbright commencing at a point on the said road 500 yards or thereby measured in a north-easterly direction from the milestone marked "Kirkcudbright 2 miles" and terminating at a point on the said road 150 yards or thereby measured in a north-easterly direction from the said point of commencement;

Work No. 26A A road diversion in the parish of Tongland in the county of Kirkcudbright commencing at a point at the centre of the road diversion (Work No. 26) hereinbefore described and terminating at a point on the road to Tongland Mill 100 yards or thereby measured in an

easterly direction from the said point of commencement;

A.D. 1929.

Work No. 27 A road diversion in the parish of Tongland in the county of Kirkcudbright commencing at a point on the public road leading from Castle Douglas to Kirkcudbright 340 yards or thereby measured in a north-easterly direction from the milestone marked "Kirkcudbright 2 miles" and terminating at a point on the road leading from the said public road to Tongland Church 100 yards or thereby measured in an easterly direction from the said point of commencement;

Work No. 28 An alteration in the parish of Kells in the county of Kirkcudbright of the level of the public road leading from Glenlee to Garroch commencing at a point on the said road 500 yards or thereby measured in a north-westerly direction from the junction of the said road with the public road leading from New Galloway to Ayr and terminating at a point 230 yards or thereby measured in a north-westerly direction from the said point of commencement;

Work No. 29 A road diversion in the parish of Kells in the county of Kirkcudbright commencing at a point on the public road leading from Newton Stewart to New Galloway 60 yards or thereby measured in a north-easterly direction from the centre of the High Bridge of Dee and terminating at a point on the said road at the entrance to Clatteringshaws Farm;

Work No. 29A A road diversion in the parish of Minnigaff in the county of Kirkcudbright commencing at a point on the public road leading from the High Bridge of Dee to Craigencallie 930 yards or thereby measured in a north-westerly direction from Craignell Farm House and terminating at a point on the said road 200 yards or thereby measured in a west-north-westerly direction from the said house;

Work No. 29B A road diversion in the parish of Minnigaff in the county of Kirkcudbright commencing at a point on the public road leading

A D. 1929.

from the High Bridge of Dee to Craigencallie 300 yards or thereby measured in an east-south-easterly direction from Craignell Farm House and terminating at a point on the public road leading from New Galloway to Newton Stewart 300 yards or thereby measured in a south-south-westerly direction from the centre of the High Bridge of Dee;

Work No. 30 A road diversion in the parish of Kells in the county of Kirkcudbright commencing at a point on the public road leading from New Galloway to Carsphairn 230 yards or thereby measured in a southerly direction from the junction with the said road of the farm road leading to Barskeoch Mains and terminating at a point on the said public road 270 yards or thereby measured in a south-westerly direction from the south face of Allangibbon Bridge;

Work No. 31 A diversion in the parish of Kells in the county of Kirkcudbright of the public road leading from New Galloway to Carsphairn commencing at a point 260 yards or thereby measured in a northerly direction from the west end of the intended dam forming the reservoir (Work No. 14) hereinbefore described and terminating at a point on the said public road 550 yards or thereby measured in a southerly direction from the said point of commencement;

Work No. 32 A road in the parishes of Kells and Dalry in the county of Kirkcudbright commencing at a point on the public road from New Galloway to Carsphairn 290 yards or thereby measured in a south-easterly direction from Strangassel and terminating on the left bank of the Water of Ken at the junction of the Water of Deugh with the said Water of Ken;

Work No. 33 A road diversion in the parish of Carsphairn in the county of Kirkcudbright commencing at a point on the public road between Carsphairn and the High Bridge of Ken 1,620 yards or thereby measured along the road in a north-westerly direction from the centre of the said bridge and terminating at a

point on the said road 250 yards or thereby measured in a south-easterly direction from the said point of commencement; A.D. 1929.

Work No. 34 A road diversion in the parish of Carsphairn in the county of Kirkcudbright commencing at a point on the public road leading from Deugh Bridge to the Carsphairn-New Galloway road 330 yards or thereby measured along the road in a north-westerly direction from the centre of the said bridge and terminating at a point on the road diversion (Work No. 33) hereinbefore described 50 yards or thereby measured in a south-easterly direction from the point of commencement of the said diversion (Work No. 33);

Work No. 35 A road diversion in the parish of Carsphairn in the county of Kirkcudbright commencing at a point on the public road between Carsphairn and the High Bridge of Ken 370 yards or thereby measured in a south-easterly direction from the centre of the Furmiston Bridge and terminating at a point on the said road 290 yards or thereby measured in a south-easterly direction from the said point of commencement;

Work No. 36 A road diversion in the parish of Carsphairn in the county of Kirkcudbright commencing at a point on the public road leading from Carsphairn to the High Bridge of Ken 160 yards or thereby measured in a west-north-westerly direction from the centre of the Furmiston Bridge and terminating at a point on the said road 300 yards or thereby measured in an easterly direction from the said point of commencement;

Work No. 37 A road diversion in the parishes of Dalmellington and Straiton in the county of Ayr of the public road along the west side of loch Doon commencing at a point on the said public road 300 yards or thereby measured in a north-easterly direction from the centre of the Bridge of Ness and terminating at a point on

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929:

the said road 900 yards or thereby measured in a southerly direction from the said centre of that bridge;

Work No. 38 A road diversion in the parish of Straiton in the county of Ayr commencing at a point on the public road along the west side of loch Doon 420 yards or thereby measured in a north-westerly direction from the bridge carrying such road over the Black Burn and terminating at a point on the said road 550 yards or thereby measured in a south-easterly direction from the bridge carrying the said road over the Garpel Burn;

Work No. 39 A road diversion in the parish of Straiton in the county of Ayr commencing at a point on the public road along the west side of loch Doon 90 yards or thereby measured in a south-easterly direction from Lamdoughty and terminating at a point on the said road 1,350 yards or thereby measured along the said road in a southerly direction from the said point of commencement;

Work No. 40 A road diversion in the parish of Straiton in the county of Ayr commencing at a point on the public road along the west side of loch Doon 110 yards or thereby measured in a south-westerly direction from the termination of the road diversion (Work No. 39) hereinbefore described and terminating at a point on the said road 180 yards or thereby measured in a south-westerly direction from the said point of commencement;

Work No. 41 A road diversion in the parish of Straiton in the county of Ayr commencing at a point on the public road along the west side of loch Doon 220 yards or thereby measured in a south-westerly direction from the termination of the road diversion (Work No. 40) hereinbefore described and terminating at a point on the said road 220 yards or thereby measured in a south-westerly direction from the said point of commencement.



**49.** The Company may subject to the provisions and for the purposes of this Act enter upon take and use the lands in the parishes of Tongland Kirkcudbright Kells Dalry and Carsphairn in the county of Kirkcudbright shown on the deposited plans and described in the deposited book of reference and in the First Schedule to this Act and may on any of those lands or on any part or parts thereof erect maintain work and use a station or stations and works for generating electricity and for producing manufacturing and dealing with any product or thing arising or used in such generation with all necessary and convenient buildings turbines engines machinery works apparatus and conveniences and may generate transform use transmit and deal with such electricity products and things.

A.D. 1929.

—  
Lands for  
generating  
stations.

**50.** The Company may in constructing the works by this Act authorised deviate from the lines or position thereof as shown on the deposited plans relating thereto to the extent of the limits of deviation shown thereon and the Company may also deviate from the levels of all or any of the works authorised by this Act as shown on the deposited sections to any extent not exceeding in the case of any reservoir by this Act authorised five feet upwards and in the case of other works fifteen feet upwards and in the case of all works to any extent downwards :

Power to  
deviate.

Provided that as regards the reservoir (Work No. 3) by this Act authorised the Company shall not deviate to any extent exceeding two feet upwards except with the consent of the county council of the stewartry of Kirkcudbright :

Provided further that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

**51.** If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Company after giving ten days' notice to the owners lessees and occupiers of the lands in question may apply to the sheriff for the county in which such lands are situate for the correction thereof and if it appears to the sheriff that the omission misstatement or wrong description arose from

Correction  
of errors in  
deposited  
plans and  
book of  
reference.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929.

mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the sheriff clerk for the said county and a duplicate thereof shall also be deposited with the clerk of the parish council of any parish in which the lands affected thereby are situate and such certificate and duplicate respectively shall be kept by such clerks with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Company to take the lands and execute the works in accordance with such certificate.

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

**52.** And whereas in the construction of the works by this Act authorised or otherwise in exercise of the powers of this Act it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of the same and that such portions may be severed from the remainder of the said properties without material detriment thereto therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in the houses or other buildings or manufactories described in the Second Schedule to this Act and whereof parts only are required for the purposes of this Act may if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of such properties without material detriment thereto be required to sell and convey to the Company the portions only of the premises so required without the Company being obliged or compellable to purchase the whole or any greater portion thereof the Company 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.

Acquisition of  
servitudes.

**53.**—(1) Notwithstanding anything contained in this Act the Company in lieu of acquiring for any purposes of this Act (including the works and conveniences authorised by the section of this Act whereof the marginal note is "Subsidiary works") the lands whereof the whole or any part is described in the Third Schedule to this

Act or any part of any such lands may acquire compulsorily servitudes rights or privileges of using such lands or any of them or any part thereof for the purpose of approaches or accesses to and conveying materials to and from any works by this Act authorised whether during or after their construction and forming and making and maintaining thereon roads approaches ways and means of access to such works or any of them and of laying underground aqueducts tunnels conduits cables mains apparatus transformer stations or other underground works under or erecting and maintaining standards on and overhead cables wires and apparatus over such lands or any of them or any part thereof (whether the surface of the lands be temporarily broken or not) and of laying such cables apparatus wires and works under over or across any part of any railway river or stream whereof the whole or any part is so described and of submerging such lands or any of them or of using the waters of any such river or stream and may give notice to treat in respect of such servitudes rights or privileges describing the nature thereof and the rights which the Company require for or incidental to the said purposes without being required or becoming liable to acquire any other property or interest in any such lands railway river or stream.

(2) The Company may also give notice to treat for and acquire compulsorily servitudes rights or privileges of using temporarily any lands whereof the whole or any part is described in the said Third Schedule or any part of any such lands for dwelling-houses or camps for persons employed in or in connection with the construction of any works by this Act authorised without being required or becoming liable to acquire any other property or interest in any such lands.

(3) For the purposes of this section the provisions of the Lands Clauses Acts with respect to lands or rent-charges or feu duties so far as the same are applicable in this behalf shall extend and shall apply to any such servitude right or privilege as if the same were lands within the meaning of those Acts Provided that as regards any lands in respect of which the Company have acquired such servitude right or privilege under the provisions of this section the Company shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929.

time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Company.

Persons  
under dis-  
ability  
may grant  
servitudes  
&c.

**54.** Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Company any servitude right or privilege (but as regards any servitude right or privilege of water in which persons other than the grantors have an interest only to the extent of the grantors' interest therein) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands feu duties ground annuals and rent-charges 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.

Period for  
compulsory  
purchase  
of lands.

**55.** The powers of the Company for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of five years from the thirty-first day of October one thousand nine hundred and twenty-nine.

Period for  
completion  
of works.

**56.** Subject to the provisions of this Act if the works authorised by this Act are not completed within ten years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing the said works or otherwise in relation thereto shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Company from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of the said works and generating stations at any time and from time to time as occasion may require.

Subsidiary  
works.

**57.**—(1) Subject to the provisions of this Act the Company may within the limits of deviation or within the limits of lands to be acquired shown on the deposited plans deepen dredge widen alter and improve the bed banks channel and shores of and lay down erect construct make and maintain temporarily or permanently cofferdams piles jetties wharves weirs sluices spillways overflows stages walls embankments and other subsidiary works in

upon or over any part of any loch river stream or water-course and reclaim and use for the purposes of and in connection with any works or any generating station authorised by this Act any part of any such bed and channel as aforesaid and may appropriate use and dispose of any materials obtained by them in carrying out any such operation.

A.D. 1929,  
—

(2) Subject to the provisions of this Act the Company may within the limits of deviation or within the limits of lands to be acquired shown on the deposited plans temporarily or permanently use alter and interfere with highways public and private roads streams drains sewers telegraphic and telephonic apparatus and gas water and other pipes wires works and apparatus providing where possible a proper substitute before interrupting the traffic on any such highway or road or the passage of water sewage gas or electricity in or through any such stream sewer drain pipe wire work or apparatus and making full compensation to all persons injuriously affected by anything done under the provisions of this section the amount of the compensation failing agreement to be ascertained by arbitration.

**58.**—(1) Where this Act authorises the diversion of a road the Company may subject to the provisions of this Act stop up and cause to be discontinued as a road so much of the existing road as will be rendered unnecessary by the substituted road shown on the deposited plans.

Stopping  
up roads  
in case of  
diversion.

(2) Such stopping up shall not take place until the substituted road is completed to the satisfaction of the road authority and is open for public use or in case of difference between the Company and the road authority until the sheriff of the sherrifdom in which the road is situate shall have certified that the substituted road has been completed to his satisfaction and is open for public use.

Before applying to the sheriff for his certificate the Company shall give to the road authority fourteen days' notice in writing of their intention to apply for the same.

(3) As from the completion of the substituted road to the satisfaction of the road authority or as from the date of the said certificate (as the case may be) all rights of way over or along the portion of the existing road authorised to be stopped up shall be extinguished and

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929.

the Company may subject to the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of the undertaking the site of the portion of road stopped up as far as the same is bounded on both sides by lands of the Company and in construing the said provisions for the purposes of this section the expression "the railway" shall mean the portion of the road stopped up :

Provided that the Company shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

(4) The substituted road shall in all respects be under the jurisdiction of and shall be maintained and repaired by the authority body or person liable to maintain the portion of the existing road for which the substituted road is provided.

Company  
may stop  
up foot-  
paths &c.

**59.** The Company may stop up and discontinue for public traffic any footpaths bridle paths drove roads or other tracks and ways on over or across the lands shown on the deposited plans and described in the deposited book of reference and acquired by the Company under the powers of this Act or which will be submerged or affected by the construction of the works by this Act authorised and upon the stopping up and discontinuance for traffic of the same respectively the sites and soil thereof respectively shall be by virtue of this Act vested in the Company so far as they are the owners of the adjoining lands on both sides free from all public and other rights of way or passage in over or affecting the same :

Provided that no public footpath or way shall be stopped up submerged or discontinued until substitute footpaths or ways have been completed by the Company to the satisfaction of the road authority and are open for public use or in case of difference between the Company and the road authority until the sheriff of the county in which the footpath or way is situate shall have certified that the said footpaths or ways have been completed to his satisfaction and are open for public use Before applying

to the sheriff for his certificate the Company shall give to the road authority fourteen days' notice in writing of their intention to apply for the same.

A.D. 1929.

The Company shall at their own expense maintain any such substitute footpaths or ways for two years from the date of completion and opening thereof for public use.

**60.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished.

As to private rights of way over lands taken compulsorily.

Provided that the Company shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

**61.** The Company shall submit to the Electricity Commissioners for their reasonable approval plans of the generating stations by this Act authorised (including particulars of the lay out and size of the generating sets) and shall comply with any regulations made by the Electricity Commissioners as to type of current to be generated at such stations and the frequency and pressure thereof.

Submission to Electricity Commissioners of plans &c.

**62.** The Company may for the general purposes of the undertaking purchase and hold or take on lease (by agreement but not otherwise) in addition to the lands delineated on the deposited plans and described in the deposited book of reference any lands and heritages not exceeding in the whole two hundred acres which the Company may from time to time require for the purpose of providing sites for manufacturing and other works and industries and for any of the purposes of this Act or of the undertaking but the Company shall not create or permit a nuisance on any such lands :

Lands by agreement.

Provided always that the Company shall not (save so far as they may be authorised so to do by competent authority) erect any station for generating electricity upon any lands acquired under this Act other than the lands referred to in the First Schedule to this Act.

**63.** Notwithstanding the provisions with respect to the sale of superfluous lands in the Lands Clauses Consolidation (Scotland) Act 1845 contained the Company

Company may dispose of lands not required.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929. — may sell feu or lease for such periods and for such consideration as the Company think fit any lands houses and property for the time being belonging to the Company which they do not require for the purposes of the undertaking or any interest therein or rights or other servitudes belonging thereto.

Reservation  
of water  
rights &c.

**64.** The Company on selling any lands held by them for the purposes of this Act and not required for those purposes may reserve to themselves all or any part of the water rights or other servitudes belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions as they may think fit.

As to  
valuation  
of lands and  
heritages of  
Company.

**65.**—(1) For the purpose of ascertaining from time to time the annual value of the lands and heritages of the Company to be entered in the valuation roll or rolls made up in terms of the Lands Valuation (Scotland) Act 1854 and Acts amending and extending the same for the parishes counties or burghs in which such lands and heritages are situate the said lands and heritages shall be valued as if this Act had not been passed Provided that there shall notwithstanding anything contained in those Acts be deducted from the gross income of the Company an amount equivalent to four and three quarters per centum on the total sum at the time expended by the Company (as ascertained from their annual accounts) but not exceeding the sum of one million eight hundred and eighty-five thousand seven hundred pounds in respect of the appropriation impounding storing collecting abstracting diverting and conveying of water for the purposes of producing and transmitting power (including expenditure on dams watercourses sluice gates aqueducts pipes tunnels culverts and other works and buildings and such lands and servitudes as are used by the Company and generally all other expenditure in connection with the aforesaid purposes) and the amount so deducted shall be in addition to all deductions or allowances made in pursuance of the said Acts.

(2) The Secretary of State for Scotland may after consultation with the Electricity Commissioners after the expiration of ten years from the date of the completion of the works by this Act authorised and subsequently



from time to time revise the amount to be deducted in accordance with the provisions of this section from the gross income of the Company :

A.D. 1929.

Provided that no such subsequent revision shall come into operation earlier than ten years after the last preceding revision made under the provisions of this section shall have come into operation.

(3) The provisions of this section shall only apply if—

- (i) it be determined by or under a scheme prepared and adopted under section 4 of the Electricity (Supply) Act 1926 that the generating stations authorised by this Act or any of them when erected shall be a selected station or stations within the meaning of that Act; or
- (ii) the Company enter into an agreement or arrangement with the Central Board for the purchase by the Central Board of not less than ninety per centum of the electricity generated under the powers of this Act.

(4) Notwithstanding anything contained in the Lands Valuation (Scotland) Act 1854 or in any Act amending the same the annual value of the lands and heritages of the Company shall be fixed and ascertained by the Assessor of Railways and Canals subject to the ordinary rights of appeal from the decision of the said assessor.

**66.** Subject to the provisions of this Act the Company may by means of the works by this Act authorised or some of them take abstract appropriate impound collect store use and divert for the purposes of the undertaking the waters of the following lochs rivers and streams (namely) :—

Power to take water.

Loch Doon loch Ken loch Grennoch river Dee river Dee or Blackwater of Dee river Ken river Deugh Craigshinnie Burn Palnure Burn Pullaugh Burn Green Burn Glenhead Burn Mid Burn Carrouch Burn Blackwater Burn Bow Burn Cullendoch Burn Lamford Burn Meadowhead Burn Fingland Lane and Carsphairn Lane

and all streams waters springs and tributaries flowing into the said lochs rivers and streams and all such waters as may be intercepted by the works authorised by this Act

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929. — and may raise or lower or regulate the water or the level or flow of water in the said lochs rivers streams springs tributaries or any of them.

For securing full development of water power.

**67.** The Company shall subject to the provisions of this Act in constructing the works by this Act authorised so construct the same as to secure so far as is reasonably practicable that the waters which they are authorised to divert and appropriate for the purposes of the production of motive power and the generation of electricity shall be used to the best advantage for such purposes.

Compensation water and limiting powers of Ayrshire Electricity Board.

**68.—(1)** As from the date on which the Company commence to take water from loch Doon under the powers of this Act the Company shall at a point at or near the western face of the dam forming the reservoir (Work No. 24) by this Act authorised discharge or deliver into the river Doon—

(a) not less than forty-five million gallons in any day other than between noon on any Saturday and noon on any Sunday when the quantity of water may be reduced to forty million gallons and so long as the total quantity of water abstracted daily by the provost magistrates and councillors of the burgh of Ayr from loch Finlas and loch Recawr or either of them under the powers contained in the Ayr Burgh Acts 1873 to 1927 or any Act amending the same shall not exceed five and one-half million gallons :

Provided that if and so far as the total quantity of water so abstracted at any time from the said lochs shall exceed five and one-half million gallons as aforesaid the said quantities of forty-five million gallons and forty million gallons shall be reduced by the amount of such excess but so as not to reduce the said discharge or delivery below thirty million gallons in any day other than between noon on any Saturday and noon on any Sunday when the quantity of water may be reduced to twenty-five million gallons ;

(b) in addition to any quantity so discharged as aforesaid a further quantity of water not exceeding eighty million gallons during any period of

twenty-one days if so required by the River Doon Fishery Board by one week's notice in writing or such less notice as may be agreed which said further quantity shall be discharged or delivered at such times and at such rates as may be required by the said board. A.D. 1929.

(2) Notwithstanding anything contained in the Ayr Burgh (Electricity) Act 1922 as amended by the Ayrshire Electricity Orders 1924 and 1926 or any other Act or Order the Ayrshire Electricity Board shall not during a period of five years from the passing of this Act enter upon take appropriate or use any lands within the limits of deviation shown on the deposited plans nor shall the said board (except by agreement with the Company) enter upon take appropriate or use any of such lands which may be acquired by the Company.

(3) In this section the word "day" means a day of twenty-four hours reckoned from noon to noon.

**69.**—(1) Subject to the provisions of this Act the Company may within the limits of deviation shown on the deposited plans from time to time deepen dredge scour and excavate by blasting or otherwise and remove obstructions from any portion of the beds banks and channels of any lochs rivers and streams to such extent as they may deem necessary for improving and regulating the flow of water or the passage of fish in or out of the said lochs rivers and streams and for other the purposes of this Act. Power to dredge &c.

(2) All rock sand mud and other materials dredged up or removed shall be the property of the Company and they may use sell or otherwise dispose of or remove or deposit the same as they think fit.

(3) The Company may provide purchase take on lease hire and use such steam or other dredgers eroders engines lighters or other vessels machinery and apparatus as they may think necessary for effecting the purposes of this Act and may let the same on hire for such sums and upon and subject to such terms and conditions as they may think fit or may sell or dispose of the same.

(4) The Company may enter into and carry into effect agreements with the owners of lands abutting on and other persons interested in any lochs rivers or streams for and with respect to the execution of works and the alteration modification or removal of any weirs or obstructions to the flow of water in such lochs rivers and streams.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929.

(5) The powers of the Company under this section shall be exerciseable subject to the provisions of the section of this Act of which the marginal note is "Crown rights" and in particular and without prejudice to that general limitation any consent given to the exercise of such powers by the Commissioners of Crown Lands or the Board of Trade on behalf of His Majesty may be given subject to such restrictions and conditions including the payment by the Company to the Commissioners of Crown Lands or the Board of Trade of royalties rents or sums of money in respect of materials raised from any place below high-water mark and sold by the Company under this section or in respect of any place below high-water mark upon which materials may be deposited as may be fixed by the Commissioners of Crown Lands or the Board of Trade as the case may be.

Temporary discharge of water into streams.

**70.** The Company may at any time cause the water in any of the works by this Act authorised to be temporarily discharged into any available stream or water-course In the exercise of the power conferred by this section the Company shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power and the amount of compensation shall be settled in case of difference by arbitration The powers of this section shall not be exercised so as to damage or injuriously to affect the works of any railway company.

Power to lay down pipes.

**71.** Subject in every respect to the provisions of this Act it shall be lawful for the Company within the area of supply to lay down maintain repair alter and use pipes for conveying water and any other materials matters or things used by them in or resulting from the process of generating transforming or distributing electricity to or from any generating station or works of the Company and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall so far as applicable extend and apply to the laying down repairing altering or removing of pipes for such purposes but nothing contained in this section shall authorise the Company to supply water to other persons :

Provided that nothing in this section shall authorise the Company to break up any road or street for the

purpose of laying down altering removing or (except in cases of emergency) repairing pipes for the purposes aforesaid without the consent of the road authority in whose district the road or street is situate which consent shall not be unreasonably withheld. A.D. 1929.

**72.**—(1) For the purpose of facilitating the passage of salmon in the river Dee the Company shall construct the following works (that is to say):— Provision of salmon passes and other apparatus.

- (a) At or near the dam forming the reservoir (Work No. 2) by this Act authorised a salmon pass;
- (b) At or near the dam forming the reservoir (Work No. 12) by this Act authorised a salmon pass;
- (c) At or near the dam forming the reservoir (Work No. 14) by this Act authorised a salmon pass;
- (d) At or near the dam forming the reservoir (Work No. 17) by this Act authorised a pass for the descent of salmon fry.

(2) All such works shall be constructed and maintained to the reasonable satisfaction of the Fishery Board for Scotland (in this section referred to as "the Board") and with the approval of the Board may be modified or altered or other works substituted therefor.

(3) For the purpose of preserving the stock of salmon the Company shall also construct the following works (that is to say):—

- (a) At a point on the river Dee to be approved by the Board a hatchery to be constructed to the reasonable satisfaction of the Board;
- (b) At or near the dam forming the reservoir (Work No. 24) by this Act authorised a hatchery which shall be maintained by the Company The plans and specifications of the said hatchery shall be submitted to the River Doon Fishery Board for their approval and if the said Fishery Board fail to approve thereof within a reasonable period the said plans and specifications shall be referred to the Board for their approval and the approval of the River Doon Fishery Board shall not be required.

(4) The Company shall also construct provide and maintain all such hecks or other apparatus as may be required or approved by the Board for preventing fish

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929. — from entering the conduits or other works by this Act authorised and such parts of any rivers or streams as are in the opinion of the Board rendered dangerous to fish life by reason of the construction or operation of any such works.

(5) The Company or any district fishery board having jurisdiction in the area or any part of the area affected by such works or any proprietor having right of salmon fishing in any river stream or loch which may be affected by the powers of this Act may make representations to the Board with regard to the exercise of their powers under this section.

For pro-  
tection of  
scenery.

**73.**—(1) In the construction maintenance and working of the works authorised by this Act all reasonable regard shall be had to the preservation as well for the public as for private owners of the beauty of the scenery of the districts in which the said works are situated.

(2) For the purpose of securing the observance of the foregoing provisions of this section and of aiding the Company therein it shall be lawful for the Secretary of State at any time after the passing of this Act and after consultation with the Company to appoint a committee consisting of such number of persons as he shall think proper.

(3) The Company shall—

- (a) at least one month before commencing the construction of any such work furnish to the committee such plans and particulars as may be reasonably necessary to enable the committee to judge of the effect upon the beauty of the scenery of the construction maintenance and working of the work;
- (b) at all times so far as they lawfully can afford to the committee reasonable facilities for inspection of the sites and surroundings of such works and of works during construction;
- (c) defray the reasonable expenses of the committee incurred under this section as approved by the Secretary of State but to an amount not exceeding one hundred pounds in any one year or five hundred pounds in the whole.

(4) The committee may make to the Company such recommendations as they think proper and reasonable

for the preservation of the beauty of the scenery and shall if so desired consult with representatives of the Company thereon before making the same. A.D. 1929

(5) If the Company are prepared to comply with any such recommendation they shall intimate their acceptance thereof to the committee within one month after the receipt of the recommendation or within such further time as the committee may in any case agree and failing such intimation the committee may make a representation to the Secretary of State who after consideration of the representation and after giving to the committee and the Company an opportunity of being heard may make such order or orders (if any) as he thinks fit and the Company shall comply with any order so made.

(6) Provided always that no recommendations or orders made under this section shall be of such a character as would be likely to imperil the financial success of the undertaking or be such as cannot be carried out on lands which can be acquired by the Company under the powers of this Act or such as to limit the amount of water which the Company are by this Act authorised to use for the purposes of the undertaking or such as to conflict with any obligations which the Company may have entered into with any landowner or other person for the preservation of the beauty of the scenery nor shall any such order require the Company to pull down any works already constructed by them or to construct any other works in lieu thereof.

(7) The Company shall not exhibit or permit to be exhibited any advertisement (other than advertisements relating to the undertaking or advertisements approved by the committee or the Secretary of State) on any lands acquired or leased by them under the provisions of this Act.

(8) If the Company wilfully fail to comply with any order of the Secretary of State made under this section or with any recommendation of the committee which has been accepted by the Company or with the provisions of the immediately preceding subsection they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day during which such non-compliance may continue after conviction in that behalf such penalty and daily

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D: 1929. — penalty to be recoverable by the Secretary of State as a debt to the Crown is recoverable.

For protection of Kirkcudbright County Council and district committees thereof.

74. For the protection of the county council of the stewartry of Kirkcudbright including the district committees thereof (all hereinafter in this section included in the expression "the county council") and of the roads streets and bridges sewers pipes waterworks channels conduits and other property vested or to be vested in or that are or may be under the jurisdiction of the county council the following provisions shall notwithstanding anything contained in this Act or in the Acts incorporated herewith have effect unless otherwise agreed on between the county council and the Company:—

- (1) Nothing in this Act shall in any way limit or affect the powers of the county council to rebuild alter widen or repair the structure of any bridge under the jurisdiction of the county council (in which expression is included the approaches to such bridge) upon which any work by this Act authorised shall be constructed or impose upon the county council any liability which was not by law imposed upon them prior to the passing of this Act:
- (2) If at any time the county council require to carry out such works for rebuilding altering widening or repairing any bridge as might involve interference with any portion of the undertaking they shall prior to the commencement of such works give the Company one month's notice of their intention to carry out such works and if in order to avoid interruption to the supply by the Company of electricity it is in the opinion of the county or district surveyor necessary to remove temporarily the mains and other electrical appliances belonging to the Company from such bridge then the Company shall and may at their own expense temporarily carry their cables and wires across such bridge overhead or at the side thereof in such a manner as will not be a danger or inconvenience to the public or unreasonably interfere with the works to be carried out by the county council. Provided that the county council shall not be liable to make compensation



to the Company in respect of any expense or loss incurred by the Company by reason of the rebuilding altering widening or repairing of such bridge When the rebuilding altering widening or repairing shall have been completed the Company shall have the same rights and powers with regard to such bridge as they had before such rebuilding altering widening or repairing :

- (3) When any road street or bridge in which any pipe wire cable electric line box or other apparatus or property of the Company shall be laid is proposed to be opened up by the county council or by any person acting under their authority the Company on receiving forty-eight hours' notice thereof at their head office or at the branch office of the Company nearest to such road street or bridge or in cases of emergency such shorter notice as may be practicable shall at their own expense send and be represented at the time and place specified in the said notice by a superintendent or other qualified person who shall point out the position level and dimensions of the Company's works and give such reasonable information and assistance as may be necessary to enable the operations of the county council or person aforesaid to be carried out expeditiously and in safety :
- (4) All additional expenditure at any time after the passing of this Act reasonably incurred by the county council in maintaining any road street or bridge for the maintenance whereof the county council is responsible in consequence of the construction or laying down or by reason of the existence of any pipes wires cables electric lines boxes or other apparatus or property of the Company in such road street or bridge which but for the passing of this Act and the powers thereby conferred upon the Company would not otherwise have arisen shall be borne and paid by the Company :
- (5) The county council shall not except in the case of their negligence be liable for any damage (other than wilful damage) which the Company

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929.  
—

or those supplied by them may sustain through the acts of the county council in constructing reconstructing improving enlarging repairing or maintaining any road street or bridge sewer drain pipe channel conduit or waterwork or other work or through the use of steam rollers or road scarifiers of a reasonable weight or through the reasonable exercise of any right function power or privilege vested or to be vested in such council or through the flooding of the mains or property of the Company :

- (6) The Company shall not in the construction repair maintenance or use of any work of the Company discharge or emit any water steam or other thing which may cause danger or avoidable annoyance to the traffic in any road or street under the jurisdiction of the county council :
- (7) All works of the Company which may interfere with any road street bridge sewer pipe waterwork channel conduit or other property under the jurisdiction of or vested in the county council as also all works to be undertaken by the Company in providing substituted roads shall be carried out under the superintendence if the same be given and to the reasonable satisfaction of a qualified person appointed by and responsible to the county council who shall have power to prescribe his duties and whose reasonable remuneration shall be repaid to them by the Company and all such works shall be completed with all reasonable expedition and so as to cause as little interference with or damage to such road street bridge sewer pipe waterwork channel conduit or other work or property or interruption to the user thereof as circumstances admit If any diversion of a sewer drain or pipe of the county council is rendered necessary in carrying out any such work of the Company a new sewer drain or pipe with all proper valves scour drains and other necessary works shall at the reasonable expense of the Company be provided laid fitted and jointed under the superintendence if the same be given and to the

reasonable satisfaction of the county council or of a person appointed by them for that purpose as hereinbefore provided before the existing sewer drain or pipe and works connected therewith respectively are interfered with :

A.D. 1929.

- (8) The Company in opening or breaking up the surface of a road or street under the jurisdiction of the county council shall not without the consent of the county council have more than one hundred lineal yards open or broken up at one time in any road or street less than one quarter of a mile in length and in a road or street of greater length shall not at one time have open or broken up any continuous portion exceeding one hundred lineal yards in length with intervals of not less than two hundred and fifty lineal yards of clear space between any portions opened or broken up and the Company shall complete their operations and restore the surface of such road or street or the portion thereof so opened or broken up to the specification and reasonable satisfaction of the county council or in case of difference to that of an arbiter to be appointed as provided by this Act with all reasonable dispatch and shall maintain the same for twelve months from the date which the county council or their surveyor or such arbiter shall certify to be the date on which such road or street or portion thereof as aforesaid had been restored to their or his satisfaction. The Company shall efficiently fence off light and watch all portions of roads and streets so opened or broken up as aforesaid until the surface has been restored as aforesaid :
- (9) The Company shall make full compensation to the county council for all loss damage or expense which they may sustain or incur including reparation to third parties by reason or in consequence of any injury or damage to any road street bridge sewer drain pipe waterwork channel conduit or other property under the jurisdiction of or vested in the county council consequent upon or arising from the construction or existence of the works of the Company or the exercise or

A.D. 1929.  
—

user of any power by this Act conferred upon the Company or due to or arising from electricity in or escaping from the mains or other works of the Company and whether or not such loss or damage shall have occurred or arisen by reason or in consequence of any act or default of the Company and the Company shall indemnify the county council from all liability including reparation to third parties in respect of such loss or damage. Provided always that the county council shall forthwith give to the Company notice of any claim made upon the county council for any such loss damage or expense and that the Company shall be at liberty at their own expense and if they so desire in the name of the county council to resist defend or compromise any such claim and that the county council will at the expense of the Company afford the Company all reasonable information and assistance for such purposes :

- (10) In the event of an order being made by the Minister of Transport under the section of this Act of which the marginal note is "Cesser of powers" or in the event of the abandonment by the Company of any portion of the works by this Act authorised subsequent to the construction or partial construction thereof the Company shall if required by notice in writing from the county council within one year from the date of such order or from the date of such abandonment as the case may be remove all embankments dams roads approaches ways pumping works turbines tanks weirs sluices culverts tunnels aqueducts channels catchwaters sewers drains pipes wires cables electric lines boxes and other apparatus and property which are required exclusively for that part of the area of supply to which such order relates or which shall be so abandoned and reinstate the lochs rivers and lands and the roads streets and bridges and any sewers pipes drains or other works of the county council affected by such removal to the reasonable satisfaction of the county council and if the Company shall for three months neglect or

delay so to do the county council may themselves remove such works of the Company and reinstate such roads streets bridges sewers pipes drains and works of the county council as aforesaid and recover the cost of so doing from the Company and the county council may sell the works so removed and apply the proceeds in reimbursement of their costs and outlays which shall be a first and preferable charge thereon and shall pay over any balance of such proceeds to the Company :

- (11) If in the opinion of the county council any bridge belonging to them is not of such construction as to be able to carry any aqueduct conduit tunnel pipe wire cable electric line box or other apparatus in under or upon the footway or roadway or structure thereof they shall give notice to this effect to the Company requiring them to make provision for carrying such aqueduct conduit tunnel pipe wire cable electric line or other apparatus separate from and not in any way attached to the said bridge or alternatively to strengthen such bridge in accordance with plans to be submitted to and reasonably approved by the county council :
- (12) (a) For the purpose of section 57 of the Roads and Bridges (Scotland) Act 1878 as amended by section 24 of the Local Government (Scotland) Act 1908 the Company shall be deemed to be the person by or in consequence of whose order any excessive weight shall have been passed or any extraordinary traffic conducted on the county highways if such excessive weight is passed or such traffic is conducted in connection with the execution of the works by this Act authorised ;

(b) Where in the case of roads over which the plant materials and other things necessary for the execution of the works by this Act authorised are to be carried the county council find it necessary to increase the expenditure thereon in order to keep these roads in a proper and sufficient state of repair the Company shall be bound to pay to the county council such

A.D. 1929.

increased cost of maintenance during the period of construction of the works and also the cost of making good the surface where the same is cut through or damaged by such traffic as the same may be agreed upon or as may be determined by arbitration. On completion of any of the works by this Act authorised the Company shall pay to the county council the cost of restoring and reinstating every road bridge and culvert in along or under which any works are constructed or along or over which any haulage of plant materials and things used in connection with the said works has taken place as the same may be agreed upon or as may be determined by arbitration;

(c) If the county council shall at any time give notice to the Company that any bridge or culvert on any highway to be used by them for the carriage or haulage of plant materials and things as aforesaid is incapable of carrying any load in excess of a specified weight then the Company shall be bound before crossing any such bridge or culvert with any load in excess of the weight specified temporarily to strengthen any such bridge or culvert and in the event of any damage being done to any such bridge or culvert through such crossing the Company shall make good all such damage to the satisfaction of an engineer to be agreed upon by the county council and the Company or failing agreement to be nominated by the sheriff of Dumfries and Galloway and if the Company shall fail forthwith to carry out such works then the county council shall be entitled to carry out the work and to recover the actual cost from the Company. Provided always that if the Company shall consider that any weight specified as aforesaid is below the carrying capacity of the bridge or culvert the weight which such bridge or culvert is capable of carrying shall failing agreement between the parties be determined by arbitration. The provisions herein contained shall not in any way affect or detract from the statutory provisions regulating the use of locomotives on highways

in Scotland contained in the Locomotives Act 1861 and Acts amending the same; A.D. 1929.

(d) In the event of any part of the highways aforesaid being temporarily rendered impassable or dangerous for passenger or vehicular traffic or of any of the bridges or culverts being destroyed or rendered unsafe by or through any operations of the Company during the construction of the works by this Act authorised the Company shall relieve the county council of all lawful claims in respect thereof and shall cause danger lights to be placed at night at the ends and by the side of the parts of the highways aforesaid or of such bridges and culverts (which danger lights shall be kept burning from one hour before sunset to one hour after sunrise) and shall employ watchmen so as to ensure the safety of the public until the highways bridges and culverts have been repaired :

(13) If by reason of the construction of any of the works by this Act authorised the solum or foundation of any roads abutments piers or retaining walls in the county become sodden waterlogged or flooded so that their inspection and maintenance or reconstruction is rendered difficult or expensive the Company shall on the reasonable instruction of the county council and to their reasonable satisfaction and free of cost to them satisfactorily remedy the matters complained of or if it is impossible so to remedy the same shall provide substitute roads piers abutments retaining walls and fences and shall pay to the county council that increment of increased maintenance expenditure which has to be met by reason of the construction of the said new works :

(14) If it should at any time appear to the county council that a danger or menace to public safety has arisen or is likely to arise from the blocking by snow ice or other agency of open aqueducts constructed under the powers contained in this Act then the Company will be bound to take immediate steps to obviate this danger or

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929,

menace to the reasonable satisfaction of the county council :

(15) The Company shall take all reasonable precautions to prevent the pollution of the waters of the lochs lochans rivers and streams with deleterious matter from the works authorised by this Act or otherwise arising out of the Company's operations and shall provide such works as are reasonably necessary to prevent such pollution and they shall be responsible for any damage arising from such pollution :

(16) If owing to the diminution of the flow of water in the rivers and streams in the stewartry of Kirkcudbright resulting from the carrying out of the works authorised by this Act the supply or supplies of water at present drawn from the said rivers or streams for any dwelling-houses or holdings in the said county have been rendered insufficient or unsuitable as regards quality the Company shall forthwith provide and maintain at their own cost at such houses or holdings a sufficient and suitable supply or supplies of water therefor In the event of any question or difference arising between the county council and the Company with reference to the carrying out or giving effect to the provisions contained in this subsection such question or difference shall be referred to arbitration :

(17) (a) If owing to the construction and operation of the works authorised by this Act or any of them the volume of waters in the rivers and streams is diminished to such an extent that it will not suffice to carry away sewage which at the passing of this Act is discharged into the said rivers and streams from houses and other buildings adjacent thereto and in consequence thereof the present mode of disposing of the said sewage shall become objectionable the Company shall if and when reasonably required by the county council or the local authority provide and put into operation at the expense of the Company and to the reasonable satisfaction of the county council and the local authority such



other arrangements for disposing of the said sewage as the county council and the local authority may reasonably direct; A.D. 1929.

(b) In the event of the overflow from the sewage tank of the Dalry special drainage district into the river Ken being impeded by the operations of the Company so as to interfere with the efficient working of the said system the Company shall at their expense if and when reasonably required by the county council or the local authority put into operation such other arrangements for disposing of the sewage as the county council and the local authority may reasonably direct;

(c) In the event of any question or difference arising as to whether any such requirements or directions of the county council or the local authority are reasonable or necessary such question or difference shall on the application of the county council the local authority or the Company be referred to the Department of Health for Scotland whose decision shall be final and binding on all parties :

- (18) The Company shall so control the top water level of the reservoirs authorised by this Act as to prevent any greater volume of water being discharged therefrom than is presently carried in time of flood by the rivers or streams leading from them or any increase in the incidence of such flooding :
- (19) The Company shall relieve the county council of any claims against them by third parties for damage caused by flooding water-logging erosion or silting arising out of or in consequence of the operations of the Company either through the bursting of dams overflowing of conduits or aqueducts diversion of water or otherwise and the Company shall restore remake or replace any road bridge culvert river or flood embankments fence or other property belonging to the county council so damaged or pay to the county council such sum as may be agreed between them or determined by arbitration to have been the reasonable cost to them of carrying out the said work :

[Ch. lxxx.] *Galloway Water Power* [19 & 20 Geo. 5.]  
*Act, 1929.*

A.D. 1929.

- (20) The Company shall at their own expense before altering the flow of water in any of the rivers streams or lochs in such a way as to render useless any existing ford or footbridge provide alternative means of crossing such river stream or loch of such nature and in such position as may be arranged with the county council or as may be determined by an arbiter appointed as aftermentioned :
- (21) If the county council shall find it necessary to appoint additional public health officials in connection with the supervision of the housing accommodation and sanitary requirements of the persons employed in constructing the works by this Act authorised or to provide additional hospital accommodation therefor the Company shall pay to the county council the cost of such additional public health officials or additional accommodation as the same may failing agreement be determined by the Department of Health for Scotland :
- (22) Section 2 of the Police (Scotland) Act 1858 which provides for the appointment of additional constables shall apply to the works by this Act authorised and the Company shall comply with the provisions of that section :
- (23) If any difference shall arise between the county council and the Company 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 an arbiter) by the sheriff of Dumfries and Galloway on the application of either party and the decision of such arbiter shall be final :
- (24) (a) Nothing in this Act shall be deemed to restrict or to any extent deprive or prevent any public health authority for the stewardry of Kirkcudbright at any time after the passing of this Act from taking under any existing powers of such public health authority in that behalf or under any agreements or rights acquired by them waters for the purpose of domestic supply or for

the disposal of sewage or other purposes from any loch river or stream the water whereof the Company are by means of the works by this Act authorised empowered to appropriate impound store use collect abstract divert and distribute for the purposes of the undertaking Provided that should any such public health authority after the passing of this Act require a supply of water for domestic or other purposes they shall notwithstanding this Act be entitled to take the same from any loch river or stream which may be affected by the works to be undertaken under this Act and the Company shall not unreasonably oppose their so taking such a supply whether taken under agreement Provisional Order or private Act but their so taking such a supply shall not unreasonably reduce or interfere with the power to be generated at any generating station of the Company;

A.D. 1929.

(b) For the purpose of giving effect to paragraph (a) of this subsection any such public health authority may enter upon construct and maintain in or upon the works of the Company the necessary conduits bye-channels connections and intakes required for such abstraction and may also instal and maintain gauges and meters for ascertaining the volume of water so abstracted Any works to be constructed by any such public health authority under the provisions of this subsection shall be constructed to the reasonable approval of the Company:

- (25) In any case or cases in which the Company by means of any of their works under this Act in the said county shall take or divert water from any course or courses from which a supply or supplies is or are at the passing of this Act derived for primary or farm purposes by any person or persons resident in the said county whereby such person or persons is or are deprived of a supply or supplies of water which he is or they are taking or receiving from such course or courses at the passing of this Act the Company shall forthwith make provision for affording to such person or persons a supply or

A.D. 1929.

supplies of water and equivalent in amount and as conveniently accessible to such person or persons as the supply or supplies of which such person or persons is or are deprived as aforesaid or the Company may if they think fit in lieu of affording such supply or supplies or any of them make compensation in money to such person or persons for such deprivation as aforesaid. In the event of any question or difference arising between the county council and the Company with reference to the carrying out or giving effect to the provisions contained in this subsection such question or difference shall be referred to an engineer to be appointed by the county council and the Company mutually or failing agreement to be appointed by the sheriff of Dumfries and Galloway as hereinbefore provided :

- (26) The provisions of this section in so far as their rights and interests are concerned or affected shall apply for the protection of the town councils of all royal and police burghs within the stewartry as if they were expressly re-enacted in this section :
- (27) In carrying out the construction of the works authorised under this Act the Company by themselves and their contractors shall as regards the labour requiring to be employed in connection therewith in the first instance apply to the local employment bureaux for same and shall so far as labour is suitable employ the same :
- (28) If the county council or any local authority within the area of supply shall at any time after the passing of this Act apply for an Act or Provisional Order to authorise them to supply or use electrical energy the Company shall not oppose such application except so far as may be necessary in order to secure the insertion in such Act or Order of clauses or amendments to protect their electrical lines and works and with respect to any provisions which may be contained in any such Act or Order as to the taking over of any supply then given

by the Company or its lines or works connected therewith. A D. 1929.

**75.** For the protection of the county council of the county of Ayr (in this section referred to as "the county council") the following provisions shall unless otherwise agreed between the county council and the Company apply and have effect (that is to say):—

For protection of Ayr County Council.

- (1) If the county council shall at any time after the passing of this Act apply for a Special Order or Provisional Order or Act of Parliament to enable them to take for primary purposes from loch Doon or from any river or stream within the catchment area of loch Doon water which the Company are by means of the works by this Act authorised empowered to use for the purposes of the undertaking the Company shall not be entitled to oppose such application merely by reason of the powers so conferred upon them by this Act except so far as may be necessary to ensure the insertion in such Order or Act of clauses or amendments to protect their electric lines and works:
- (2) The Company shall if required by the county council and to their reasonable satisfaction in constructing the reservoir (Work No. 24) by this Act authorised insert through the dam a sufficient pipe for the purpose of enabling the county council to abstract from loch Doon such quantity of water as the county council may hereafter be empowered to abstract therefrom:
- (3) For the purpose of measuring the quantity of compensation water to be discharged or delivered into the river Doon the Company shall erect and maintain at a suitable point in the said river a proper and suitable measuring gauge or other apparatus of a design to be approved by the county council over or through which the said compensation water shall flow and the same shall be under the management and control of the Company but shall be open to the inspection and examination at all reasonable times of persons duly authorised by the county council

A.D. 1929.

the corporation of Ayr the River Doon Fishery Board or the Inspector of Salmon Fisheries of Scotland or any other person authorised by the Fishery Board for Scotland:

- (4) In case of any neglect on the part of the Company to maintain the outlet sluices the measuring gauge or other apparatus in a state of efficiency or in case of any other neglect on the part of the Company by or in consequence of which the said quantity of compensation water shall not so flow the Company shall not abstract from loch Doon any water so long as such compensation water shall not so flow The Company shall provide and maintain an efficient water level recorder in order to ensure that the foregoing condition is complied with:
- (5) In the event of any question or difference arising as to the form situation or design of the measuring gauge or other apparatus or generally as to the implement of the conditions prescribed by the foregoing clauses such question or difference shall on the application of the county council or the Company be referred to the sheriff of the county of Ayr whose decision shall be final and binding on all parties:
- (6) Notwithstanding the acquisition by the Company of lands adjoining loch Doon the Company shall not acquire any rights of boating fishing shooting or other sporting rights over or in connection with the said lands or the reservoir to be formed thereon and the whole rights of boating fishing shooting and other sporting rights at present enjoyed over or in connection with the said lands and the river Doon and loch Doon are hereby reserved Provided that the Company shall be entitled to place and maintain a boat or boats on the loch for the purposes of their works and to use the foreshore for beaching such boat or boats and for building boathouses thereon:
- (7) Where this Act authorises the diversion or alteration of a road and the stopping up of an existing road or any portion thereof such

stopping up shall not take place until the alteration or diversion is completed to the satisfaction of the road authority or in case of difference between the Company and the road authority until the sheriff of the county of Ayr shall have certified that the new road including bridges culverts drainage and fencing has been completed to his satisfaction. Before applying to the sheriff for his certificate the Company shall give to the road authority fourteen days' notice in writing of their intention to apply for the same. The Company shall at their own expense maintain any road so diverted or altered or substituted for a period of three years from the date of completion and opening thereof for public use:

- (8) If in the opinion of the county council any bridge belonging to them is not of such construction as to be able to carry any aqueduct conduit tunnel pipe wire cable electric line box or other apparatus in under or upon the footway or roadway or structure thereof they shall give notice to this effect to the Company requiring them to make provision for carrying such aqueduct conduit tunnel pipe wire cable electric line or other apparatus separate from and not in any way attached to the said bridge or alternatively to strengthen such bridge in accordance with plans to be submitted to and reasonably approved by the county council:
- (9) (a) For the purpose of section 57 of the Roads and Bridges (Scotland) Act 1878 as amended by section 24 of the Local Government (Scotland) Act 1908 the Company shall be deemed to be the person by or in consequence of whose order any excessive weight shall have been passed or any extraordinary traffic conducted on the county highways if such excessive weight is passed or such traffic is conducted in connection with the execution of the works by this Act authorised;

(b) Where in the case of roads over which the plant materials and other things necessary

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929.

for the execution of the works by this Act authorised are to be carried the county council find it necessary to increase the expenditure thereon in order to keep these roads in a proper and sufficient state of repair the Company shall be bound to pay to the county council such increased cost of maintenance during the period of construction of the works and also the cost of making good the surface where the same is cut through or damaged by such traffic as the same may be agreed upon or as may be determined by arbitration. On completion of any of the works by this Act authorised the Company shall pay to the county council the cost of restoring and reinstating every road bridge and culvert in along or under which any works are constructed or along or over which any haulage of plant materials and things used in connection with the said works has taken place as the same may be agreed upon or as may be determined by arbitration;

(c) If the county council shall at any time give notice to the Company that any bridge or culvert on any highway to be used by them for the carriage or haulage of plant materials and things as aforesaid is incapable of carrying any load in excess of a specified weight then the Company shall be bound before crossing any such bridge or culvert with any load in excess of the weight specified temporarily to strengthen any such bridge or culvert and in the event of any damage being done to any such bridge or culvert through such crossing the Company shall make good all such damage to the satisfaction of an engineer to be agreed upon by the county council and the Company or failing agreement to be nominated by the sheriff of the county of Ayr and if the Company shall fail forthwith to carry out such works then the county council shall be entitled to carry out the work and to recover the actual cost from the Company. Provided always that if the Company shall consider that any weight specified as aforesaid is below the carrying capacity of the bridge or



culvert the weight which such bridge or culvert is capable of carrying shall failing agreement between the parties be determined by arbitration. The provisions herein contained shall not in any way affect or detract from the statutory provisions regulating the use of locomotives on highways in Scotland contained in the Locomotives Act 1861 and Acts amending the same; A.D. 1929.

(d) In the event of any part of the highways aforesaid being temporarily rendered impassable or dangerous for passenger or vehicular traffic or of any of the bridges or culverts being destroyed or rendered unsafe by or through any operations of the Company during the construction of the works by this Act authorised the Company shall relieve the county council of all lawful claims in respect thereof and shall cause danger lights to be placed at night at the ends and by the side of the parts of the highways aforesaid or of such bridges and culverts (which danger lights shall be kept burning from one hour before sunset to one hour after sunrise) and shall employ watchmen so as to ensure the safety of the public until the highways bridges and culverts have been repaired.

76. For the protection of the provost magistrates and councillors of the burgh of Ayr (in this section referred to as "the corporation") the following provisions shall unless otherwise agreed between the Company and the corporation apply and have effect (that is to say):— For protection of Ayr Corporation.

- (1) Nothing in this Act contained shall prejudice or affect the powers of the corporation under the Ayr Burgh Acts 1873 to 1927 to appropriate and use for the purposes of their water undertaking the waters of lochs Finlas Derclach Recawr Slochy and Goosie or any of such lochs and of all or any tributaries springs streams and waters which the corporation are by those Acts empowered to appropriate and use for such purposes :
- (2) The Company shall not oppose any application which may hereafter be made by the corporation

A.D. 1929.

for an Act or Order to enable the corporation to abstract additional water from the said lochs tributaries springs streams and waters or any of them for the purposes of their water undertaking :

- (3) Before the Company commence to construct alter reconstruct or renew any part of any works by this Act authorised which may pass over across along under or otherwise interfere with any existing conduit or line of pipes belonging to the corporation or any conduit or line of pipes which the corporation are by the Ayr Burgh Acts 1873 to 1927 authorised to make and maintain the Company shall submit to the corporation plans sections and particulars of such part of any such works for the reasonable approval of the corporation and the corporation may approve any such plans sections and particulars with or without modification or may disapprove the same and the Company shall not commence such construction alteration reconstruction or renewal unless and until such plans sections and particulars shall have been so approved or settled by arbitration as hereinafter provided If the corporation shall not intimate in writing their approval of any such plans sections and particulars to the Company within twenty-one days of the same being submitted to the corporation they shall be deemed to have approved thereof :
- (4) The said part of any such works of the Company shall be constructed altered reconstructed renewed and maintained only in accordance with plans sections and particulars so approved or settled at the sole risk and cost of the Company and at the sight (if given) and to the reasonable satisfaction of the water engineer of the corporation (hereinafter referred to as "the engineer") and the engineer shall be entitled by himself or other proper person employed by him to superintend the said works and to inspect the materials for the same at all times during the construction alteration reconstruction renewal and maintenance thereof :

- (5) If the engineer shall fail to superintend the said works of the Company after the Company have given fourteen days' notice of their intention to commence the same such works may be commenced without his superintendence :
- (6) The Company shall on demand pay to the corporation the reasonable expense of any temporary or permanent works of the corporation which may be necessary by reason of the construction alteration reconstruction renewal and maintenance of the said works of the Company including the reasonable expense of diverting or altering any conduit or line of pipes of the corporation which may be submerged by reason of the construction of or which it may be reasonably necessary to divert or alter in consequence of the said works of the Company and of all precautions which the corporation may reasonably require to take for the safety of the said conduit or line of pipes and the reasonable expense incurred by the corporation in the employment of a sufficient number of inspectors and watchmen to be appointed by the corporation for watching the said conduit or line of pipes during the construction alteration reconstruction renewal and maintenance of the said works of the Company :
- (7) The Company shall also on demand pay to the corporation any additional expense (including surface damage) which may be incurred by them in laying any conduit or line of pipes authorised by the Ayr Burgh (Water &c.) Order 1927 which may be due to the construction of the said works of the Company and the Company shall provide such servitudes as may be required by the corporation for the diversion or alteration of any of their existing or authorised conduits or lines of pipes in consequence of the said works of the Company :
- (8) Notwithstanding the approval of the plans sections and particulars or any of them by the engineer or the superintendence given by him the Company shall be responsible for and make good to the corporation any loss or damage and

A.D. 1929.

any reasonable cost or expense which may be occasioned to the corporation by reason or in consequence of the works of the Company :

- (9) If any difference shall arise between the Company and the corporation under this section such difference shall be referred to and determined by an engineer to be agreed on or in case of difference shall be determined by arbitration.

For pro-  
tection of  
Postmaster-  
General.

**77.**—(1) Any electricity supplied under this Act to the owners or lessees of any railway tramway dock harbour or canal undertaking shall not be used by the company body or person receiving such supply in such manner as to cause or be likely to cause any interference (whether by induction or otherwise) with any telegraphic line belonging to or used by the Postmaster-General or with telegraphic communication by means of such line but this provision shall not apply to an undertaking or part thereof in respect of which any company body or person is authorised to use electricity by Act of Parliament or by Order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of the telegraphic lines of the Postmaster-General in respect of the use of electricity.

(2) Nothing in the section of this Act of which the marginal note is "As to route" shall take away or prejudicially affect the rights of the Postmaster-General under section 14 of the schedule to the Electric Lighting (Clauses) Act 1899.

(3) Any telephone or telegraph posts wires conductors or apparatus erected or laid down by the Company under the authority of this Act shall not be used for the purpose of transmitting telegrams which are within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

(4) The Company shall not construct any telephone or telegraph posts wires conductors or apparatus which shall interfere in any way with any telegraphic line belonging to or used by the Postmaster-General and the Company shall within forty-eight hours of the service on them of a notice in writing by the Postmaster-General in that behalf remove or alter to the satisfaction of the Postmaster-General any such telephone or telegraph posts wires conductors or apparatus as aforesaid which in the

opinion of the Postmaster-General interfere or will interfere with the efficient or convenient maintaining working or user of any telegraphic line which the Postmaster-General has constructed or desires to construct and in default of such removal or alteration as aforesaid the Postmaster-General may remove or alter any such telephone or telegraph posts wires conductors or apparatus as aforesaid at the expense of the Company.

A D. 1929.

(5) Section 22 subsections (4) and (5) of the Electricity (Supply) Act 1919 shall so far as applicable extend and apply to the execution of any works across or along any land railway stream canal or navigation (whether below ground or above ground) under the provisions of this Act or any contract agreement or arrangement made thereunder.

(6) The Company shall not alter divert or otherwise interfere with any telegraphic line belonging to or used by the Postmaster-General except under and subject to the provisions of the Telegraph Act 1878 :

Provided that the Postmaster-General (without derogation from any other right vested in him) may alter or remove any telegraphic line of the Postmaster-General which will be submerged by reason of or which it may be reasonably necessary to alter or remove in consequence of the Company's works and the Company shall pay to the Postmaster-General the expenses incurred by him of and incidental to the alteration of the telegraphic line or the removal of the telegraphic line and of any telegraphic line connected therewith which in consequence will be rendered useless and the substitution of a telegraphic line in such other place as the Postmaster-General may require.

(7) "Telegraphic line" in this section has the same meaning as in the Telegraph Act 1878.

**78.** For the protection of the London Midland and Scottish Railway Company (in this section referred to as "the railway company") the following provisions shall notwithstanding anything contained in this Act or shown on the deposited plans and sections and unless otherwise agreed apply and have effect (that is to say) :—

For protection of London Midland and Scottish Railway Company.

(1) The Company shall so control the top water level of the water in the reservoirs by this Act

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929.

authorised as to prevent any greater volume of water being discharged from the reservoirs than is presently carried in time of flood by the rivers or streams leading from them or any increase in the incidence of such flooding:

- (2) Notwithstanding anything contained in the section of this Act of which the marginal note is "Power to deviate" the Company shall not in constructing the reservoir (Work No. 3) by this Act authorised or any other works crossing or otherwise affecting the railways works and other property of the railway company (hereinafter in this section referred to as "the railway") deviate to a greater extent than two feet upwards from the levels thereof shown on the deposited sections:

Provided that the sluices forming part of the reservoir (Work No. 3) by this Act authorised shall be kept open to the fullest extent at all times when the top water level of the said reservoir at the said sluices shall exceed a height of one hundred and fifty feet above Ordnance datum:

- (3) In the construction of open aqueducts provision shall so far as may be reasonably necessary for the protection of the railway be made for assuring that no greater volume of water shall be admitted to them than they can be reasonably expected to carry without risk of overflow or critical flooding and in the case of both open and pressure aqueducts provision shall be made for cutting off the supply of water and of emptying them in the event of their failing or becoming obstructed or otherwise defective:
- (4) At least six weeks before the Company commence the construction of any of the works by this Act authorised the construction maintenance or user of which might affect or in the reasonable opinion of the engineer of the railway company be a source of danger to the railway (hereinafter in this section referred to as "the said works") the Company shall submit to the said engineer plans sections specifications and other particulars thereof (hereinafter in this section referred to as

“ the plans and specifications ”) for his reasonable approval and if at the expiration of one month after the plans and specifications shall have been submitted to him the engineer of the railway company shall not have intimated disapproval of the same in writing he shall be deemed to have approved thereof The Company shall give the said engineer fourteen days’ notice of their intention to commence any of the said works :

- (5) The plans and specifications of the reservoir (Work No. 3) by this Act authorised shall describe the alterations which are proposed in any drains or culverts along or across the railway company’s property and shall not be deemed to be complete if the railway company’s engineer shall require further plans and specifications for the alteration of any drains or culverts which in his opinion may be necessary for the proper drainage or protection against flooding of the railway company’s property :
- (6) The said works shall be constructed by the Company only in accordance with the plans and specifications so approved or settled as aforesaid and so far as regards works crossing the railway at such times and in such manner as shall have been reasonably approved by and to the reasonable satisfaction and under the superintendence (if given) of the engineer of the railway company and the said engineer shall be entitled by himself or other proper person employed by him to inspect any and every part of the said works and the materials for the same at all times during the construction thereof and at all times after the completion thereof :
- (7) The Company shall fill in to the satisfaction of the engineer of the railway company any culverts or drains which may be submerged by the reservoir (Work No. 3) by this Act authorised and which filling in shall in the opinion of the said engineer be reasonably necessary :
- (8) If by reason of the construction of any of the works by this Act authorised the solum or

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929.

foundation of any railway abutments piers or retaining walls of the railway company become sodden water-logged or flooded so that their inspection and maintenance or reconstruction is rendered difficult or expensive the Company shall on the reasonable instruction of the railway company and to their reasonable satisfaction and free of cost to them satisfactorily remedy the matters complained of and where the level of the water is raised against any of the embankments of the railway company the same shall be effectively protected by stone pitching to the satisfaction of the railway company's engineer and thereafter such protective works shall be adequately maintained to the like satisfaction :

- (9) If in the construction of any works by this Act or under the principal Acts authorised the Company require to enter upon break up alter or otherwise interfere with the railway the railway company may on giving to the Company within twenty-one days of the receipt by the railway company of the plans sections specifications and particulars relating to such works notice in writing of their intention so to do carry out such works so far as they consist of breaking up altering or otherwise interfering with the railway and the expense and cost reasonably incurred by the railway company in so doing shall be paid by the Company but in the event of the railway company not proceeding forthwith to execute such works or failing to execute the same with due dispatch the Company may execute the same as if no such notice as is last hereinbefore mentioned had been given :
- (10) The said works shall be executed by and in all things at the expense of the Company and in such manner as not to cause any injury to the railway or any interruption to the passage or conduct of the traffic thereon and if any such injury or interruption shall arise the Company shall make full compensation to the railway company in respect thereof ;



A. D. 1929.

- (11) Where the said works shall be carried under the railway they shall wherever it is reasonably necessary for the protection of the railway be so carried by means of walled passages or culverts of sufficient height and width to admit of the same being examined to ascertain the condition and state of repair and to effect the repairs and renewals thereof and of such walled passages or culverts :
- (12) The Company shall bear and on demand pay to the railway company the reasonable expense of any temporary works which may be reasonably necessary in connection with the execution and maintenance of the said works over into through or under the railway and of the employment by the railway company (if and so far as reasonably necessary) of a sufficient number of inspectors watchmen signalmen and flagmen to be appointed by the railway company for watching and signalling the railway and for the conduct of the traffic thereon with reference to and during the construction of the said works :
- (13) If at any time after the completion of the said works the same shall become so out of repair as to cause risk of injury to the railway the Company shall forthwith put the same in fit repair and condition and if they fail to do so after reasonable notice in writing to that effect given to them by or on behalf of the railway company then the railway company may enter upon the said works and carry out such reasonable operations as shall render the defective works incapable of damaging the railway and may recover from the Company the reasonable cost of so doing :
- (14) The Company shall not under the powers of this Act acquire any land or property of the railway company but the Company may purchase and take and the railway company shall at the request of the Company sell and grant such easements or rights of using so much of the land or property of the railway company as may be necessary for the construction maintenance and use of the said works over

A.D. 1929.

into through or under the railway in accordance with the provisions of this section and the Company shall pay to the railway company in respect of any such easements or rights such sum as shall in case of dispute be determined by arbitration under and in accordance with the provisions of the Lands Clauses Acts with respect to the settlement of cases of disputed compensation under those Acts. Nothing in this section shall derogate from any powers or rights of the Company with respect to wayleaves under the principal Acts or any Act amending the same :

- (15) Any additional expense which the railway company may reasonably incur by reason of the existence of the said works in widening altering or improving under their existing powers in that behalf the railway or increasing under such powers the railway accommodation shall be paid by the Company :
- (16) Notwithstanding the approval of plans and specifications of the said works by the engineer of the railway company or any superintendence as aforesaid the Company shall be responsible for and make good to the railway company any losses or damages and any reasonable costs and expenses which may be occasioned to them or to the railway or to the traffic thereon or otherwise by reason or in consequence of the construction existence or failure in whole or in part of the said works or any of them or by any act or omission of the Company or of their contractors agents or other persons in their employment :
- (17) The Company shall not exercise the powers of the section of this Act of which the marginal note is "Power to lay down pipes" in relation to any lands railways works or property belonging to or maintained by the railway company without the consent of the railway company which consent shall not be unreasonably withheld :
- (18) In the event of the telegraphic telephonic or electric signal communication of the railway company being at any time injuriously affected

by induction or otherwise by the electric lines of the Company the Company shall be at the expense of such remedial works as may be reasonably necessary for the protection of the railway company and in the event of any difference between the Company and the railway company regarding the works so to be executed such difference shall be determined by arbitration in manner hereinafter in this section provided :

A.D. 1929.

At any points where the electric mains or wires or other works of the Company are carried across the railway or property of the railway company the Company shall erect and for ever thereafter maintain boards indicating such crossings on either side of the railway at the boundary of the railway company's property or at points to be fixed by the railway company :

- (19) The Company shall from time to time pay to the railway company any additional expense which the railway company may incur in effecting any repair renewal widening alteration or extension of the railway works by reason of the existence of any mains pipes apparatus or works of the Company in over upon across or under the railway works :
- (20) If the railway company are deprived of any supply of water for their engines stations and servants' cottages taken from any river stream or spring the waters whereof are appropriated by the Company under the powers of this Act the Company shall either give free of charge to the railway company and maintain a supply equivalent to the existing supply of which the railway company may be so deprived as aforesaid or shall make compensation to the railway company for such deprivation and such compensation shall in default of agreement be settled by arbitration :
- (21) The Company shall indemnify the railway company against all loss or damage caused to the railway company by reason or in consequence of the execution maintenance or failure of any of the works or operations of the Company by this Act authorised :

A.D. 1929.

(22) If any difference shall arise between the Company and the railway company under this section such difference shall (except where the determination thereof is in this section otherwise provided for) be referred to arbitration.

For protection of millowners.

**79.** For the protection of Ernest Smith of Skeldon Mills in the county of Ayr and Skeldon Blanket Mills Limited Marquess of Ailsa David and Thomas Bowie Greenan Laundry Company Ayr Thomas Murray and Sons Limited Dutch Mills Alloway Ayr and McGill and Smith Limited Alloway Mill and Monkwood Mill Ayr their successors and assigns (all of whom are in this section referred to as "the millowner") the following provisions shall unless otherwise agreed between the millowner and the Company with regard to their respective mills apply and have effect (that is to say) :—

- (1) If by reason of the exercise by the Company of the powers of this Act the amount of power at present utilised by the millowner from the river Doon shall be reduced the Company shall instal upon the property of the millowner in respect of each mill the necessary electrical appliances and equipment to provide an amount of power equivalent to such reduction. The Company shall thereafter pay to the millowner a reasonable annual sum for the maintenance of such electrical appliances and equipment and shall free of cost to the millowner provide him with sufficient technical advice for the efficient working of such electrical appliances and equipment :
- (2) The Company shall supply free of cost to the millowner such an amount of electrical power as together with such amount of power as for the time being may be available from the river Doon will provide to the millowner the amount of power required to enable the whole of the plant now installed at the respective mills to be operated to the full extent but such electrical power shall be used for motive power in operating the said mills and for no other purpose :
- (3) If the Company shall fail to provide electrical power in accordance with the provisions of this section the Company shall so long as such failure

continues discharge sufficient water to the river Doon to restore the amount of water power at present available to the mill. A.D. 1929.

80. Notwithstanding anything in the section of this Act of which the marginal note is "Compensation water and limiting powers of Ayrshire Electricity Board" the Most Honourable Archibald Kennedy Marquess of Ailsa Colonel Norman Kennedy D.S.O. of Doonholm Ayr John Strain Cassillis House Maybole Ayrshire William Paterson of Monkwood Ayr Colonel Claud Lorraine Campbell Hamilton Rozelle Ayr Edwin J. Parker Cambusdoon Ayr Francis John Henry Lascelles Monkwood Ayr James George Weir Skeldon House Hollybush Ayrshire Mrs. Christina Isabella Gordon Carskeoch Patna Ayrshire James H. McClymont of Smithston and Ponessan Patna Ayrshire Colonel Thomas Charles Dunlop Doonside Ayr John Templeton of Carnochan Patna Ayrshire the Welbeck Estates Company Limited Kilmarnock Ernest Smith Skeldon Mills Hollybush Ayrshire Thomas Murray and Sons Limited Dutch Mills Alloway Ayrshire John Campbell Kennedy of Dunure John Leslie Hunter of Auldhousebarn John Douglas Boswell Campbell W. S. Edinburgh Trustees of Miss Jane Adelaide Cathcart and Miss Margaret Eliza Cathcart shall be entitled if the salmon fishings belonging to them be injuriously affected by the exercise of the powers of this Act within ten years after the completion of the works by this Act authorised and if their properties or any of them be injuriously affected from the point of view of amenity to receive compensation (in addition to the compensation provided by the before-mentioned section of this Act) for any loss or damage sustained by them respectively by reason of such injurious affection and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement Provided that the tribunal in fixing such compensation (if any) shall take into account the provisions of this Act.

For protection of salmon fishings.

81. The Company shall make compensation for the damage or injury (if any) which may be sustained by His Majesty or His tenants in respect of His right of salmon fishing through the exercise of the powers of this Act and in case the amount of such compensation shall

Crown salmon fishings.

A.D. 1929. not be agreed upon the same shall be ascertained and fixed by the decision and decree arbitral of two arbiters to be appointed the one by the Commissioners of Crown Lands and the other by the Company or of an oversman to be named by the said arbiters to act in the event of their differing in opinion and the Arbitration (Scotland) Act 1894 shall apply to any arbitration under this section.

For protection of Mrs. McDouall or Cuninghame.

**82.** For the protection of Mrs. Ellen Ethel McDouall or Cuninghame the following provision shall unless otherwise agreed apply and have effect (that is to say):—

The Company shall discharge and deliver from the dam forming the reservoir (Work No. 6) by this Act authorised into the existing channel of the river Blackwater of Dee such quantity of water as shall together with the natural flow for the time being in that part of the said river below the said dam maintain a flow at or near Hensol House of not less than twelve million gallons in every twenty-four hours.

For protection of Mr. Forbes of Callandar.

**83.** For the protection of Charles William Forbes of Callandar his successors in the estate of Earlstoun in the county of the stewartry of Kirkcudbright and assigns (all of whom are in this section included in the expression "the owner") the following provisions shall unless otherwise agreed in writing between the owner and the Company apply and have effect (that is to say):—

The Company shall not construct the dam forming the reservoir (Work No. 12) by this Act authorised so that the sill of the said dam shall be more than two hundred and forty-five feet above Ordnance datum. If at any time the flood water shall rise to a level exceeding three feet above the sill of the said dam the Company shall forthwith carry out such works as may be necessary to prevent any further increase in the height of the flood water above such level. The Company shall not except in case of emergency or for the purpose of executing necessary repairs draw down the top water level of the said reservoir below a level of eight feet from the sill of the said dam.

**84.** The Company shall not under the powers of this Act carry out on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides any work or any dredging or deposit below high-water mark any material excavated or dredged by them without the previous consent of the Board of Trade to be signified in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade and then only according to such plan and under such restrictions and regulations as the Board of Trade may approve of in writing under hand last aforesaid and where any such work may have been constructed by the Company the Company shall not at any time alter or extend the same without obtaining previously to making any alteration or extension the like consent or approval. If any work be commenced altered extended or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its former condition at the cost and charge of the Company and the amount of such costs and charges shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt.

A.D. 1929.

—  
Works below high-water mark not to be constructed without consent of Board of Trade.

**85.**—(1) The Company shall at or near such part of the works by this Act authorised as shall be below high-water mark of ordinary spring tides during the whole time of the construction alteration or extension of the same exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade shall from time to time require or approve.

Lights on works during construction.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

**86.**—(1) After the completion of the works by this Act authorised the Company shall at the outer extremity of those works below high-water mark of ordinary spring tides exhibit and keep burning every night from sunset to sunrise such lights (if any) and take such other steps

Permanent lights on works.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929. — for the prevention of danger to navigation as the Commissioners of Northern Lighthouses shall from time to time direct.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding twenty pounds and in the case of a continuing offence to an additional penalty not exceeding two pounds for every day on which after conviction thereof they so fail.

Survey of works by Board of Trade.

**87.** If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of any work constructed by the Company under the powers of this Act which shall be on under or over tidal waters or tidal lands below high-water mark of ordinary spring tides or of the site upon which it is proposed to construct any such work the Company shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or by the Board of Trade summarily as a civil debt.

Abatement of work abandoned or decayed.

**88.**—(1) Where any work constructed by the Company under the powers of this Act and situate wholly or partially on under or over the shore or bed of the sea or of any creek bay arm of the sea or navigable river communicating therewith below high-water mark of ordinary spring tides is abandoned or suffered to fall into decay the Board of Trade may by notice in writing either require the Company at their own expense to repair and restore such part of such work as is situate below high-water mark of ordinary spring tides or any portion thereof or require them to abate or remove the same and restore the site thereof to its former condition to such an extent and within such limits as the Board of Trade may think proper.

(2) Where any part of any such work which has been abandoned or suffered to fall into decay is situate above the high-water mark of ordinary spring tides and is in such condition as to interfere or to cause reasonable apprehension that the same may interfere with the right of navigation or other public rights over the foreshore the Board of Trade may include any such part of such work or any portion thereof in any notice under this section.



(3) If during the period of thirty days from the date when the notice is served upon the Company they have failed to comply with such notice the Board of Trade may execute the works required to be done by the notice at the expense of the Company and the amount of such expense shall be a debt due from the Company to the Crown and shall be recoverable either as a debt due to the Crown or summarily as a civil debt. A.D. 1929.

**89.**—(1) In case of injury to or destruction or decay of the works by this Act authorised or any part thereof so far as the same shall be constructed on under or over any tidal waters or tidal lands below high-water mark of ordinary spring tides the Company shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Northern Lighthouses and shall apply to such commissioners for directions as to the means to be taken. Provision against danger to navigation.

(2) If the Company fail to comply in any respect with the provisions of this section they shall be liable on summary conviction to a penalty not exceeding ten pounds and in the case of a continuing offence to an additional penalty not exceeding one pound for every day during which they omit after conviction thereof so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

#### PART V.

##### SUPPLY OF ELECTRICITY.

**90.**—(1) The area within which the Company may supply electricity shall be the county of Kirkcudbright. Area of supply.

(2) The Company shall within two months after the passing of this Act deposit at the office of the Electricity Commissioners an Ordnance map on a scale of not less than one inch to the mile showing the area of supply and the map shall be signed by the secretary to the Electricity Commissioners.

**91.**—(1) Subject to the provisions of this Act any electric lines laid or placed in or along any street by the Company under this Act shall be laid or placed in such line or route and in such manner as may be agreed between the Company on the one hand and the local authority on the other hand or as failing agreement shall be settled by the As to route.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929. Minister and the Company shall show on the plan of the works to be delivered to the road authority in accordance with the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 incorporated with this Act the route proposed to be taken and the manner in which the electric lines are to be laid or placed :

Provided that where the local authority object to any proposed line or route on the ground that it would traverse a principal thoroughfare or busy street or be otherwise inconvenient and indicate an alternative route or deviation within the district of the local authority which the Company are willing to adopt or which in the opinion of the Minister is reasonably practicable and does not involve undue increase of expenditure such alternative route or deviation shall be adopted.

(2) The reasonable and proper costs charges and expenses incurred by any local authority in relation to any reference to the Minister under this section shall in any case in which the Minister shall certify that the action of the local authority in the matter has not been unreasonable be paid by the Company.

Map of  
electric  
lines.

92. The Company shall cause a map to be made showing the line and depth below the surface of the ground of all electric lines laid underground under the powers of this Act and shall once in every year cause such map to be duly corrected so as to show the then existing lines The Company shall also if so required by the Electricity Commissioners or the Postmaster-General cause to be made sections showing the level of all such electric lines The said map and sections shall be made on such scale or scales as the Electricity Commissioners shall prescribe Every map and section so made or corrected or a copy thereof marked with the date when it was so made or last corrected shall be kept by the Company at their principal office and shall at all reasonable times be open to the inspection of all applicants and such applicants may take copies of the same or any part thereof The Company may demand and take from every such applicant as aforesaid such fee not exceeding one shilling for each inspection of such map sections or copy and such further fee as they may prescribe not exceeding five shillings for each copy of the same or of any part thereof taken by such applicant.

The Company shall if so required by the Electricity Commissioners or the Postmaster-General or by the local authority supply to them or him a copy of such map or sections or if the request is from a local authority a copy of so much of the map or sections as relates to the district of the authority and when so required cause such copy to be duly corrected so as to agree with the original or originals thereof as kept for the time being at the office of the Company.

A.D. 1929.

If the Company fail to comply with any of the requirements of this section with respect to maps and sections they shall for every such offence be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding two pounds for each day on which such offence is continued after conviction therefor.

**93.** The Company may subject to the provisions of the principal Acts construct and maintain in or under any street being a public highway sub-stations transforming stations and other works in connection with the undertaking and may in any such street provide and maintain all such means of access and approach to such sub-stations transforming stations and works as may be necessary or convenient:

Power to construct electrical sub-stations under streets.

Provided that the Company shall not construct any such sub-station transforming station or work (a) in or upon any bridge carrying a street over a railway or under any bridge carrying a railway over a street or within fifteen feet of any portion of any abutment or wing wall of any such bridge without the consent of the railway company concerned but such consent shall not be unreasonably withheld or (b) so as to interfere with or render less convenient the access to or exit from any station or depot of a railway company.

**94.**—(1) The Company may on the application of the owner or occupier of any premises within the area of supply abutting on or being erected in any street laid out but not dedicated to public use or if so dedicated not maintainable by the road authority erect and lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for supplying electricity for any purpose for which they are authorised to supply electricity to such owner or occupier and the provisions of the principal

Laying mains in private streets.

[Ch. LXXX.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929. — Acts so far as they are applicable for the purposes of this section shall extend and apply to and for such purposes and to any works constructed or executed by the Company under the powers of this section.

(2) The Company shall not exercise their powers under this section with respect to any street or road belonging to a railway company or forming the approach to any station or depot of such railway company except with the consent of such railway company which consent shall not be unreasonably withheld and in carrying out any works authorised by this section the Company shall not unreasonably obstruct or interfere with the convenient access to any such street or road.

As to  
railways.

95. The provisions of section 13 of the Electric Lighting Act 1882 and of section 12 of the schedule to the Electric Lighting (Clauses) Act 1899 shall apply to any railways within the area of supply as if the Company were specially authorised to break up or interfere with the same by special powers inserted in this Act.

Erection  
of posts &c.

96.—(1) The Company may with the consent in writing of the owner and occupier of any house building or land within the area of supply attach to such house or building or erect or place on under or across such land such posts standards poles supports conductors wires tubes mains plates cables boxes and apparatus as may be necessary or convenient for conveying transmitting or supplying electricity under the powers of this Act.

(2) The Company may with the like consent for such consideration and upon and subject to such terms and conditions as they may think fit permit any other company or any body or person to use for any purposes of or connected with any undertaking or business of such other company body or person any posts standards poles or other works or apparatus erected or constructed by the Company.

(3) Nothing in this section shall derogate from or affect any rights of the Company under the principal Acts or under any other provisions of this Act.

Power to  
erect tele-  
phones &c.

97. The provisions of this Act and the Acts incorporated therewith shall so far as applicable to the purposes of this section and subject to the necessary modifications apply to the construction laying down erection and maintenance in any streets or roads in the area of supply

of any telephone or telegraph posts wires conductors or apparatus which the Company may and which they are hereby authorised to erect or lay down for the purposes of the undertaking but no posts shall be erected under this section in any street or road without the consent of the road authority which consent shall not be unreasonably withheld and any question whether or not any such consent has been unreasonably withheld shall be determined by the Electricity Commissioners :

A.D. 1929.

Provided that the Company shall not exercise the powers of this section in through across or under any road bridge or approach of a railway company except with the consent in writing of such company (which consent shall not be unreasonably withheld) and under the superintendence if given and to the reasonable satisfaction of the principal engineer of such company and if any difference arises as to whether such consent is unreasonably withheld or whether the requirements of the said principal engineer are reasonable or otherwise such difference shall be referred to arbitration.

**98.**—(1) Subject to the limitations stated in the section of this Act whereof the marginal note is “Limitation on powers of supply” and subject to the other provisions of this Act the Company may supply electricity—

Principal powers of supply.

- (a) in bulk to the Central Board and to any other authorised undertakers;
- (b) for power to any person (other than an authorised undertaker) within the area of supply;
- (c) for lighting or general domestic purposes (including office purposes) to any person (other than an authorised undertaker) in any part of the area of supply which at the date of the passing of this Act does not form part of the area of supply of any authorised distributors.

(2) Subject to the provisions of this Act electricity supplied by the Company at any point within the area of supply in bulk to any authorised distributors may be used for any purposes of any electricity undertaking of such distributors whether within or without such area.

(3) Electricity supplied by the Company at any point within the area of supply for power to the owners or lessees of any railway tramway dock harbour or canal

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929.

undertaking which is partly within and partly without the area of supply may be used for any of the following purposes on any part of such undertaking whether within or without the area of supply (namely):—

- (a) for haulage or traction;
- (b) for lighting vehicles or vessels used on any part of the undertaking; and
- (c) for any purposes for which the Company are for the time being authorised to give a supply of electricity to such owners or lessees under section 47 of the Electricity (Supply) Act 1926;

but nothing in this subsection shall authorise electricity to be used for the purposes of haulage or traction on any railway unless the company body or person owning or working such railway is authorised by Act of Parliament or by an Order confirmed by or having the effect of an Act of Parliament to use electricity for those purposes.

(4) Electricity supplied by the Company at any point within the area of supply for power to any person (other than the owners or lessees of a railway tramway dock harbour or canal undertaking) may be used for lighting any premises on any part of which the power is utilised and for general domestic purposes (including office purposes) upon such premises.

Limitation  
on powers  
of supply.

**99.**—(1) The Company shall not supply electricity for power except—

- (a) to authorised undertakers;
- (b) to the owners or lessees of a railway tramway dock harbour or canal undertaking for any of the purposes mentioned in subsection (3) of the section of this Act whereof the marginal note is “Principal powers of supply”; and
- (c) for electro-chemical purposes;

in any place which at the date of the passing of this Act forms part of the area of supply of any authorised distributors without the consent of those distributors.

(2) If at any time after the passing of this Act any local authority company or person become authorised distributors in any area within the area of supply the Company shall not thereafter supply electricity in that area for lighting or general domestic purposes (including

office purposes) under paragraph (c) of subsection (1) of the section of this Act of which the marginal note is "Principal powers of supply" except to the authorised distributors for the area. Provided that—

A.D. 1929.

- (i) electricity supplied by the Company to any person in the area for power under paragraph (b) of subsection (1) aforesaid may be used by such person for lighting any premises on any part of which the power is utilised; and
- (ii) if at the date when the said local authority company or person become authorised distributors within the area the Company are supplying to the owner or occupier of any premises in the area electricity for lighting and general domestic purposes (including office purposes) by means of works and apparatus not used for the supply of electricity for other purposes the Company may continue to supply electricity to such owner or occupier for the first-mentioned purposes unless and until the authorised distributors shall acquire such works and apparatus from the Company on such terms as may be agreed between the Company and the said local authority company or person or settled by arbitration under section 28 of the Electric Lighting Act 1882.

**100.** The Company shall upon being required to do so by any authorised undertakers give and continue to give at such point or points within the area of supply as the authorised undertakers may reasonably require a supply of electricity in bulk at rates not exceeding those stated in Section I of the Fourth Schedule to this Act and shall furnish and lay such electric lines as may be necessary for the purpose of supplying to such authorised undertakers at such point or points the maximum power with which such authorised undertakers may be entitled to be supplied under this Act subject to the conditions following (that is to say):—

Supply to authorised undertakers.

Any such authorised undertakers requiring a supply of electricity shall—

- (a) serve a notice upon the Company specifying the point or points at which such electricity is required to be supplied and the

[Ch. lxxx.] *Galloway Water Power* [19 & 20 Geo. 5.]  
Act, 1929.

A.D. 1929.

maximum power required to be supplied and the day on which such supply is required to commence (not being an earlier day than a reasonable time after the date of the service of such notice having regard to the situation of the point or points at which such supply is required to be given and to the length of electric line required to be laid and plant required to be provided for affording such supply); and

(b) enter into a written contract with the Company (if required by them so to do) to receive and to continue to receive and pay for a supply of electricity for a period of at least seven years of such an amount that the payment to be made for the same shall not be less than twenty per centum per annum on the outlay incurred by the Company in making provision for such supply:

Provided that any authorised undertakers so requiring a supply of electricity shall give to the Company (if required by them so to do) security for the payment of all moneys which may become due to the Company under such contract:

Provided further that the Company shall grant to any authorised undertakers as favourable terms and conditions for the supply of electricity as those granted by the Company to any other authorised undertakers whose circumstances are similar.

Any difference which arises under this section shall be determined by arbitration.

Supply to  
other than  
authorised  
undertakers.

101. The Company shall (subject to the provisions of subsection (1) of the section of this Act whereof the marginal note is "Limitation on powers of supply") give a supply of electricity for power to any person within the area of supply (except authorised undertakers or the owners or lessees of a railway tramway dock harbour or canal undertaking) on that person entering into a binding contract to receive and to continue to receive and pay for a supply of electricity upon such terms and conditions as failing agreement shall be fixed by the Electricity Commissioners and in fixing such



terms and conditions (including a minimum annual sum to be paid to the Company) the Electricity Commissioners shall have regard to the following amongst other considerations:—

A.D. 1929

- (1) The period for which the person to whom the supply is to be given is prepared to bind himself to take such electricity;
- (2) The amount of electricity and the maximum power required;
- (3) The hours during which the Company can be called upon to give the supply;
- (4) The capital expenditure in connection with the supply;
- (5) How far capital expended in connection with the supply may become unproductive to the Company on the discontinuance of the supply:

Provided that any person so requiring a supply of electricity shall give to the Company (if required by them so to do) security for the payment of all moneys which may become due to the Company under such contract.

**102.** Whenever the Company make default in supplying electricity to any authorised undertakers to whom they may be required to supply electricity in accordance with the provisions of this Act they shall be liable to those undertakers in the same penalties as those for which the undertakers are liable under the provisions of their Acts or Orders and the amount of any penalty to be paid by the Company in the case of any such default shall not exceed the amount of any statutory penalties which have been found due and paid by such undertakers in consequence of the default and such undertakers shall have no claim against the Company if the default of the Company arises by reason of accidents which could not have been avoided by reasonable foresight or care or by reason of fire flood storm tempest breakdown of machinery or other casualty or force majeure or labour disputes whether between employers and workmen or otherwise or any other cause for which the Company cannot reasonably be held to be responsible or if the default is of so slight or unimportant a character as not materially to affect the value of the supply.

Liability  
for failure  
to supply.

A.D. 1929.

Proposals  
for develop-  
ment in  
area of  
supply.

103.—(1) The Company shall—

- (a) within a period of seven years from the date of the passing of this Act as respects any area within the area of supply (not being the area of supply of an authorised distributor) in which there shall be a demand for a supply of electricity for lighting and general domestic purposes (including office purposes) and a reasonable prospect of such supply being remunerative; and
- (b) within a period of two years from the date on which the conditions hereinbefore referred to first exist after the expiration of the said period of seven years as respects any other area within the area of supply (not being the area of supply of an authorised distributor);

or in either case within such extended time as may be approved by the Electricity Commissioners submit to those commissioners proposals for the supply of electricity in that area and those proposals to such extent as may be approved by the said commissioners shall be carried into effect by the Company within the time prescribed by the said commissioners when giving their approval.

(2) Any proposals submitted by the Company under subsection (1) of this section shall be subject to such modifications as the Electricity Commissioners may require and after considering such proposals and any representations of any such local authority the commissioners may by order declare that the whole or any part of the area to which the proposals relate shall be an area in which the Company shall within two years from the date prescribed by the order lay down distributing mains in the streets specified therein and be subject to all the obligations of the schedule to the Electric Lighting (Clauses) Act 1899 except sections 4 (3) 23 31 to 33 63 to 68 78 83 and 84 of that schedule and the provisions of the said schedule (except as aforesaid) shall be deemed to be incorporated with and form part of the order as if the order were a Special Order made under section 26 of the Electricity (Supply) Act 1919.

For the purposes of such incorporation the following expressions where used in the said provisions shall have the following respective meanings (namely):—

“the undertakers” shall mean the Company;

“ the Special Order ” shall mean the said order of the Commissioners; A.D. 1929.

“ the area of supply ” shall mean the area named in the order;

“ the commencement of the Special Order ” shall mean such date as may be prescribed by the Commissioners in the order;

“ general supply ” shall mean a general supply for lighting and general domestic purposes (including office purposes);

“ a supply of energy ” and any like expression shall mean a supply of electricity for lighting and general domestic purposes (including office purposes).

(3) The provisions of the sections of this Act of which the marginal notes respectively are “ Limitation on demand for maximum power ” and “ Inspectors ” shall not apply to a supply of electricity for lighting and general domestic purposes (including office purposes) in the area specified in any order made by the Commissioners under subsection (2) of this section or to any mains used exclusively for the purposes of giving such a supply.

(4) In the event of default by the Company under the provisions of this section the Minister may if he thinks fit revoke the powers of the Company under paragraph (c) of subsection (1) of the section of this Act of which the marginal note is “ Principal powers of supply ” in respect of any part or parts of the area of supply with respect to which the Company have so made default.

104.—(1) Any authorised undertakers company body or person supplied with electricity by the Company under this Act who desire or desires that the Company shall cease to give to them or him such supply shall give to the Company in the case of a supply for lighting or general domestic purposes (including office purposes) one month's notice in writing expiring on the thirty-first day of March the thirtieth day of June the thirtieth day of September or the thirty-first day of December and in all other cases twelve months' notice in writing so

Notice of discontinuance of supply.

A.D. 1929.

expiring to cease giving such supply. Such notice shall not be given so as to expire before the end of the period for which the authorised undertakers company body or person giving the notice have contracted to receive and pay for the supply.

(2) No such notice shall be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Company at the head office or any recognised local office of the Company. Notice of the effect of this subsection shall be endorsed upon any demand note of the Company for charges for electricity.

For pre-  
vention of  
improper  
use.

**105.** If any authorised undertakers company body or person uses or deals with the electricity supplied to them or him by the Company in such manner as to interfere unduly or improperly with the efficient supply of electricity to any other authorised undertakers company body or person by the Company the Company may if they think fit cease to supply electricity to the first-mentioned authorised undertakers company body or person.

Limitation  
on demand  
for maxi-  
mum  
power.

**106.** The maximum power with which any authorised undertakers company body or person shall be entitled to be supplied shall be of such amount as they or he may require to be supplied with not exceeding what may be reasonably anticipated as their or his maximum consumption.

If any difference arises between any such undertakers company body or person and the Company as to what may be reasonably anticipated as their or his maximum consumption the difference shall be determined by arbitration.

Stated  
prices.

**107.**—(1) Subject to the provisions of this Act the rates to be charged by the Company for electricity supplied by them under the powers of this Act shall not exceed those respectively stated in that behalf in the Fourth Schedule to this Act:

Provided that any consumer taking a supply for lighting or general domestic purposes (including office purposes) and not being a consumer taking a supply of electricity in bulk or for power shall be entitled to be charged according to such one of the methods of charge

referred to in Section II of the said schedule as he may elect. Provided also that any such consumer who has elected to be or is being charged according to one of the said methods of charge and who desires to be charged according to another of such methods shall not be entitled to be so charged unless he shall have intimated such desire to the Company by not less than three months' notice in writing expiring at the end of one of the quarters mentioned in paragraph (2) of the said Section II.

A.D. 1929.

(2) Nothing in this Act or in the principal Acts shall prevent the Company from making any agreements as provided by this Act and at such prices and on such terms and conditions as may be agreed.

**108.** If the county council of the stewartry of Kirkcudbright obtain a Special Order constituting them authorised undertakers the Company shall so soon as any generating station authorised by this Act is in operation at the request of the said county council enter into an agreement to afford to the said county council either directly or through the Central Board at two of such generating stations and if desired by the said county council at not more than three points on transmission lines such supplies of electricity as the said county council may reasonably require for the purpose of affording supplies for power and lighting or general domestic purposes (other than electro-chemical purposes) under such Special Order for use within the said county and within the burgh of Newton Stewart at rates which shall not exceed such rates as may from time to time be payable (a) by the Central Board to the Company or (b) if any such generating station be a selected station by the Company to the Central Board and otherwise on such terms and conditions as may be agreed between the said county council and the Company or as failing agreement shall be determined by arbitration.

Supply to county council of Kirkcudbright.

**109.** The heads of agreement set out in the Fifth and Sixth Schedules hereto are hereby confirmed and made binding on the parties thereto respectively and on the Company.

Confirmation of agreements.

**110.** The local authority of any district wholly or partly within the area of supply or any authorised

Revision of prices.

A.D. 1929.

undertakers supplied by the Company or such number of consumers in any such district not being less than twenty as the Minister considers sufficient having regard to the population of the district or the Company may at any time after the expiration of three years after the passing of this Act make representation to the Minister that the rates or methods of charge for a supply of electricity authorised by this Act ought to be altered as regards such district or undertakers and on any such representation being made the Minister after such inquiry as he may think fit may make an order varying such rates or methods of charge or substituting other rates or methods of charge and the rates or methods of charge so varied or substituted shall as regards such district or undertakers have effect on and after such day as may be mentioned in the order as if they had been stated in this Act Provided that the rates and methods of charge for the time being in force may be altered in like manner at any time after the expiration of any or every period of three years after they were last altered.

Bulk  
supplies.

111. The Company on the one hand and any local authority company body or person authorised to supply electricity within the area of supply for the time being of the Company or within any area adjoining the area of supply for the time being of the Company on the other hand may enter into and carry into effect agreements for the supply of electricity in bulk by or to the Company to or by such authority company body or person and the provisions of the respective Acts and Orders under which such authority company body or person may be empowered to execute works for the supply of electricity shall so far as applicable have effect within the area of supply of such authority company body or person in relation to any works executed for the purposes of a supply to be afforded under this section :

Provided that except with the approval of the Electricity Commissioners (which approval the Commissioners are hereby authorised to give) no agreement shall be entered into under this section—

(a) with any authority company body or person not authorised to supply electricity within the area of supply for the time being of the Company; or

(b) with any authority company body or person authorised to supply electricity within the area of supply for the time being of the Company if the agreement is for the supply of electricity in bulk to the Company for a period extending beyond or commencing after the expiration of seven years from the passing of this Act. A.D. 1929

**112.** Notwithstanding anything in the principal Acts or this Act the Company on the one hand and any authority company body or person (other than any authorised distributors) to whom the Company are under this Act authorised to supply electricity on the other hand may enter into and carry into effect contracts or agreements for or with respect to the supply of electricity by the Company to such authority company body or person and at such price and on such terms and conditions as may be agreed and the Company may supply electricity accordingly Provided that the Company shall not in making any such contract or agreement show any undue preference to any such authority company body or person. Agreements for supply of electricity.

**113.** A consumer (other than any authorised undertakers) supplied with electricity by the Company under the terms of any agreement shall be deemed to be a person to whom the Company may be and are required to supply electricity within the meaning of section 30 of the schedule to the Electric Lighting (Clauses) Act 1899 and the provisions of that section shall apply to the supply afforded by the Company under such agreement unless the provisions of that section are expressly excluded from application in the agreement If the Company fail to supply electricity to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Company. Supply of electricity by agreement.

**114.** The Company on the one hand and any authorised undertakers or any company body or person to whom the Company are entitled to give a supply of electricity on the other hand may enter into and carry into effect contracts agreements and arrangements for and with respect to the construction laying down maintenance or repair by any such undertakers company Agreements for exercise of works &c.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929. body or person on behalf of the Company or by the Company on behalf of any such undertakers company body or person of electric lines or other works or apparatus connected therewith for the supply or use of electricity or the exercise by either party to any such contract agreement or arrangement of any powers of the other of them in reference to the matters aforesaid. Provided that the execution or exercise of any such works or powers shall be subject to any statutory provisions or regulations which would have related to the execution or exercise thereof by such undertakers company body or person or by the Company as the case may be.

Agreements with Government departments and others.

**115.** Subject to the provisions of this Act the Company on the one hand and any Government department or person interested in any river stream canal or navigation within the area of supply or any of them on the other hand may from time to time enter into and carry into effect contracts agreements and arrangements for and with respect to the construction laying down alteration maintenance repair and use of electric lines pipes works appliances and apparatus for the purposes of this Act on the bed banks and foreshore of any such river stream canal or navigation.

Agreements with railway companies for works.

**116.** The Company on the one hand and any railway company whose railway or any part thereof is situate within the area of supply on the other hand may enter into and carry into effect agreements for and in relation to the construction laying down alteration maintenance repair and use of works and electric lines for the purposes of this Act upon across or affecting railways bridges or other property of any such railway company.

PART VI.

ADDITIONAL POWERS.

As to application for Special and other Orders.

**117.** The Company may apply for Special or other Orders under the principal Acts or under any Act extending or amending those Acts or any of them.

Transfer of undertakings of other undertakers to Company.

**118.—**(1) The Company may by agreement (but not otherwise) acquire from any local authority or other undertakers to whom a Provisional or Special or other Order under the principal Acts shall have been or may be granted relating to a district or place within or partly



within or adjoining the area of supply or any area of supply in which the Company are giving or are authorised to give a supply of electricity the undertaking authorised by such Order and the powers rights authorities and privileges of the undertakers thereunder and the undertakers under any such Order which shall have been confirmed or approved by Parliament prior to the passing of this Act may with the approval of the Electricity Commissioners by deed approved by the Commissioners (which approval the Commissioners are hereby authorised to give) transfer such undertaking powers rights authorities and privileges to the Company subject to such exceptions and modifications (if any) and on such terms and conditions as may be specified in the deed and if the Company so acquire any such undertaking they shall (subject to such modifications and exceptions as aforesaid) be deemed to be the undertakers for all the purposes of the Provisional or Special or other Order the powers of which are so transferred :

Provided that—

- (a) in the case of any Provisional Order granted prior to the year nineteen hundred the provisions of the schedule to the Electric Lighting (Clauses) Act 1899 as amended by subsequent Acts shall from and after such transfer be deemed to have been incorporated with such Order and shall control and supersede such of the provisions of that Order as are at variance or inconsistent therewith;
- (b) if any such undertaking is acquired by the Company under this section the provisions of the principal Acts shall subject to any modification of those Acts made by any such Order apply to that undertaking;
- (c) if the undertakers for any undertaking so acquired by the Company are a local authority the undertaking shall be deemed to be subject to the provisions of section 2 of the Electric Lighting Act 1888 Provided that the periods at which the local authority may under the provisions of the said section re-purchase such undertaking or so much thereof as is within their jurisdiction shall be reckoned from

A.D. 1929.

the date of the acquisition thereof by the Company;

(d) none of the provisions of any such Order or of the principal Acts shall extend to authorise the re-purchase by any local authority of any generating station or other works of the Company which are not mainly used or required for the purposes of supplying electricity under such Order within the area defined by such Order;

(e) the powers conferred by this section may be exercised in respect of part only of any such undertaking or part only of any such powers rights authorities and privileges as aforesaid.

(2) The consideration payable by the Company in respect of the transfer to them of any such undertaking powers rights authorities and privileges or part thereof may if the undertakers transferring the same and the Company so agree be discharged wholly or in part by the allotment to such undertakers of fully paid-up shares or stock or debentures or debenture stock of the Company and all shares stock debentures or debenture stock issued for the purposes of this section shall for all purposes be deemed to be fully paid up and any such undertakers may accept hold and dispose of such shares stock debentures or debenture stock.

(3) References in this section to a Provisional or Special Order shall be deemed to include references to any Act or Acts of Parliament relating to the undertaking or powers rights authorities and privileges to be transferred.

(4) Any capital moneys received by any local authority in respect of any transfer under this section shall be applied by such authority in manner provided by paragraph (2) of section 7 of the schedule to the Electric Lighting (Clauses) Act 1899.

Acquisition of generating stations &c. by agreement.

**119.**—(1) The Company may by agreement purchase take on lease or otherwise acquire work use maintain alter and improve any generating station or sub-station and the works connected therewith or incidental thereto belonging to any local authority or other undertakers authorised to supply electricity in any area within or partly within and partly without or adjoining

the area of supply or in any area which adjoins the area of supply and in which the Company are for the time being giving or under contract to give a supply of electricity in bulk and any such undertakers may transfer any such generating station sub-station and works together with their powers rights authorities and privileges in connection therewith or incidental thereto to the Company on such terms as may be agreed.

(2) If the Company so acquire any such generating station sub-station or works powers rights authorities and privileges they may for the purpose of carrying on maintaining and working any such generating station sub-station or works so transferred to them and of connecting the same with the area of supply exercise all the powers rights authorities and privileges so transferred to them and any generating station sub-station or works transferred to the Company under this section or any works executed by them under any powers so transferred to them shall be deemed to form part of the undertaking of the Company.

(3) Nothing in this section shall exonerate the Company from any indictment action or other proceeding for nuisance if any nuisance is caused or permitted by the Company on any land on which any such generating station or sub-station is situated and for which nuisance any such undertakers as aforesaid would have been liable if caused by them.

(4) Nothing in this section shall authorise the Company to acquire any powers rights and privileges of any undertakers with respect to the supply of electricity nor shall anything in this section authorise the Company to purchase or take on lease (other than a lease for a term ending before the expiration of seven years from the passing of this Act) any generating station or main transmission line except with the consent of the Electricity Commissioners.

(5) If any generating station acquired by the Company under the provisions of this section is or shall become a selected station for the purposes of a scheme under the Electricity (Supply) Act 1926 then in construing section 13 of that Act such station shall be deemed to be an existing generating station only to the extent to which the Company are supplied by the Central Board for the purposes of the undertaking of which the station formed

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929. — part immediately before the date of its acquisition by the Company.

Power to manage undertakings or works of other undertakers.

**120.** The Company and any local authority or other undertakers authorised to supply electricity in any area within or partly within and partly without or adjoining the area of supply may with the approval of the Electricity Commissioners enter into and carry into effect agreements and arrangements for and with respect to the management by the Company of the whole or part of the undertaking or any generating station sub-station or other works of such undertakers upon and subject to such terms and conditions as may be agreed between the Company and such undertakers.

Power to deal in apparatus.

**121.**—(1) The Company may provide sell let for hire or dispose of on terms of payment by instalments and fix repair maintain and remove electric lines fittings lamps and standards apparatus or appliances for lighting (whether for public lighting or otherwise) heating and motive power and for all other purposes for which electricity can or may be used and may provide all materials and work necessary or proper in that behalf and with respect thereto may demand and take such remuneration or rents and charges and make such terms and conditions as may be agreed. Provided that nothing in this section shall authorise the Company to manufacture any such electric lines fittings apparatus or appliances.

(2) The Company may provide and carry on shops or showrooms for the exhibition or sale of any fittings apparatus or appliances referred to in this section.

(3) Any electric lines fittings apparatus and appliances provided by or on behalf of the Company on consumers' premises and any lands buildings or works held by them in connection therewith shall be deemed to form part of the undertaking.

(4) Sections 24 and 25 of the Electric Lighting Act 1882 and Section 16 of the Electric Lighting Act 1909 shall apply to all articles and things let for hire or supplied by the Company or disposed of on terms of payment by instalments under the provisions of this section.

Power to hold patent rights.

**122.** The Company may acquire and hold patent and other rights in relation to the generation transmission and use of electricity for the purposes of this Act.

**123.** No articles or things let on hire by the Company shall be deemed to be landlords' fixtures or be subject to poinding or to the landlords' hypothec or remedy for rent nor be taken in execution under any process of a court of law or any proceedings in bankruptcy against the person in whose possession the same may be. Provided that such articles and things have upon them a distinguishing metal plate affixed on or to a conspicuous part thereof or are marked or impressed with a sufficient mark or brand indicating the Company as the actual owners thereof.

A.D. 1929.  
—  
Exemption from poinding of articles on hire.

**124.** The Company may erect and maintain upon the lands for the time being belonging to or held on lease by them or as to which they may have acquired any right or permission so to do cottages or dwelling-houses suitable for their officers workmen and servants and dwelling-houses and camps for persons engaged in or in connection with the construction or maintenance or management of any works authorised by this Act.

Dwelling houses for employees.

**125.** The Company shall if and when required by the local authority of the district in which any works by this Act 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 (including 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.

Accommodation for workmen &c.

In the event of any dispute arising between the Company and the local authority as to the amount or nature or situation of the housing accommodation and sanitary requirements to be provided or as to the sufficiency of the provision for the treatment of cases of sickness (including infectious disease) 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 Company of any requirement of the local authority under this section either party may appeal to

A.D. 1929. — the Department of Health for Scotland (in this section referred to as “the Department” and their decision shall be final and binding on both parties :

Provided that if it appear to the Department at any time that sufficient provision for the aforesaid purpose is not made they shall have power to require the Company to make provision or additional provision therefor to the satisfaction of the Department.

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

For the purposes of this section the Department shall have the same powers of holding inquiries and of requiring reports to be made by local authorities and their officials as they have under the Public Health (Scotland) Act 1897 for the purposes of that Act and the provisions of the said Act relating to such inquiries and reports shall apply accordingly.

## PART VII.

### MISCELLANEOUS PROVISIONS.

Cesser of powers.

**126.** If within three years from the passing of this Act or such extended period as the Minister may prescribe the Company have not in the opinion of the Electricity Commissioners substantially commenced their works for the purpose of carrying out their powers under this Act the Minister may order that the powers of the Company under this Act with respect to the supply of electricity for power shall cease as to the whole or any part of the area of supply and on any such order being made those powers shall cease accordingly.

As to consent of and supply by Central Board.

**127.** Notwithstanding anything contained in this Act the Company shall not supply electricity to any authorised distributors without the consent of the Central Board and notwithstanding anything contained in this Act or the principal Acts the Central Board

(in any case in which the Board do not consent to such supply of electricity by the Company to any such authorised distributors) may themselves supply electricity direct to such authorised distributors without the consent of the Company: A.D. 1929

Provided that nothing in this section shall prevent the Company from supplying electricity to the county council of the administrative county of Kirkcudbright under the section of this Act of which the marginal note is "Supply to county council of Kirkcudbright" and the Ayrshire Electricity Board under the section of this Act of which the marginal note is "Confirmation of agreements" and the Fifth Schedule to this Act or any of them.

**128.** Save so far as the Board of Trade (in this section referred to as "the Board") may on the application of the Company otherwise direct the following provisions shall apply and have effect (that is to say):— Purchase of hydro-electric works.

- (1) The Board with the consent of the Treasury may at any time within six months after the thirty-first day of December two thousand and three or within six months after the expiration of any subsequent period of fifteen years by notice in writing require the Company to sell to the Board at the expiration of such period (not being less than one year nor more than three years from the date of the notice) as is mentioned in the notice so much of the undertaking as is for the time being used by the Company in connection with the appropriation diversion and user of water for the production of motive power and the generation of electricity thereby (including lands wayleaves and other servitudes buildings machinery works and apparatus of the Company used in so producing motive power and generating electricity) and at the expiration of the period mentioned in the notice (hereinafter in this section referred to as "the date of purchase") the Company shall sell the same to the Board and the Board shall purchase the same at the price hereinafter mentioned:

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929.

(2) The price to be paid shall be—

(a) As respects so much of the part of the undertaking purchased as consists of civil engineering works and other property of a permanent character including lands way-leaves and other servitudes dams watercourses and buildings an amount equal to the amount of the capital expended thereon at the date of purchase as shown by the audited accounts of the Company less an amount equal to—

(i) One and a half per centum on the amount of the capital expended as at the thirty-first day of December one thousand nine hundred and eighty-four for each year that has elapsed from the said thirty-first day of December to the date of purchase; and

(ii) One and a half per centum on the amount of any additional capital which may be expended after the said thirty-first day of December for each year that has elapsed from the date of the expenditure of such capital to the date of purchase;

(b) As respects so much of the part of the undertaking purchased as consists of other works including sluice gates pipes turbines electric generators and other machinery and plant an amount equal to the amount of the capital expended thereon at the date of purchase as shown by such audited accounts as aforesaid less the value of any physical deterioration which may be shown to have occurred therein :

Provided that the price to be paid for any work or building shall in no case exceed the cost of the replacement thereof at the date of the notice to purchase and that the price to be paid under paragraph (a) of this subsection for any work or building shall not exceed the capital expended thereon as shown by such audited accounts as aforesaid less the value of any physical deterioration which may be shown to have occurred therein :



(3) As from the date of purchase all rights powers and authorities exerciseable by the Company in relation to the part of the undertaking purchased (including the power of taking water) and all liabilities or obligations to which the Company may be subject in relation to the taking of water the control and maintenance of sluices ladders croys and other apparatus the payments for wayleaves or other servitudes and generally in relation to the part of the undertaking purchased (but not including any obligations in relation to the supply of electricity except for the purposes of subsection (4) of this section) shall be transferred to and vest in the Board and on the completion of the purchase the part of the undertaking purchased shall vest in His Majesty free from any debts or mortgages of the Company :

A.D. 1929.

(4) As from the date of purchase the Board shall if so required in writing by the Company not less than six months prior to the date of purchase supply to the Company for such period not exceeding seven years after the date of purchase as may be specified by the Company and at such price as is hereinafter mentioned such an amount of electricity as the Company may require not exceeding in any one year the highest amount actually supplied from the generating station or stations of the Company purchased by the Board in any one of the five years immediately preceding the date of the said notice of purchase and also not exceeding at any time the amount which can be produced by the water available and the capacity of the plant installed at the said generating station or stations at the date of purchase and such supply shall be afforded at the said generating station or stations :

The price at which electricity shall be so supplied shall not exceed the cost reasonably incurred by the Board in complying with the requirements of the Company (including costs of generation repairs and maintenance interest charges and allowance for depreciation) :

A.D. 1929.

(5) If any question arises—

(a) as to the works or property to be included in the sale or the liabilities or obligations to be transferred to the Board thereon; or

(b) as to whether any property falls within the terms of paragraph (a) or the terms of paragraph (b) of subsection (2) of this section; or

(c) as to the price to be paid to the Company for the part of the undertaking purchased by the Board; or

(d) as to the amount of electricity to be supplied to the Company under subsection (4) of this section or as to the price of such supply the question shall be determined by the arbitration of an arbiter appointed by the Lord President of the Court of Session:

(6) Nothing in this section shall affect the part of the undertaking not included in the purchase or any power right authority obligation or liability of the Company to supply electricity but no obligation of the Company under this Act to furnish a supply of electricity shall be enforceable against the Company after the date of purchase if and so far as the performance thereof is rendered impracticable in consequence of such purchase.

Purchase  
of supply  
system.

**129.**—(1) The purchasing authority (as hereinafter defined) may within six months after the expiration of a period of seventy-five years from the date of the passing of this Act and within six months after the expiration of every subsequent period of ten years by notice in writing require the Company to sell and thereupon the Company shall sell to them so much of the undertaking as is not for the time being used by the Company in connection with the appropriation diversion and user of water for the production of motive power and the generation of electricity thereby (including lands wayleaves and other servitudes buildings machinery works and apparatus of the Company used in so producing motive power and generating electricity) on terms of payment to the Company of a sum equal to the capital properly expended for the provision of the land buildings works material

and plant of the Company in use or available and suitable for use at the time of the purchase for the purpose of the part of the undertaking hereinbefore described less depreciation according to such scale as may have been prescribed by Special Order made in pursuance of paragraph (a) of subsection (1) of section 39 of the Electricity (Supply) Act 1926. A.D 1929.

(2) The said purchase shall take effect from the date on which the purchase consideration is paid to the Company or on such other date as may be agreed between the Company and the purchasing authority and as from that date all land buildings works material and plant so purchased shall vest in the purchasing authority freed from all debts mortgages or similar obligations of the Company or attached to the undertaking and the powers of the Company in relation to the supply of electricity under this Act shall absolutely cease and determine and shall vest in the purchasing authority.

(3) Subject to the foregoing provisions of this section the Minister shall determine any questions which may arise in relation to the purchase.

(4) For the purposes of this section the purchasing authority—

(i) If at the date of purchase the area of supply is situate wholly or mainly within the district of a joint electricity authority shall be the joint electricity authority Provided that if at the said date the area of supply is situate partly within the district of one joint electricity authority and partly in that of another the right of purchase shall be exercised by such one of those authorities or shall be divisible between them as the Electricity Commissioners shall determine Provided also that the whole undertaking shall be purchased at one and the same time;

(ii) If at the date of purchase the area of supply is not situate wholly or mainly within the district of a joint electricity authority shall be either—

(a) the local authorities for the districts wholly or partly situate within the area of supply acting through a joint committee or

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929.

joint board constituted under section 8 of the Electric Lighting Act 1909; or

(b) some other public body duly authorised by Parliament to purchase the undertaking;

as the Minister may determine.

Inspectors.

**130.**—(1) The Minister on the application of any authorised undertakers or persons supplied with electricity by the Company under the powers of this Act may appoint and keep appointed one or more competent and impartial persons to be electrical inspectors under this Act and the Minister may prescribe the fees to be taken by any such inspector and the mode of application thereof and those fees shall be accounted for and applied as may be directed by the Minister.

(2) The Company shall whenever reasonably required by any local authority through whose district any trunk main is laid test and furnish a record of the testing of any main of the Company passing through their district or if necessary that portion of the main within their district and if the Company fail to comply with the provisions of this subsection any such local authority may apply to the Minister to appoint an inspector for the purpose of testing such main and the foregoing provisions of this section shall apply to the appointment of such inspector and the Company shall pay the cost of such testing.

Entry on premises.

**131.** Any person who shall hinder an officer appointed by the Company from entering any premises in pursuance of section 24 (Power to enter lands or premises for ascertaining quantities of electricity consumed or to remove fittings &c.) of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings.

Where any premises which the Company or their officers are entitled to enter in pursuance of section 24 of the Electric Lighting Act 1882 are unoccupied the Company or their officers may after giving not less than forty-eight hours' notice to the owner thereof or if he or his address is unknown to the Company and cannot be ascertained after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

**132.** Nothing in the sections of this Act of which the marginal notes are "Bulk supplies" "Transfer of undertakings of other undertakers to Company" "Acquisition of generating stations &c. by agreement" and "Power to manage undertakings or works of other undertakers" shall prejudice or affect any right or interest of any officer or servant of any authorised undertakers under the provisions of section 15 of the Electricity (Supply) Act 1926 and the enactments and schedule therein referred to and the said provisions shall extend and apply to any officer or servant of any authorised undertakers affected by the acquisition of or closing (permanent or temporary) or alteration in the working or use of a generating station or by the acquisition of a main transmission line or any part thereof under or in consequence of any contract or agreement entered into by the Company under the provisions of this Act with any local authority company or person and the provisions of the said section 15 and the enactments and schedule therein referred to shall apply and have effect as if such closing or acquisition were a closing or acquisition under or in consequence of the said Act of 1926 and such alteration were a restriction imposed by or under a scheme under that Act.

A.D. 1929.  
—  
Compensation for deprivation of employment.

**133.** Where under this Act any question or dispute is to be referred to arbitration then unless other provision is made the reference shall be to an arbiter agreed on between the parties or failing agreement appointed by the Minister on the application of either party after notice to the other. The arbiter shall if any question of law arises in the course of the arbitration under this section have power at the request of either party to state a case for the opinion of the Court of Session and the said Court shall determine such question.

Arbitration.

**134.** Save as is otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act may be prosecuted and recovered in a summary manner. Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts.

Recovery of penalties &c.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
*Act, 1929.*

A.D. 1929.

Recovery of  
demands.

**135.** Proceedings for the recovery of any demand made under the authority of this Act or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any sheriff court having otherwise jurisdiction in the matter.

Crown  
rights.

**136.** Nothing in this Act shall affect prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained shall authorise the Company to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Board of Trade respectively without the consent in writing of the Commissioners of Crown Lands or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose.

Saving for  
general Act.

**137.** Nothing in this Act shall exempt the Company or the undertaking from the provisions of any general Act relating to the construction or security of reservoirs passed after the date of this Act.

Costs of Act.

**138.** All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Company.

The SCHEDULES referred to in the  
foregoing Act.

---

A.D. 1929.

---

FIRST SCHEDULE.

---

LANDS FOR GENERATING STATIONS.

First Lands in the parishes of Tongland and Kirkcudbright comprised within a boundary commencing at a point on the left bank of the river Dee on the south-west side of Tongland Old Bridge thence proceeding in a south-westerly direction for a distance of 550 yards or thereby measured along the left bank of the said river thence in a north-north-westerly direction for a distance of 105 yards or thereby thence in a north-easterly direction for a distance of 200 yards or thereby following the south-east side of the public road leading from Kirkcudbright to Castle Douglas thence in a north-westerly direction for a distance of 70 yards or thereby thence in a north-easterly direction for a distance of 285 yards or thereby thence in easterly north-easterly and south-easterly directions for a total distance of 270 yards or thereby to the point of commencement.

Secondly Lands in the parish of Kells comprised within a boundary commencing at a point on the north-east side of the public road leading from Garroch to New Galloway 450 yards or thereby measured in a north-westerly direction from its junction with the public road leading from Glenlee by Craigshinnie to the New Galloway - Newton Stewart road thence proceeding in an east-north-easterly direction for a distance of 250 yards or thereby thence in a south-easterly direction for a distance of 320 yards or thereby thence in a south-westerly direction for a distance of 340 yards or thereby thence in a north-westerly direction for a distance of 440 yards or thereby thence in a north-easterly direction for a distance of 85 yards or thereby to the point of commencement.

Thirdly Lands in the parishes of Kells and Dalry comprised within a boundary commencing at a point on the boundary between the said parishes at the south side of Allangibbon Bridge and proceeding in easterly south-easterly and southerly directions for a total distance of 400 yards following the side of a public road leading from Allangibbon Bridge to Dalry thence in a south-westerly direction for a distance of 150 yards or thereby to the left bank of the Water of Ken thence in a west-north-westerly direction for a distance of 190 yards or thereby thence in a north-north-easterly direction for a distance of 390 yards or thereby thence in an easterly direction for a distance of 100 yards or thereby to the point of commencement.

[Ch. lxxx.] *Galloway Water Power [19 & 20 GEO. 5.] Act, 1929.*

A.D. 1929.

Fourthly Lands in the parishes of Kells and Dalry comprised within a boundary commencing at a point on the boundary between the said parishes 130 yards or thereby measured in a northerly direction from Carsfad Ford thence proceeding in a west-south-westerly direction for a distance of 70 yards or thereby to the east side of the public road leading from Allangibbon Bridge to Carsphairn thence in north-westerly and northerly directions following the side of the said road for a distance of 170 yards or thereby thence in a north-westerly direction for a distance of 230 yards or thereby thence in a northerly direction for a distance of 180 yards or thereby thence in an easterly direction for a distance of 245 yards or thereby thence in a southerly direction for a distance of 530 yards or thereby thence in a westerly direction for a distance of 55 yards or thereby to the point of commencement.

Fifthly Lands in the parishes of Kells Dalry and Carsphairn comprised within a boundary commencing at a point on the boundary between the parishes of Kells and Dalry 120 yards or thereby measured in a south-easterly direction from the meeting point in the Water of Ken of the said three parishes thence proceeding in a south-westerly direction for a distance of 230 yards or thereby to the east side of the public road leading from Allangibbon Bridge to Carsphairn thence in north-north-westerly and north-westerly directions following the east side of the said road for a total distance of 280 yards or thereby thence in an east-north-easterly direction for a distance of 335 yards or thereby thence in a south-easterly direction for a distance of 200 yards or thereby thence in a south-westerly direction for a distance of 150 yards or thereby to the point of commencement.

SECOND SCHEDULE,

DESCRIBING PROPERTIES OF WHICH PORTIONS ONLY  
MAY BE TAKEN COMPULSORILY.

Parish.	Nos. on deposited plans.
Tongland	1A 9 14 15 16 17 18 19 20 21 22 23 26 31B 31C 37 45 46 47 and 48.
Kirkcudbright	6 7 and 8.
Kelton	14.
Balmaghie	1 2 17 35 and 36.
Crossmichael	3 5 5A 6 36 37 and 40.
Balmaclellan	29 and 30.
Kells	3 4 32 32A 47 117 118 119 and 121.
Minnigaff	13 14 15 and 16.



[19 & 20 GEO. 5.] *Galloway Water Power Act, 1929.* [Ch. lxxx.]

Parish.	Nos. on deposited plans.	A.D. 1929.
Girthon - - - -	6 and 7.	
Dalry - - - -	4 5 17 19 and 20.	
Carsphairn - - - -	7 49 60 82 83 and 84.	
Straiton - - - -	39 41 42 and 47.	
Dalmellington - - - -	2 and 3.	

THIRD SCHEDULE.

DESCRIBING PROPERTIES IN RESPECT OF WHICH  
SERVITUDES ONLY MAY BE TAKEN COMPULSORILY.

Parish.	Nos. on deposited plans.
Tongland - - - -	25 35 36 37 and 40.
Kells - - - -	88 89 90 91 92 93 94 95 96 96A 97 98 99 100 101 102 103 104 105 106 106A 107 108 109 143 and 145.
Girthon - - - -	5.
Dalry - - - -	63.
Carsphairn - - - -	61A 64 69 70 and 71.

FOURTH SCHEDULE.

In this schedule—

The expression “unit” means the electricity contained in a current of one thousand amperes flowing under an electromotive force of one volt during one hour;

The expression “kilovolt ampere” means the current in amperes actually used multiplied by the declared pressure of supply in volts and divided by one thousand;

The expression “consumer” means any authorised undertakers local authority company body or person supplied by the Company with electricity under the powers of this Act.

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929.

SECTION I.

Maximum rates for a supply of electricity in bulk or for power—

- (a) A sum of six pounds per kilovolt ampere per annum of the maximum power required to be supplied to the consumer and in addition
- (b) A sum of three halfpence per unit for all units supplied to the consumer.

SECTION II.

Maximum rates for a supply of electricity for lighting or general domestic purposes (including office purposes):—

- (1) Where the Company do not charge in accordance with paragraph (3) of this section—

- (a) A sum payable quarterly in advance of thirty pounds per kilowatt per annum based on (i) seventy per centum of the wattage of the lighting installation in the case of premises used only for private residence and (ii) the total wattage of the lighting installation in the case of other premises and in addition

- (b) A sum of twopence per unit for all units supplied to the consumer.

- (2) Where the Company charge any consumer by the actual amount of energy supplied to him—

The rate of eightpence per unit. Provided that the Company may make the following minimum charges (exclusive of meter rental) if energy to the value of the following amounts is not actually consumed (that is to say):—

- (a) In respect of the quarters ending thirty-first March and thirty-first December ten shillings;

- (b) In respect of the quarters ending thirtieth June and thirtieth September six shillings and eightpence.

- (3) Where the Company charge any consumer by the electrical quantity contained in the supply given to him they shall charge him according to the rates set forth in paragraph (2) of this section and the amount of energy supplied to him shall be taken to be the product of that electrical quantity and the declared pressure at the consumer's terminals that is to say such a constant pressure at those terminals as may be declared by the Company under the regulations of the Electricity Commissioners.

FIFTH SCHEDULE.

A.D. 1929.

HEADS OF AGREEMENT between the AYRSHIRE ELECTRICITY BOARD (hereinafter called "the First Parties") of the first part and the POWER AND TRACTION FINANCE COMPANY LIMITED as representing the Promoters of the Galloway Water Power Bill as representing and taking burden on them for the Galloway Water Power Company proposed to be incorporated under the said Bill (hereinafter called "the Second Parties") of the second part.

WHEREAS application was made to the Secretary for Scotland under and in pursuance of the Private Legislation Procedure (Scotland) Act 1899 by the Second Parties for a Provisional Order under the name or short title of the "Galloway Water Power Order 1928" for incorporating and conferring powers upon the said Galloway Water Power Company (hereinafter referred to as "the Company") and for other purposes :

And whereas printed copies of the draft of the said Provisional Order (hereinafter termed "the Order") were deposited in accordance with the General Orders under the said Act of 1899 and a printed copy thereof was delivered to the First Parties or their agents :

And whereas it has been decided that the procedure in the said application shall be by way of Private Bill instead of Provisional Order and a printed copy of the Bill (hereinafter called "the Bill") which is accordingly being promoted by the Second Parties has been delivered to the First Parties or their agents :

And whereas by the Bill it is sought to confer upon the Company statutory powers for the construction and working of electricity generating stations and other works in the counties of Kirkcudbright and Ayr for the supply of electricity by means of water power and for the acquisition of lands and others and appropriating using and diverting for the purposes of the undertaking the waters of various rivers and lochs all as set forth in the Bill and in the deposited plans :

And whereas the powers sought to be conferred by the Bill will affect the interests of the First Parties and the First Parties duly presented a petition against the preamble of the Order which petition is being maintained against the Bill :

And whereas it has been agreed between the Parties that the First Parties shall withdraw their opposition to the Bill in respect of the arrangements and consideration agreed upon and hereinafter contained and that the provisions after specified should be made

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929. — for the protection of the First Parties in the event of the Bill being passed into an Act of Parliament (hereinafter called "the Act").

Therefore notwithstanding anything to the contrary contained in the Bill or in the Act or any Act incorporated therewith the parties have agreed and do hereby agree and bind and oblige themselves as follows videlicet :—

On the enactment of the Bill the First Parties will enter into an agreement with the Galloway Water Power Company for the purpose of giving effect to the following provisions of these presents :—

1. If called upon by the First Parties the Second Parties shall supply electricity to the First Parties for their peak load subject to the conditions hereinafter provided :
2. Any supply afforded under this agreement shall be generated by the Second Parties at one or other of the power stations belonging to them and delivered to the First Parties at the most northerly of said power stations which is situated at Kendoon. Such supply shall be taken by the First Parties for their peak load period of  $3\frac{1}{2}$  hours per day daily except Saturdays and Sundays during the winter months of October to March inclusive. The Second Parties shall not be bound to afford a daily supply of more than 4,000 kilowatts during the said winter months and the First Parties in calling on the Second Parties to afford a supply under this agreement shall specify the amount thereof which they require the Second Parties to afford. Such specified amount however shall not require to be taken by the First Parties to the full extent on holidays or diminution of load on the power station of the First Parties :
3. On the First Parties calling upon the Second Parties to supply electricity under this agreement the Second Parties shall commence such supply as soon as a supply of electricity is available at Kendoon from one or other of the said power stations or as soon thereafter as shall be reasonably practicable. The Second Parties shall construct a transmission line from the said power station to the north end of Loch Doon or to the south end of Dalmellington as the First Parties may require which line shall be capable of transmitting the maximum power which the First Parties have required the Second Parties to supply in addition to the maximum supply declared in terms of clause Eighth hereof. This transmission line shall be constructed by contract and the First Parties shall have the right to approve of the design and specification and of the contract but shall not

unreasonably withhold their approval. The Second Parties undertake that the transmission line shall be completed within one year from the date of the First Parties approving of the contract for its construction :

4. The generating pressure of the Second Parties shall be at 11,000 volts and the supply shall be given at said 11,000 volts or 25,000 volts as shall be agreed between the Parties or required by the First Parties when they elect to take a supply under this agreement. The supply shall be metered at the said power station at Kendoon :
5. The price payable by the First Parties to the Second Parties for the said supply of electricity shall be the actual generating cost to the Second Parties (including the capital charges on the standard basis as stated by the Electricity Commissioners or the Central Electricity Board) plus 5 per cent. and in addition (but only in so far as these costs are incurred by the Second Parties) the cost of maintenance including the necessary renewals along with interest not exceeding 6 per cent. on the cost of construction of the transmission line and sinking fund charges in respect of the said line spread over the period of said agreement. There shall be included in the cost of the transmission line the cost of all transformers meters and feeder switchgear required in connection therewith. On the whole cost of the transmission line having been paid off by the said sinking fund the transmission line with the above-mentioned relative equipment shall become the property of the First Parties :
6. The First Parties shall be entitled to elect to erect the transmission line at their own expense and to take delivery of the electricity at the said power station at Kendoon. Further the First Parties shall be entitled to elect at any time to maintain the said transmission line at their own expense :
7. In the event of the First Parties having called upon the Second Parties to afford a supply of electricity during the winter months under this agreement they shall be entitled further to require the Second Parties to supply during the summer months of April to September inclusive on the same terms as the winter supply a quantity of electricity not exceeding 4,200,000 units during the six months at an average rate of 700,000 units per month during such hours as the First Parties may select provided that the maximum daily demand shall not exceed 3,000 kilowatts and provided also that the Second Parties shall not be bound to afford a supply during any hours when the said power station at

A.D. 1929.

Kendoon or any of the other power stations belonging to them are not ordinarily running And provided further that the Second Parties shall not be liable for any failure to afford a supply during any period when it is not reasonably practicable for them to afford a full supply by reason of lack of water power or any other cause beyond their control but that in this event the Second Parties shall if required by the First Parties and in so far as is reasonably practicable increase the quantity to be supplied during the remainder of the six summer months so as to make up the arrears :

8. In the event of the Second Parties desiring to use the said transmission line for any purpose they shall be entitled to do so provided that the Second Parties shall pay to the First Parties or deduct from any sum payable to them by the First Parties a sum representing the due proportion of the interest maintenance and renewal charges in relation to the extent to which the Second Parties may use the line In this event the supply taken by the Second Parties shall be metered at the tapping points used by the Second Parties and an allowance shall be made for the losses in transmission between the power station and the said points The maximum extent to which the Second Parties may desire to use the said transmission line in terms of this clause shall be declared by them before preparation of the specification for the construction of the said line and the cost thereof shall be borne by the two Parties in proportion to their respective declared requirements :
9. In the event of the First Parties requiring a supply of electricity under this agreement they shall become bound to continue to take the supply as hereinbefore provided for a period of 21 years from the date of commencement of the supply :
10. This agreement shall be subject to confirmation by the Central Electricity Board and by the Electricity Commissioners :
11. The option of the First Parties to call on the Second Parties to afford a supply under this agreement shall terminate two years after the completion of the said power station and unless the Parties shall otherwise agree the First Parties shall not thereafter be entitled to require the Second Parties to afford any supply of electricity to them In the event of the First Parties not exercising their said option or of the Central Electricity Board or the Electricity Commissioners refusing to confirm this agreement the Second Parties shall on the expiry of the

said period of two years pay to the First Parties the sum of £2,000 : A.D. 1929.

12. All disputes regarding the meaning of this agreement or the implement thereof or any sums payable in terms thereof shall be referred to the decision of the Central Electricity Board whose decision shall be final :
13. The Second Parties undertake that this agreement will be scheduled to the Bill and they further undertake that upon the passing of the Act the Company shall immediately ratify and confirm the same :
14. The First Parties in respect of the whole provisions of this agreement and of the undertakings contained therein agree not to oppose the Bill or the preamble thereof and will give to the Second Parties such assistance other than financial assistance as is in their power and will if requested to do so appear as supporters of the Bill :
15. This agreement is subject to such alterations as Parliament may think fit to make therein but if any alteration is made therein which in the opinion of the Dean of the Faculty of Advocates is material either party may withdraw from the same.

In Witness whereof these presents typewritten on this and the five preceding pages are executed in duplicate as follows videlicet They are sealed with the common seal of the said the Power and Traction Finance Company Limited and subscribed on their behalf by James Scorgie Meston Baron Meston of Agra and Dunottar and Victor Watlington two of their directors and Derrick Leslie John Perkins their secretary all at London on the twenty-sixth day of February nineteen hundred and twenty-nine and they are sealed with the common seal of the said Ayrshire Electricity Board and subscribed on their behalf by Mathew Smith and David Orr two of the members thereof and Robert Russell Brown the clerk thereof all at Kilmarnock on the twenty-seventh day of the month and year last mentioned before these witnesses Netta Hight McFadzean typist and John Davidson Pringle clerk both to the said Ayrshire Electricity Board.

(Signed)

NETTA H. McFADZEAN Witness.	MATHEW SMITH Member.
JOHN D. PRINGLE Witness.	DAVID ORR Member.
	R. RUSSELL BROWN Clerk.
	MESTON Director.
	V. WATLINGTON Director.
	D. L. J. PERKINS Secretary.

A.D. 1929.

SIXTH SCHEDULE.

HEADS OF AGREEMENT between the COUNTY COUNCIL of the STEWARTRY of KIRKCUDBRIGHT (hereinafter called "the First Parties") of the first part and the POWER AND TRACTION FINANCE COMPANY LIMITED as representing the promoters of the Galloway Water Power Bill as representing and taking burden on them for the Galloway Water Power Company proposed to be incorporated under the said Bill (hereinafter called "the Second Parties") of the second part.

WHEREAS application was made to the Secretary for Scotland under and in pursuance of the Private Legislation Procedure (Scotland) Act 1899 by the Second Parties for a Provisional Order under the name or short title of the "Galloway Water Power Order 1928" for incorporating and conferring powers upon the said Galloway Water Power Company (hereinafter referred to as "the Company") and for other purposes :

And whereas printed copies of the draft of the said Provisional Order (hereinafter termed "the Order") were deposited in accordance with the General Orders under the said Act of 1899 and a printed copy thereof was delivered to the First Parties or their agents :

And whereas it has been decided that the procedure in the said application shall be by way of Private Bill instead of Provisional Order and a printed copy of the Bill (hereinafter called "the Bill") which is accordingly being promoted by the Second Parties has been delivered to the First Parties or their agents :

And whereas by the Bill it is sought to confer upon the Company statutory powers for the construction and working of five electricity generating stations and other works in the counties of Kirkcudbright and Ayr for the supply of electricity by means of water power and for the acquisition of lands and others and appropriating using and diverting for the purposes of the undertaking the waters of various rivers and lochs all as set forth in the Bill and in the deposited plans :

And whereas the powers sought to be conferred by the Bill will affect the interests of the First Parties and the First Parties duly presented a petition against the preamble of the Order which petition is being maintained against the Bill :

And whereas it has been agreed between the parties that the First Parties shall withdraw their opposition to the Bill in respect of the arrangements agreed upon and hereinafter contained and that the provisions hereinafter specified should be made for the



protection of the First Parties in the event of the Bill being passed into an Act of Parliament (hereinafter called "the Act"). A.D. 1929.  
—

Therefore notwithstanding anything to the contrary contained in the Bill or in the Act or any Act incorporated therewith the parties have agreed and do hereby agree and bind and oblige themselves as follows videlicet :—

On the enactment of the Bill the First Parties will enter into an agreement with the Company for the purpose of giving effect to the following provisions of these presents :—

**First** With a view to assisting the distribution of electricity throughout the stewartry of Kirkcudbright including the burghs situated therein the Company shall in the event of the First Parties becoming authorised distributors for the said stewartry and proceeding with a comprehensive scheme of distribution pay to the First Parties from and after the date when the whole of the works to be authorised by the Act are assessed for rating purposes such a sum as shall together with the whole rates payable by the Company to the First Parties in respect of the undertaking and any amount payable in terms of clause Second hereof amount to fifteen thousand pounds in each year The sum payable to the First Parties under this agreement shall be exclusively applied towards the annual cost of distribution of electricity except as provided for in clause Second hereof by the First Parties including interest on capital charges and sinking fund in respect thereof Provided that during the interim period of construction of the works authorised and as from the date when either of the proposed generating stations at Tongland or Glenlee come into commercial operation the payment by the Company to the First Parties shall be the sum of two thousand pounds per annum in addition to the rates payable by the Company Upon any of the generating stations proposed to be erected on the River Ken coming into commercial operation the annual payment in addition to the annual rates shall be increased to the sum of three thousand pounds and the Second Parties shall continue to pay the said sum of three thousand pounds annually until on the completion of the whole proposed works they come under obligation to pay the said sum of eleven thousand pounds :

**Second** If in any year after the whole works proposed in the Bill have been completed the total amount of rates payable by the Second Parties to the First Parties falls short of twelve thousand pounds the Second Parties agree to pay to the First Parties such sum as together

[Ch. lxxx.] *Galloway Water Power* [19 & 20 GEO. 5.]  
Act, 1929.

A.D. 1929.

with the total rates payable for that year shall make up the sum of twelve thousand pounds. During any period when a portion only of the authorised works have been carried out for the said sum of twelve thousand pounds there shall be substituted such less sum as bears the same proportion to twelve thousand pounds as the total plant capacity of the works already completed bears to one thousand kilowatts. The sum payable under this head may be applied as an additional provision for the electricity distribution scheme to the extent of a sum of one thousand pounds and any balance of the said sum payable shall be applied by the First Parties for the relief of rates in such manner as they may determine :

Third The Second Parties shall be bound before permanently flooding any submerged area in the stewardry of Kirkcudbright to cut down and remove any standing timber growing thereon :

Fourth The Second Parties undertake that this agreement will be scheduled to the Act and they further undertake that upon the passing of the said Act the Company shall immediately ratify and confirm the same :

Fifth The First Parties in respect of the whole provisions of this agreement and of the undertaking contained therein agree not to oppose the Bill or the preamble thereof and will give to the Second Parties such assistance other than financial assistance as in their power and will if requested to do so appear as supporters of the Bill :

Sixth This agreement is subject to such alteration as Parliament may think fit to make therein but if any alteration is made therein which in the opinion of the Dean of the Faculty of Advocates is material either party may withdraw from the same.

In Witness whereof these presents typewritten on this and the three preceding pages are executed in duplicate as follows videlicet They are sealed with the common seal of the said the Power and Traction Finance Company Limited and subscribed on their behalf by James Scorgie Meston Baron Meston of Agra and Dunottar and Victor Watlington two of their directors and Derrick Leslie John Perkins their secretary all at London on the eleventh day of March nineteen hundred and twenty-nine and they are sealed with the common seal of the said county council and subscribed on their behalf by Ernest Switzer Forde provost of Castle Douglas and Sir Charles Dunbar Hope Dunbar baronet of Saint Mary's Isle both members of the said county council and by Adam Brown county clerk on the eighteenth day of the month and year last mentioned as follows By the said Ernest Switzer Forde at Castle Douglas before these witnesses Andrew Cleland

[19 & 20 GEO. 5.] *Galloway Water Power* [Ch. lxxx.]  
*Act, 1929.*

Brown LL.B. solicitor Kirkcudbright and John Andrew Armstrong farmer Culquha Ringford by the said Sir Charles Dunbar Hope Dunbar baronet at Saint Mary's Isle before these witnesses Frederick Thomas Howling his butler and the said Andrew Cleland Brown and by the said Adam Brown at Kirkcudbright before these witnesses the said Andrew Cleland Brown and James Caldow county clerk's office Kirkcudbright. A.D. 1929.

(Signed)

A. C. BROWN Witness.	ERNEST S. FORDE.
J. A. ARMSTRONG Witness.	
F. T. HOWLING Witness.	C. D. HOPE DUNBAR.
A. C. BROWN Witness.	
A. C. BROWN Witness.	ADAM BROWN County Clerk.
J. CALDOW Witness.	
	MESTON Director.
	V. WATLINGTON Director.
	D. L. J. PERKINS Secretary.

---

Printed by EYRE and SPOTTISWOODE, LTD.,  
FOR  
WILLIAM RICHARD CODLING, Esq., C.B., C.V.O., C.B.E., the King's Printer of  
Acts of Parliament.

---

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses:  
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;  
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;  
15, Donegall Square West, Belfast;  
or through any Bookseller.

18

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..

... ..