CHAPTER lxxvii.

An Act to confirm a Provisional Order under the Public Health (Scotland) Act 1867 and any Acts amending the same relating to Bonnybridge Dennyloanhead Parkfoot Longcroft Haggs and Hollandbush Water. A.D. 1896.

[2nd July 1896.]

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Public Health (Scotland) Act 1867 and Acts amending the same and it is necessary that the said Order shall be confirmed by Parliament: 30 & 31 Vict. c. 101.

Be it therefore enacted by the Queen's most Excellent Majesty by and with the advice and consent of the Lords Spiritual and Temporal and Commons in this present Parliament assembled and by the authority of the same as follows:—

1. The Provisional Order contained in the schedule hereto annexed shall be and the same is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Bonnybridge &c. Water Order Confirmation Act 1896. Short title.

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SCHEDULE.

PROVISIONAL ORDER.

WHEREAS by the Public Health (Scotland) Act 1867 (herein-after called "the Act of 1867") it is inter alia enacted (section 89) with respect to parishes (exclusive of any parts of such parishes as are situated within the district of any local authority other than the parochial boards of such parishes) as follows:—

"(1) The local authority if they think it expedient so to do may acquire and "provide or arrange for a supply of water for the domestic use of the "inhabitants and for that purpose may conduct water from any lake "river or stream may dig wells make and maintain reservoirs may "purchase take upon lease hire construct lay down and maintain such "waterworks pipes and premises and do and execute all such works "matters and things as shall be necessary and proper for the aforesaid "purpose and may themselves furnish a supply of water or contract or "arrange with any other person to furnish the same and for the purposes "aforesaid the local authority shall be held to have all the powers and "rights given to promoters of undertakings by the Lands Clauses Acts "Provided always that they shall make reasonable compensation for the "water so taken by them and for the damage which may be done to any "lands by reason of the exercise of the powers hereby conferred in terms "of the said Acts and farther that for the purposes of this Act the words "'lands' and 'land' in the said Acts and in this Act shall include "'water' and 'the right thereto'" and "(3) the local authority if they "have any surplus water after fully supplying what is required for "domestic purposes may supply water from such surplus to any public "baths and wash-houses or for trading or manufacturing purposes on such "terms and conditions as may be agreed on between the local authority "and the persons desirous of being so supplied":

And whereas it is further provided by the Act of 1867 (section 90) with respect to the purchase and taking of land otherwise than by agreement by local authorities for the purposes of the said Act that upon compliance with the provisions therein contained with respect to advertisements and notices the local authority may present a petition to one of Her Majesty's Principal Secretaries of State stating the land intended to be taken and the purposes for which it is required and the names of the owners lessees and occupiers of land who have assented dissented or are neuter in respect of the taking such land or who have returned no answer to the notice and praying that the local authority may with reference to such land be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement and that upon the receipt of such petition and upon due proof of the proper advertisements having been published and notices served the Secretary of State may direct an inquiry in the district in which the land is

situate or otherwise inquire as to the propriety of assenting to the prayer of such petition and that after the completion of such inquiry the Secretary of State may by Provisional Order empower the local authority to put in force with reference to the land referred to in such Order the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement or any of them:

And whereas by the Local Government (Scotland) Act 1889 the central district committee of the county council of the county of Stirling and the eastern district committee of the county council of the county of Stirling (herein-after together called "the respective district committees") are the local authorities under the Act of 1867 and Acts amending that Act of the central district and the eastern district respectively of the county of Stirling formed in pursuance of the said Local Government (Scotland) Act 1889 and that in the room and place of the parochial boards of the several parishes within the said respective districts which districts include the parishes of Dunipace Denny and Kilsyth in the said central district and the parish of Falkirk in the said eastern district:

And whereas by the Act of 1867 it was further provided (section 92) that two or more local authorities might combine together for the purpose of executing and maintaining any works by that Act authorised in regard to water supply that might be for the benefit of their respective districts and that all moneys which they might agree to contribute for the execution and maintenance of such common works should in the case of each local authority be deemed to be expenses incurred by them in the execution of works within their district:

And whereas under the powers of the Act of 1867 the said central district committee duly formed into a special water supply district the part of the central district of the county of Stirling in and around the towns or villages of Bonnybridge Dennyloanhead Parkfoot Longcroft Haggs and Hollandbush in the said parishes of Dunipace Denny and Kilsyth coloured green on the ordnance survey map deposited with the plans and sections after-mentioned and the said eastern district committee duly formed into a special water supply district the part of the eastern district of the county of Stirling in and around the town or village of Bonnybridge in the said parish of Falkirk coloured brown on the said ordnance survey map no part of which special water supply districts is in the district of any local authority other than the respective district committees formerly the parochial boards of the said parishes:

And whereas by an agreement entered into between the respective district committees dated the thirtieth day of August and sixteenth day of September one thousand eight hundred and ninety-five and recorded in the books of Council and Session at Edinburgh on the twenty-seventh day of September one thousand eight hundred and ninety-five they resolved to combine for the purpose of executing and maintaining the works in regard to the water supply of the said two special water supply districts and they inter alia agreed to unite in taking all judicial and other proceedings necessary to enable them to obtain legislative or other authority for the acquiring or taking of land and wayleaves for and for all other purposes connected with the formation and construction of

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the works necessary for supplying the said special water supply districts with water and to unite in acquiring or taking such land and wayleaves and in carrying the said works to completion within a reasonable time:

And whereas by the Secretary for Scotland Act 1885 all powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State by the Act of 1867 and Acts amending the same were transferred to vested in and imposed on the Secretary for Scotland:

And whereas a petition under the provisions of the Act of 1867 and any Acts amending the same has been presented to me as the Secretary for Scotland by the respective district committees as the local authorities aforesaid setting forth among other things that no part of the said special water supply districts is in the district of any local authority other than the respective district committees formerly the said parochial boards that the present supply of water to the said special water supply districts is defective and insufficient and the water itself impure and that it would be of great local advantage and conducive to the public health if the petitioners were enabled to obtain and provide a more abundant and wholesome supply of water for the domestic use of the inhabitants and for public baths and wash-houses and for trading or manufacturing purposes within the said respective special water supply districts under the provisions of the Act of 1867 and any Acts amending the same and that for the purpose of affording such supply of water the petitioners proposed to construct the works within the said parishes of Dunipace Denny Kilsyth and Falkirk or some of them in the said county of Stirling shown on the plans herein-after mentioned and under the provisions of the said last-mentioned Act and the Lands Clauses Acts to purchase and take the lands situate within the said parishes of Dunipace Denny Kilsyth and Falkirk or some of them in the said county of Stirling delineated on the said plans and described in the book of reference thereto also herein-after mentioned or such of them as will or may be required to be taken or used for or in connection with the said works and the said water supply as also to intercept and divert into the said intended works or some of them the waters of and draining into the Castlerankine Burn and of any affluents thereof above the point of commencement of the intake channel conduit or pipe (No. 1) shown on the said plans herein-after mentioned except such quantity as may not be required for the purposes of the said intended supply of water or as may be directed by this Order to be discharged by way of compensation to the persons (if any) now having right to the use of the said waters:

And whereas the said petition further set forth that the petitioners published the advertisements and deposited the plans and sections and book of reference and served the notices required by the said section 90 of the Act of 1867 and prayed that a Provisional Order might be made in pursuance of the provisions of that Act empowering the petitioners to put in force with reference to the lands above mentioned the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas due inquiry having been directed and held in respect of the matters contained in the said petition I have resolved to grant the prayer thereof and plans and sections describing the works to be constructed and also

the lands intended to be taken for the purposes thereof and of the said water supply and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been signed by me with reference to this Order and will be deposited with the sheriff clerk of the county of Stirling at his offices at Stirling and Falkirk respectively:

Now therefore in pursuance of the powers contained in the Act of 1867 and transferred to and vested in me by the Secretary for Scotland Act 1885 I the Right Honourable Alexander Hugh Lord Balfour of Burleigh Her Majesty's Secretary for Scotland do by this Provisional Order under my hand and seal direct that from and after the passing of an Act of Parliament confirming the same:—

Local authorities may put in force powers of Lands Clauses Acts.

1. It shall be lawful for the respective district committees as the local authorities aforesaid to put in force with reference to the lands delineated and described on the said plans and in the said book of reference the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

Powers of lateral and vertical deviation.

2. In constructing the works described on the said plans the respective district committees may deviate laterally from the lines laid down thereon to any extent not exceeding the limits of lateral deviation shown thereon but not further except with the consent of the owner of the lands through or in which the deviation is made and may deviate vertically from the levels of the said works as shown on the said sections to any extent not exceeding five feet upwards and five feet downwards Provided always that they shall not in the exercise of the power of lateral deviation hereby given construct any embankment or retaining wall of the reservoir shown on the said plans of a greater height above the general surface of the ground than that shown on the said sections and three feet in addition Provided also that if they shall exercise the powers of vertical deviation hereby granted they shall construct such embankment of such additional thickness at the base as shall be equal to five feet for every foot of additional height and shall make a corresponding addition to the strength of any retaining wall Provided also that they shall not raise any aqueduct culvert conduit or pipe above the surface of the ground unless so shown on the sections and then only to the extent so shown Provided also that they may erect any water-tower stand pipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Order.

Power to take wayleaves &c.

3. The respective district committees may in the execution of the aforesaid works take wayleaves easements servitudes or other limited rights over lands and other property subject to such conditions as may be agreed on with the persons interested.

Incidental works.

4. The respective district committees may make lay down erect and maintain all such embankments cuttings banks weirs waste water-courses bye-washes bye-passes sluices gauges filters filtering beds tanks pipes cuts channels tunnels roads paths and all other works and conveniences as may be required for the

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purposes of or in connection with the works shown on the said plans and the supply of water aforesaid and may from time to time within the said special water supply districts make lay down and maintain all such aqueducts conduits main and distributing and service pipes valves gauges scours pressure pipes catchwater drains and all other works engines and conveniences necessary or proper for conducting distributing and supplying water within the said districts and may also from time to time on or within any of their lands or on or over any lands on or over which they by agreement have or may acquire right so to do extend alter replace enlarge and increase the number and size of their works mains and pipes for the better conveying distributing and supplying water to the said districts.

Compensation water.

5. The respective district committees shall as soon as the waterworks hereinbefore mentioned and described on the said plans are completed and water is supplied thereby to the said special water supply districts discharge into or allow to flow down the Castlerankine Burn below the intended reservoir a regular and continuous flow of water of not less than seventy-five thousand gallons in everyd ay of twenty-four hours which quantity of water shall be deemed to be full compensation to all lands mills manufactories works and other properties and to the owners lessees and occupiers thereof and all other persons for and in respect of the water to be intercepted taken and appropriated under this Order.

Measuring gauge to be maintained.

6. The respective district committees shall construct and at all times maintain in sufficient repair a suitable measuring gauge over or through which the said quantity of compensation water shall flow or be delivered and which gauge shall be open to the inspection of all persons legally interested in the waters flowing down the Castlerankine Burn.

Restriction on taking houses of labouring class.

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

For the purposes of this section the expression "labouring class" means and includes mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings a week and the families of any of such persons who may be residing with them.

Parts of Waterworks Clauses Acts incorporated.

8. The clauses of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the Undertakers are hereby incorporated with this Order.

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Interpretation.

9. The expression "the special Act" in the Lands Clauses Acts and in the clauses and provisions of the Waterworks Clauses Acts 1847 and 1863 incorporated herewith shall mean and include this Order and the Act confirming the same the expressions "the Promoters of the Undertaking" in the Lands Clauses Acts and "the Undertakers" in the said clauses and provisions of the Waterworks Clauses Acts 1847 and 1863 shall each with reference to this Order mean the respective district committees the expression "the limits of the special Act" in the said clauses of the Waterworks Clauses Act 1847 shall with reference to this Order mean the limits of the said special water supply districts and the word "lands" in this Order shall have the meaning assigned to it in the Lands Clauses Acts and shall include water and the right thereto.

Given under my hand and seal at Whitehall this twenty-fifth day of March in the year one thousand eight hundred and ninety-six.

(L.S.) Balfour of Burleigh.

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