CHAPTER iii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Coatbridge Burgh Extension &c.

[18th December 1947.]

WHEREAS the Provisional Order set forth in the schedule hereunto annexed has been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is requisite that the said Order should be confirmed by Parliament: 26 Geo. 5. & 1 Edw. 8. c. 52.

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

1. The Provisional Order contained in the schedule hereunto annexed is hereby confirmed. Confirmation of Order in schedule.

2. This Act may be cited as the Coatbridge Burgh Extension &c. Order Confirmation Act 1947. Short title.

SCHEDULE.

COATBRIDGE BURGH EXTENSION &c.

Provisional Order to extend the municipal and police boundaries of the burgh of Coatbridge in the county of Lanark and for other purposes.

WHEREAS the provost magistrates and councillors of the burgh of Coatbridge in the county of Lanark (hereinafter referred to as "the Town Council" and "the burgh" respectively) are the police public health municipal local and road authority within the burgh and are charged with the administration and management thereof:

And whereas the lands available within the burgh for the purpose of providing housing accommodation for the inhabitants of the burgh and removing the overcrowding which prevails in parts of the burgh are limited in extent and it is necessary to provide for the erection of houses on lands outwith the existing boundaries of the burgh for the accommodation of persons employed therein and additional lands will be required for such purposes:

And whereas the area described in the First Schedule to this Order is situated in the county of Lanark and immediately adjoins the existing burgh and a large part of the said area has been acquired by the Town Council for housing purposes and other parts of the said area are suitable for housing:

And whereas there is community of interest between the said area and the burgh and the inclusion of the said area within the burgh would facilitate the rehabilitation of derelict and semi-derelict land within the existing burgh for industrial redevelopment and the achievement of a balanced town planning scheme:

And whereas it is expedient that the boundaries of the existing burgh should be extended so as to include the said area as provided in this Order and that all franchises rights privileges and immunities of and pertaining to the existing burgh and the powers and jurisdictions of the Town Council and all other powers and jurisdictions applicable within the existing burgh and all public and local Acts and Orders relating to and in force for the time being within or applicable to the existing burgh should as provided by this Order be applied to the burgh as extended by this Order and to the inhabitants thereof:

And whereas it is expedient that subject to the provisions of this Order the said area should be separated and disjoined for the purposes of this Order from the county of Lanark and that subject to the provisions of the Local Government (Scotland) Act 1947 and of this Order all matters of administration and management and all jurisdictions powers functions and authorities within the said areas should devolve upon and be vested in the Town Council:

10 & 11 Geo. 6. c. 43.

And whereas it is expedient that the added area should be added to certain existing wards of the burgh and that a portion of one of the said existing wards should be transferred to and incorporated in another of the said existing wards as provided in this Order:

And whereas it is expedient to authorise the Town Council to borrow further money for the purposes mentioned in this Order:

And whereas it is expedient that the limitation on the amount of the rate which may be levied by the Town Council in order to meet expenditure incurred in respect of their public libraries should be removed as provided in this Order:

And whereas it is expedient that the further provisions contained in this Order should be enacted:

And whereas the purposes aforesaid cannot be effected without an Order confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1936:

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

PART I.

PRELIMINARY.

Short and collective titles.

1. This Order may be cited as the Coatbridge Burgh Extension &c. Order 1947.

This Order and the Coatbridge Burgh Act and Orders 1885 to 1937 may be cited together as the Coatbridge Burgh Act and Orders 1885 to 1947.

Commencement.

2. This Order shall except as otherwise expressly provided come into operation on the date of the passing of the Act confirming this Order (which date is hereinafter referred to as "the commencement of this Order").

Order divided into Parts.

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

Part I.—Preliminary.
Part II.—Extension of boundaries.
Part III.—Financial and miscellaneous.

Interpretation.

4. In this Order the following words and expressions shall unless there be something in the subject or context repugnant to such construction have the meanings hereby assigned to them (that is to say):—

"added area" means the portion of the county of Lanark by this Order incorporated with the existing burgh and shown on the map to be deposited in accordance with the provisions of the section of this Order of which the marginal note is "Map of burgh";

"burgh" means the burgh of Coatbridge as extended by this Order;

"common good" means the common good of the burgh;

"county" means the county of Lanark;

"county council" means the county council of the county of Lanark;

"dean of guild" means the dean of guild of the burgh elected in pursuance of the Coatbridge Burgh Act, 1885; 48 & 49 Vict. c. xli.

PART I. —*cont.*

" district council " means the No. 9 district council of the county of Lanark;

" Election Acts " means the Acts in force for the time being relating to the registration of parliamentary and local government electors and the election of town councillors;

" existing burgh " means the burgh of Coatbridge within the limits and boundaries existing immediately before the commencement of Part II of this Order;

" liabilities " unless where otherwise expressly provided includes all debts and liabilities to which any person is or but for the confirmation of this Order would be liable or subject whether accrued due at the commencement of Part II of this Order or subsequently accruing;

" magistrates " means the magistrates of the existing burgh or of the burgh as the case may be;

" office " includes any place situation or employment;

" powers " includes rights authorities jurisdictions civil and criminal capacities privileges and immunities;

" property " includes all property heritable and moveable and all interests servitudes and rights in to and out of property heritable and moveable including things forming the subject of claim or action and registers books and documents and when used in relation to any sheriff clerk town clerk clerk of the peace county clerk town council county council district council justices board or other authority includes any property which at the commencement of Part II of this Order belongs to or is vested in or held in trust for or would but for the passing of the Act confirming this Order have on or after that date belonged to or been vested in or held in trust for such sheriff clerk town clerk clerk of the peace county clerk town council county council district council justices board or other authority;

" sheriff " and " sheriff clerk " mean respectively the sheriff of the county of Lanark and any of his substitutes and the sheriff clerk of the county of Lanark;

" town clerk " means the town clerk of the existing burgh or of the burgh as the case may be;

" Town Council " means the provost magistrates and councillors of the existing burgh or of the burgh as the case may be;

" Town Council Acts " means the Town Council (Scotland) Acts 1900 to 1923.

PART II.

EXTENSION OF BOUNDARIES.

Commencement of Part II of Order.

5. This Part of this Order shall (except as hereinafter provided) come into operation on and from the sixteenth day of May one thousand nine hundred and forty-eight.

Extension of boundaries.

6. The municipal and police boundaries of the existing burgh shall be and are hereby extended to and shall include and comprehend in addition to the area embraced in the existing burgh

PART II. —*cont.*

the lands and area within the limits defined in the First Schedule to this Order situated in the parishes of Old Monkland and Bothwell and the county of Lanark Provided that the rules prescribed by the Representation of the People Acts shall be observed and receive effect with reference to the description of boundaries contained in the said schedule.

Map of burgh.

7.—(1) A map of the burgh (distinguishing the added area) of which fourteen copies have been signed by Matthew George Fisher counsel to the Secretary of State under the Private Legislation Procedure (Scotland) Act 1936 shall within one month after the date of the passing of the Act confirming this Order be deposited as follows (that is to say) one copy with the town clerk at his office two copies with the sheriff clerk that is one at each of his offices in Glasgow and Airdrie respectively one copy in the office of the Clerk of the Parliaments House of Lords one copy in the Committee and Private Bill Office of the House of Commons one copy at the Scottish Office London one copy with the Ministry of Agriculture and Fisheries one copy with the Commissioners of Inland Revenue one copy with the Commissioners of Customs and Excise one copy with the Board of Trade one copy with the Postmaster-General one copy with the Minister of Transport one copy with the Registrar-General of Births Deaths and Marriages in Scotland and one copy with the Electricity Commissioners.

(2) If there be any discrepancy between the said map and the descriptions in the First Schedule to this Order the said map shall be deemed to be correct and shall prevail.

Added area disjoined from county.

8. The added area shall be and is hereby for the purposes of this Order separated and disjoined from the county of Lanark.

Added area to form part of existing wards.

9.—(1) Subject to the provisions of this Order the portions of the added area described in Part I of the Second Schedule to this Order shall respectively be added to and form part of the existing wards of the existing burgh mentioned in that schedule.

(2) Subject to the provisions of this Order the portion of the Fourth or South-West Ward of the existing burgh described in Part II of the Second Schedule to this Order shall be disjoined from that ward and shall be added to and form part of the Sixth or South-East Ward of the burgh.

Town Council to administer affairs of burgh.

10. The Town Council shall in all respects stand in relation to the administration of the affairs and property of the burgh and of property under the care and management of the Town Council in the same position in which the Town Council of the existing burgh stood before the commencement of this Part of this Order and the Town Council shall have the same rights and powers of administration of the property and affairs of the burgh and of making all usual and necessary appointments as lawfully belonged to and were exerciseable or exercised by the Town Council of the existing burgh in regard thereto notwithstanding anything in the set usage or customs of the existing burgh to the contrary.

Property of existing burgh vested in Town Council.

11. Subject to the provisions of this Order the common good and all property (including all means revenues and income of every description arising therefrom) belonging to or leviable within the existing burgh or to which the existing burgh is entitled of which is held or

PART II. —*cont.*

administered by any person for or on behalf of the community of the existing burgh or for the public ends and purposes thereof shall be vested in and be held by the Town Council for the behoof and benefit of the burgh or (as the case may be) be administered by such person for or on behalf of the community of the burgh or for the public ends and purposes thereof and all debts and obligations due by or exigible from the existing burgh shall be due by and exigible from the burgh and all debts due to the Town Council by any person before the commencement of this Part of this Order may be demanded and recovered from such person and received and applied by the Town Council for the behoof of the burgh.

Powers of local authorities to cease in added area.

12. Subject to the provisions of this Order all jurisdictions rights powers and authorities which before the commencement of this Part of this Order were exercised or exerciseable by the county council or other local or licensing or other authority within or over the added area or any part or parts thereof (with the exception of such powers as were before that date exercised by the county council or other local or licensing or other authority other than the Town Council within the existing burgh or any part thereof) shall cease and determine.

Powers extended over added area.

13. The Town Council the provost the magistrates and the dean of guild of the existing burgh and their respective courts shall have possess and may exercise the same powers including (subject to the provisions of this Order) powers of assessment respectively in and over the burgh and over the inhabitants thereof as they and their respective courts had possessed and exercised in their several characters and capacities in and over the existing burgh and over the inhabitants thereof whether at common law or by statute and all rights and privileges and immunities and obligations enjoyed and possessed by or incumbent on the inhabitants of the existing burgh shall subject to the provisions of this Order extend and apply to the inhabitants of the burgh.

Existing trusts vested in Town Council.

14. Subject to the provisions of this Order all mortifications endowments and trusts however constituted charitable bequests or other grants held or administered by the Town Council or the magistrates or office bearers of the existing burgh by themselves or in conjunction with any person or body (but under the liabilities to which the same are legally subject) shall be vested in held and administered by the Town Council or the magistrates or office bearers of the burgh or so many of their number to be chosen by the Town Council for that purpose as are appointed by the deeds or writings under which such mortifications endowments trusts bequests or other grants are constituted together with the other trustees also therein nominated for the purposes and with the rights powers and authorities and subject to all the conditions and provisions under and upon which the same were conveyed granted or settled by the grantors or makers of such mortifications endowments trusts bequests or other grants.

Officers in existing burgh.

15. The several officers of or appointed by the Town Council shall possess and may exercise in their several characters and capacities the same powers in and over the burgh as they had possessed and exercised in their several characters and capacities in and over the existing burgh whether at common law or by statute but without prejudice to the right of the Town Council to make such arrangements

in regard to the said officers and their respective duties as before the commencement of this Part of this Order they were entitled to make with reference to the officers of the existing burgh. PART II. —*cont.*

Transfer of property and liabilities.

16.—(1) Subject to the provisions of this Order and except as otherwise expressly provided in this Order all property and assets of every description vested in held by or due or belonging to the county council the district council or other authorities in the added area are by virtue of this Order and without the necessity of recording in the register of sasines any conveyance notarial instrument notice of title or other deed or writing transferred to and vested in and shall be held by and be due and belong to the Town Council and shall form part of the property and assets of the Town Council for all the estate and interest therein of the county council the district council or such authorities and shall be received held and enjoyed by the Town Council accordingly.

(2) Subject to the provisions of this Order all the powers duties liabilities contracts and agreements of the county council the district council or such authorities in relation to the added area are by virtue of this Order transferred and shall attach to the Town Council and shall form part of the powers duties liabilities contracts and agreements of the Town Council and be enjoyed performed paid and discharged by them.

(3) For the purpose of enabling the Town Council to complete a title if thought fit to any part of the lands buildings and other heritable property transferred to and vested in them by virtue of this Order by expeding a notarial instrument notice of title or otherwise this Order shall be deemed to be and may be used as a general disposition or assignation as the case may be of such lands buildings and other property in favour of the Town Council.

(4) The Town Council shall determine any question which arises as to the department of the Town Council to which any part of such property shall belong and any question as to the branch of expenditure out of which such liabilities and obligations shall be defrayed.

(5) This section shall not apply to the property and assets situated beyond the burgh which belong to the county council the district council or other authority.

Assessment of burgh.

17. Subject to the provisions of this Order every rate charge or assessment authorised to be requisitioned for levied and collected by the county council over the added area or any part or parts thereof which has not been actually imposed before the commencement of this Part of this Order shall thereupon cease and determine within the added area and thereafter all rates charges and assessments leviable within the existing burgh by the Town Council shall be leviable on and within the burgh in the same way and manner as the same were leviable on and within the existing burgh.

Recovery of assessments within added area.

18. Every rate charge or assessment which has been actually imposed by the county council within the added area or any part thereof before the commencement of this Part of this Order together with all arrears thereof shall continue to be due and payable to and may be collected and levied by the county council and by the same ways and means and under the same restrictions and regulations as if the Act

PART II. —*cont.*

confirming this Order had not been passed and shall be received and applied by the county council to and for the purposes for which the same were authorised to be levied.

Roads streets and footpaths.

19. All bridges highways roads streets footpaths lanes and courts in the added area which were vested in the county council the district council or other authorities or which the said councils or authorities by minute or otherwise at or before the commencement of this Part of this Order have taken over or have agreed to take over and maintain or have maintained are by virtue of this Order transferred to and vested in and shall be managed maintained and repaired by the Town Council along with and in the same way and manner and to the same extent as the bridges highways roads streets footpaths lanes and courts within the existing burgh and the said councils or authorities shall be freed and relieved of the liability to repair and maintain all such bridges highways roads streets footpaths lanes and courts in all time coming.

Books to be evidence.

20.—(1) All books documents (including certified copies of agreements relating to the added area) maps and plans directed or authorised to be kept by the county council or any other authority in the added area or any of them by any Act or otherwise shall so far as they relate to the added area belong and be transferred to the Town Council and in so far as they would at the commencement of this Part of this Order be receivable in evidence shall be admitted as evidence in all courts and proceedings notwithstanding the cesser of the powers of the county council or other authorities.

(2) The foregoing provision shall not apply to the books documents maps and plans kept by the county council and other authorities which relate to parts of the county other than the added area but the Town Council and their officers shall be entitled to access to such books documents maps and plans in so far as may be necessary in relation to matters affecting the added area and the respective clerks or other officers of the county council and other authorities shall afford all reasonable facilities for that purpose.

Application of general and local Acts.

21.—(1) Except so far as inconsistent with or varied by this Order all public and general and local and personal Acts and Orders relating to and in force in the existing burgh and all byelaws rules regulations and orders made thereunder shall subject to the provisions of this Order be exercised over and be applicable to the burgh Provided that nothing in this section shall extend the area of supply defined by the Coatbridge Electric Lighting Orders 1890 and 1905.

(2) Notwithstanding anything contained in this section the byelaws and regulations which shall be made to affect the added area in regard to the construction occupation use cleansing or sanitation of or any other matter affecting any dwelling-houses cottar-houses byres dairy premises and sculleries milk-houses piggeries dungsteads and other buildings and erections thereon or any renewals extensions or enlargements thereof shall not during the period of five years after the commencement of this Part of this Order be made in terms more onerous on owners or tenants than the byelaws and regulations in regard to such matters in force at the time in the respective districts of the county of Lanark of which the added area formed part before the commencement of this Part of this Order.

PART II. —*cont.*

Variation of procedure under Temperance (Scotland) Act 1913. 3 & 4 Geo. 5. c. 33.

22. The Secretary of State may in order to meet the circumstances arising from the extension of the boundaries of the existing burgh authorised by this Order by order vary the procedure prescribed by or in pursuance of the Temperance (Scotland) Act 1913 in connection with the taking of polls under the last-mentioned Act or otherwise including any dates fixed in connection with such procedure.

Insurance committees.

23. The Secretary of State may by order reconstitute the insurance committees for the county and for the burgh as from the commencement of this Part of this Order or such subsequent date as he may determine and that in such manner and to such extent as he may deem necessary in consequence of the provisions of this Order and any such order may contain such incidental supplemental and consequential provisions as may appear to the Secretary of State necessary or expedient for carrying it into effect and for adapting thereto the provisions of the National Health Insurance Acts 1936 to 1941 Provided that any order so made shall be laid before both Houses of Parliament as soon as may be after it is made.

Poor law settlement.

24.—(1) Every person whose settlement is derived from birth or residence for the statutory period of three years in the added area shall be deemed to have a settlement within the burgh.

(2) Every person who at the commencement of this Part of this Order is resident in the added area and is in course of acquiring a settlement in the county by reason of such residence shall for the purposes of his settlement be deemed to have resided within the burgh during the period during which before the commencement of this Part of this Order he has resided within the added area.

(3) Where at the commencement of this Part of this Order a person has a settlement within the county by reason of residence partly in the added area and partly in another part of the county the burgh or the county as the case may be shall be deemed to be the area of settlement of that person according as the place of his residence at the time of his acquiring a settlement was within the added area or within another part of the county.

(4) For the purposes of section 4 of the Poor Law (Scotland) Act 1898 and subsection (3) of section 3 of the Poor Law (Scotland) Act 1934 every person who at the commencement of this Part of this Order is resident in the added area shall be deemed to have resided within the burgh during the period during which before the commencement of this Part of this Order he has resided within the added area or within any other part of the county.

61 & 62 Vict. c. 21. 24 & 25 Geo. 5. c. 52.

Town Council may enter into agreements.

25.—(1) Subject and without prejudice to any of the provisions of this Order the Town Council and the county council the district council or other authority (all of whom are hereinafter in this section referred to as " the authorities ") or any of them may make and carry into effect agreements with respect to the transfer of property from the authorities or any of them to the Town Council and for settling and adjusting any claims or any doubt or difference arising in relation thereto.

PART II. —*cont.*

(2) The provisions of any such agreement shall be deemed to be within the powers of the Town Council and of the authorities or any of them respectively and shall have and be carried into effect accordingly.

(3) Any difference arising as to any such agreement or as to any other matter or thing in relation to the transference under this Order of the property liabilities or powers of the authorities or any of them shall (failing agreement) be determined by an arbiter to be appointed by the Secretary of State on the application of any of the parties concerned.

(4) If any question of law arises in the course of such arbitration the arbiter shall have power at the request of any of the parties concerned to state a case for the opinion of the Court of Session and the said court shall determine such question.

As to drainage of added area.

26. Notwithstanding the inclusion of the added area within the boundaries of the burgh the county council shall if required by the Town Council subject to the provisions of the section of this Order of which the marginal note is " For protection of Lanarkshire County Council " receive treat and dispose of the sewage and drainage of the added area (or of any such part or parts thereof as may be agreed between the Town Council and the county council or determined by arbitration under the provisions of that section).

Financial adjustments.

27. The financial adjustments as between the Town Council and the county council consequent upon the inclusion within the boundaries of the burgh of the added area shall be made upon the basis of the provisions of section 142 of the Local Government (Scotland) Act 1947 and any dispute or difference arising in connection with such adjustments shall be settled by arbitration by an arbiter to be agreed upon or failing agreement to be appointed by the Secretary of State on the application of the Town Council or the county council.

Compensation to clerks of peace &c.

28.—(1) The Town Council shall pay to the persons now holding the respective offices of justice of the peace procurator fiscal clerk of the peace and county assessor under the Election Acts for the added area compensation in respect of any loss which they may respectively sustain by diminution of salary or emoluments or loss of office consequent upon the extension of the boundaries of the existing burgh authorised by this Order.

(2) In the event of the several compensations to be paid under this section not being agreed between the parties or in so far as such compensations are not so agreed the same shall be determined by an arbiter to be appointed by the Secretary of State on the application of any of the parties concerned and the decision of such arbiter shall be final.

Saving of existing jurisdictions &c.

29. Nothing contained in this Order shall transfer or be deemed or construed to transfer to the Town Council—

(1) (*a*) any jurisdiction power or right hitherto exercised or exerciseable by the county council within the added area which was also exercised or exerciseable within the existing burgh by the county council before the commencement of this Part of this Order;

(*b*) any liability debt duty or obligation incurred by or incumbent on the county council in connection with the exercise of any such jurisdiction power or right; or

(*c*) any property held or any officer or servant employed for the future exercise of any such jurisdiction power or right or for the discharge of any such liability debt duty or obligation:

(2) any property in the added area belonging to a railway company the Airdrie Coatbridge and District Water Board the Coatbridge Gas Company or an electricity supply company or any powers or duties of such companies or board exercised or exerciseable in the added area.

Saving for county councillors &c.

30. Notwithstanding anything contained in the Local Government (Scotland) Act 1947 or this Order any member—

(*a*) of the Town Council who at the commencement of this Part of this Order represents any existing ward of the existing burgh which is altered under the provisions of this Order; or

(*b*) of the county council or of the district council who at the commencement of this Part of this Order represents any electoral division situated partly within and partly without the added area;

shall continue to be a member of the Town Council or of the county council or of the district council as the case may be (unless he resigns) until the next election of town councillors county councillors or district councillors as the case may be after the commencement of this Part of this Order.

Proceedings not to abate.

31. All legal or other proceedings begun before the transfer and relating to any property or liabilities transferred to the Town Council under this Part of this Order may be carried on with the substitution of the Town Council as party to the proceedings in lieu of the transferor authority from whom the property or liabilities was or were transferred and any such proceedings may be amended in such manner as may be necessary for that purpose.

PART III.

FINANCIAL AND MISCELLANEOUS.

Borrowing powers.

32. The Town Council in addition to any other powers of borrowing which they now have may for the purposes of—

(*a*) the payment of any capital sums which may be paid under the provisions of the sections of this Order whereof the marginal notes are "Financial adjustments" and "Compensation to clerks of peace &c."; and

(*b*) the payment of any capital sum in respect of any land buildings drainage works or others taken over by the Town Council under the provisions of Part II of this Order; and

PART III. —*cont.*

(*c*) paying the costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto;

borrow such money as may be necessary for those purposes respectively Provided that any money borrowed under this section for the purposes (*a*) and (*b*) above mentioned shall be repaid within a period of twenty-five years from the date or dates of borrowing the same and that any money borrowed for the purpose (*c*) above mentioned shall be repaid within five years from the commencement of this Order.

Application of borrowed money.

33. All moneys borrowed by the Town Council under the powers of this Order shall be applied only to the purposes for which such moneys are authorised to be borrowed and to which capital is properly applicable.

Saving for emergency restrictions on borrowing. 8 & 9 Geo. 6. c. 18. 9 Geo. 6. c. 10. 9 & 10 Geo. 6. c. 58.

34. Nothing in this Order shall authorise the exercise of any power of borrowing money or the making of any issue of capital otherwise than in compliance with the provisions of the Local Authorities Loans Act 1945 or of any defence regulation within the meaning of the Supplies and Services (Transitional Powers) Act 1945 for the time being having effect by virtue of that Act or of any order made under the Borrowing (Control and Guarantees) Act 1946.

Removal of limitation on public library rate. 50 & 51 Vict. c. 42. 10 & 11 Geo. 5. c. 45.

35.—(1) The limitation on the amount of the library rate authorised by the Public Libraries Consolidation (Scotland) Act 1887 imposed by section 8 of the said Act of 1887 as amended by section 1 of the Public Libraries (Scotland) Act 1920 is hereby removed so far as applicable to the burgh (or the existing burgh as the case may be) and the Public Libraries (Scotland) Acts 1887 to 1920 shall in their application to the Town Council and the burgh (or the existing burgh as the case may be) be read and construed accordingly.

(2) This section shall be deemed to have come into operation on and from the sixteenth day of May one thousand nine hundred and forty-seven.

Saving for Clyde Valley Electrical Power Company.

36. Nothing contained in this Order shall prejudice or affect the agreement between the Town Council and the Clyde Valley Electrical Power Company dated the nineteenth and twenty-first days of December one thousand nine hundred and thirty-three or the supplementary agreement between the same parties dated the twenty-first and twenty-second days of June one thousand nine hundred and thirty-four relating to the electricity undertaking of the Town Council.

For protection of Clyde Valley Electrical Power Company.

37. The following provisions for the protection of the Clyde Valley Electrical Power Company (hereinafter in this section called "the Company") shall unless otherwise agreed between the Company and the Town Council apply and have effect (that is to say):—

Notwithstanding anything contained in this Order the Company shall subject to the provisions of the Clyde Valley Electrical Power Acts 1901 to 1937 be entitled to exercise all the powers of their said Acts in their area of supply in the

same way as if the Act confirming this Order had not been passed notwithstanding that the area or some part thereof is comprised within the burgh:

Provided that nothing contained in this Order shall prejudice or affect the agreement between the Town Council and the Company dated the nineteenth and twenty-first days of December nineteen hundred and thirty-three or the supplementary agreement between the same parties dated the twenty-first and twenty-second days of June nineteen hundred and thirty-four relating to the electricity undertaking of the Town Council.

For protection of Lanarkshire County Council.

38. The following provisions shall unless otherwise agreed on in writing between the Town Council and the county council apply and have effect for the protection of the county council (that is to say):—

(1) Notwithstanding anything contained in this Order the Town Council shall have the whole responsibility of constructing and maintaining all intercepting outfall and storm water sewers in the added area necessary for collecting conveying and discharging into the sewerage system of the county council the sewage and drainage of the added area to be treated and disposed of by the county council and such sewage and drainage shall be delivered into the sewerage system of the county council at such point or points as may be agreed between the Town Council and the county council or settled by arbitration as hereinafter in this section provided:

(2) (*a*) The sewage and drainage to be discharged and received into the sewerage system of the county council shall be restricted to a maximum quantity not exceeding six times the normal dry weather flow of such sewage and drainage and the Town Council shall take such steps as may be necessary by excluding storm and surface water from such sewage and drainage and providing for the discharge and disposal thereof to restrict the quantity of sewage and drainage to be discharged and received into the sewerage system of the county council to the limit aforesaid;

(*b*) The Town Council shall before commencing the construction of any sewerage works within the added area obtain the approval of the county council or their drainage engineer to all designs calculations and drawings of such works and shall in constructing such works comply with all such requirements of the said engineer as may be necessary to give effect to this restriction:

(3) (*a*) The Town Council shall in respect of the reception and disposal of the sewage and drainage of the added area by the county council pay to the county council annually a sum equivalent to the produce of a rate (levied on the rateable valuation of all lands and heritages in the added area the sewage and drainage of which is discharged into the sewerage system of the county council) of an amount per pound of such valuation equal to the amount of the special drainage rate levied by the county council on lands

PART III —*cont.*

and heritages within the Bargeddie Special Drainage District in respect of the year in respect of which such annual payment is made;

(*b*) The annual payments to be made by the Town Council to the county council in pursuance of this subsection shall be made at such date or dates as may be mutually agreed between the Town Council and the county council:

(4) In the event of it becoming necessary for the county council to enlarge or extend their Daldowie sewage purification works the Town Council shall pay to the county council such proportion of the capital cost of such enlargement or extension as bears to the total capital cost of such enlargement or extension the same proportion as the number of the inhabitants of the lands and heritages the sewage and drainage of which is discharged into the sewerage system of the county council bears to the number of the inhabitants of the lands and heritages in the county the sewage and drainage of which is discharged into the said Daldowie sewage purification works and any sum payable by the Town Council to the county council in pursuance of the provisions of this subsection shall be deemed to be capital expenditure incurred by the Town Council for the purposes of their sewage purification works:

(5) If any question or difference arises between the Town Council and the county council under this section such question or difference shall be referred to and determined by an arbiter mutually chosen or failing agreement by an arbiter to be appointed by the sheriff:

(6) For the purposes of this section " sheriff " shall not include any of his substitutes:

(7) The provisions of this section shall continue in operation only so long as the county council continue to receive and dispose of the sewage and drainage of the added area or any part thereof.

Order not to affect election of members to serve in Parliament.

39. Nothing contained in this Order shall interfere with the election of members to serve in Parliament for the county and the county shall for Parliamentary purposes remain the same as if the Act confirming this Order had not been passed.

Crown rights.

40. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown.

Costs of Order.

41. All costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Town Council out of any funds (not being in the nature of capital) rates or revenues belonging to them or under their control or out of moneys to be borrowed by them under this Order for that purpose.

The SCHEDULES referred to in the foregoing Order.

THE FIRST SCHEDULE.

DESCRIPTION OF ADDED AREA.

Commencing on the western boundary of the existing burgh at a point on the centre of the Bishop Burn on the Ordnance survey map (1/2500) of the parish of Old Monkland 1912 edition where a line drawn 167 yards or thereby distant southwards from and parallel to the southern boundary of the Bathgate and Airdrie Highway (A89) as shown on the said map cuts the centre of the said Bishop Burn thence generally southwards along the centre of the said Bishop Burn to the centre of the Luggie Burn thence generally south-westwards along the centre of the said Luggie Burn to a point where a line drawn 4 yards or thereby distant southwards from and parallel to the southern boundary of the London Midland and Scottish Railway Rutherglen and Coatbridge branch cuts the centre of the said Luggie Burn thence westwards along a line 4 yards or thereby distant from and parallel to the southern boundary of the London Midland and Scottish Railway Rutherglen and Coatbridge branch to the eastern boundary of enclosure No. 1410 thence generally southwards along the eastern boundaries of enclosures Nos. 1410 and 1408 and on a line in continuation of the eastern boundary of enclosure No. 1408 to a point 135 yards or thereby southwards from the north-eastmost corner of enclosure No. 1408 thence in a straight line at right angles to this part of the eastern boundary of enclosure No. 1408 in an easterly direction to the centre of the Luggie Burn thence in a south-easterly direction along the centre of the said Luggie Burn to a point where a line drawn 25 yards or thereby distant northwards from and parallel to the northern boundary of the Glasgow and Edinburgh Highway (A8) cuts the centre of the Luggie Burn as shown on the said map thence in an easterly direction along a line drawn 25 yards or thereby distant northwards from and parallel to the northern boundary of the said Glasgow and Edinburgh Highway (A8) to the eastern boundary of enclosure No. 1228 thence generally northwards along the eastern boundary of enclosure No. 1228 to the north-eastmost corner of the said enclosure No. 1228 thence eastwards in a straight line to a point on the eastern boundary of enclosure No. 1134 distant 280 yards or thereby southwards from the north-east corner of enclosure No. 1134 thence in a northerly direction along the eastern boundary of enclosure No. 1134 to the southern boundary of enclosure No. 1135 thence in an easterly direction along the southern boundary of enclosure No. 1135 thence generally eastwards along the northern boundary of enclosure No. 1129 and production thereof to a point on the centre of the North Calder Water thence in a northerly direction along the centre of the said North Calder Water to the southern boundary of the existing burgh thence westwards northwards westwards northwards westwards north-eastwards westwards north-westwards north-eastwards and westwards along the boundary of the existing burgh to the point of commencement.

THE SECOND SCHEDULE.

PART I.

PORTION OF ADDED AREA TO BE ADDED TO THE EXISTING FOURTH OR SOUTH-WEST WARD.

Commencing at a point on the western boundary of the burgh where a line drawn 167 yards or thereby distant southwards from and parallel to the southern boundary of the Bathgate and Airdrie Highway (A89) cuts the centre line of the Bishop Burn thence along the existing southern and western boundaries of the burgh following the bends thereof to the point where the said boundaries cut the west boundary of Woodside Street and in continuation thereof to the centre of Woodside Street thence southwards along the centre line of Woodside Street and in continuation thereof to a point on a line drawn 25 yards or thereby distant northwards from and parallel to the northern boundary of the Glasgow and Edinburgh Highway (A8) thence westwards along a line drawn 25 yards or thereby distant northwards from and parallel to the northern boundary of the said Glasgow and Edinburgh Highway (A8) to the centre of the Luggie Burn thence north-westwards along the centre line of the said Luggie Burn for a distance of 215 yards or thereby thence westwards in a straight line for a distance of 25 yards or thereby to the eastern boundaries of the feus of Braepark Terrace thence northwards along the said eastern boundaries of the said feus and thence continuing along the west boundary fence of the uncultivated ground west of the Luggie Burn to a point on a line drawn 4 yards or thereby distant southwards from and parallel to the southern boundary of the Caledonian Railway Rutherglen and Coatbridge branch (now London Midland and Scottish Railway) thence eastwards along a line drawn 4 yards or thereby distant southwards from and parallel to the southern boundary of the said railway to the centre of the Luggie Burn thence north-eastwards along the centre line of the said Luggie Burn to its junction with the Bishop Burn thence generally northwards along the centre line of the Bishop Burn to the point of commencement.

PORTION OF ADDED AREA TO BE ADDED TO THE EXISTING SIXTH OR SOUTH-EAST WARD.

Commencing at a point on the southern boundary of the burgh where the said southern boundary of the burgh meets the centre line of Woodside Street thence eastwards along the said southern boundary of the burgh to the centre of the North Calder Water thence southwards along the centre line of the said North Calder Water to a point where the southern boundary of the road leading from East Shawhead to the Slag Bing produced cuts the centre line of the North Calder Water thence westwards along the said line and southern boundary of the said road to the western boundary of the North British Railway Bellshill branch (now London and North Eastern Railway) thence southwards along the western boundary of the said railway for a distance of 280 yards or thereby thence westwards in a straight line to a point where the western

2ND SCH. —*cont.*

boundary of the mineral railway leading to Rosehall Colliery Pit No. 3 meets the southern boundary of the mineral railway leading to Rosehall Colliery Pit No. 11 and Rosehall brick works thence southwards along the western boundary of the said mineral railway leaving Rosehall Colliery Pit No. 3 to a point on a line drawn 25 yards or thereby distant northwards from and parallel to the northern boundary of the Edinburgh and Glasgow Highway (A8) thence westwards along a line drawn 25 yards or thereby distant northwards from and parallel to the northern boundary of the said Edinburgh and Glasgow Highway (A8) to a point where the production of the centre line of Woodside Street cuts this line thence northwards along this line and the centre line of Woodside Street to the point of commencement.

PART II.

AREA TO BE DISJOINED FROM THE EXISTING FOURTH OR SOUTH-WEST WARD AND ADDED TO THE EXISTING SIXTH OR SOUTH-EAST WARD.

Commencing at a point on the centre line of Woodside Street where the centre line of Old Monkland Road meets the said centre line of Woodside Street thence eastwards along the centre line of Old Monkland Road to a point where the western boundary of the road leading to Rosehall Colliery Pit No. 10 produced meets the centre line of Old Monkland Road thence southwards along the said western boundary of the road leading to Rosehall Colliery Pit No. 10 to the existing burgh boundary thence westwards along the said burgh boundary to the centre line of Woodside Street thence northwards along the centre line of Woodside Street to the point of commencement.

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STATUTORY RULES AND ORDERS

1947 No. 583

WATER, ENGLAND

THE WHITEHAVEN CORPORATION WATERWORKS ORDER, 1947, DATED FEBRUARY 18, 1947.

106089.

The Minister of Health, in exercise of the powers conferred on him by sections 10, 23, 26, 32 and 33 of the Water Act, 1945, and of all other powers enabling him in that behalf, hereby orders as follows:— 8 & 9 Geo. 6. c. 42.

PART I

Preliminary

1.—(1) This order may be cited as the Whitehaven Corporation Waterworks Order, 1947. Short and collective titles

(2) The Whitehaven Waterworks Act, 1849, the Whitehaven Waterworks Act, 1864, Part III of the Whitehaven Harbour and Town Improvement Act, 1876, Part IV of the Whitehaven Town and Harbour Act, 1879, Part III of the Whitehaven Town and Harbour (Incorporation) Act, 1885, Part II of the Whitehaven Corporation Act, 1899, the Whitehaven Order, 1927, the Whitehaven Corporation Compulsory Purchase Order, 1946, and this order may be cited together as the Whitehaven Water Acts and Orders, 1849 to 1947. 12 & 13 Vict. c. xvii. 27 & 28 Vict. c. cxxi. 39 & 40 Vict. c. cv. 42 & 43 Vict. c. clxxxv. 48 & 49 Vict. c. cxxv. 62 & 63 Vict. c. cc.

2. This order is divided into parts as follows:— Division of order into parts.

Part I.—Preliminary;
Part II.—Works;
Part III.—Abstraction of Water;
Part IV.—Supply of Water and Miscellaneous.

3.—(1) In this order, unless the context otherwise requires,— Interpretation.

"the Corporation" means the mayor, aldermen and burgesses of the borough of Whitehaven;

"the borough" means the borough of Whitehaven;

"the water undertaking" means the water undertaking of the Corporation for the time being authorised;

"the signed plans" and "the signed sections" mean the plans and sections marked "Whitehaven Corporation Waterworks" which have been signed by an Under Secretary of the Ministry of Health and deposited in that Ministry;

"the Act of 1945" means the Water Act, 1945;

"the Ennerdale Reservoir" means the Ennerdale Reservoir (Work No. 1) authorised by this order;

"the Minister" means the Minister of Health;

"the appointed day" has the meaning assigned to it by section 11 of this order;

"enactment" means any Act of Parliament, whether public general, local or private, any order or scheme made under an Act of Parliament, or any provision in an Act of Parliament or in any such order or scheme.

(2) The Interpretation Act, 1889, applies to the interpretation of this order as it applies to the interpretation of an Act of Parliament. 52 & 53 Vict. c. 63

Incorporation and application of Third Schedule of Act of 1945.

4. The provisions of the Third Schedule to the Act of 1945, except Part III (compensation water), sections 19 and 20 (which relate to the laying of mains) of Part V and Part XV (financial provisions applicable to water companies) of that Schedule, shall apply to the water undertaking and are hereby incorporated with and form part of each Act, or part of an Act, and order (except the Whitehaven Corporation Compulsory Purchase Order, 1946) comprised in the Whitehaven Water Acts and Orders, 1849 to 1947, so far as they are applicable for the purposes and are not inconsistent with the provisions thereof:

Provided that section 2 of the said Schedule, in so far as it permits vertical deviation upwards from the levels shown on the plans submitted to the Minister, shall not apply to Work No. 1 authorised by this order.

PART II

Works

Power to construct waterworks.

5. Subject to the provisions of this order, the Corporation may, when they shall have acquired the necessary lands or obtained sufficient rights therein, make and maintain in the lines and situations and according to the levels shown upon the signed plans and sections, and upon the lands delineated on those plans, the following works in the county of Cumberland:—

In the rural district of Ennerdale—

Work No. 1.—an impounding reservoir (to be called "Ennerdale Reservoir") to be situate in the parish of Ennerdale and Kinniside, being an enlargement of the existing Ennerdale Water and to be formed by an embankment along the west bank of the said Ennerdale Water;

Work No. 2.—a line or lines of pipes to be situate in the said parish of Ennerdale and Kinniside, commencing in Work No. 1 and terminating in the enclosure numbered 249 on the 1/2500 ordnance map of Cumberland (sheet LXVIII—11, edition of 1925);

Work No. 3.—treatment works to be situate in the said parish of Ennerdale and Kinniside in the enclosure numbered 249 on the said 1/2500 ordnance map (sheet LXVIII—11, edition of 1925) and a recording gauge on or across the River Ehen at a point not more than six hundred yards in a westerly direction from the outlet sluices of Ennerdale Water existing at the date of this order;

Work No. 4.—a line or lines of pipes to be situate in the said parish of Ennerdale and Kinniside and the parishes of Lamplugh and Cleator Moor, commencing in Work No. 3 and terminating in the enclosure numbered 296 in the then Cleator Moor Urban District on the said 1/2500 ordnance map (sheet LXVII—12, edition of 1925);

Work No. 5.—a line or lines of pipes to be situate in the said parish of Cleator Moor and the parishes of St. John Beckermet and St. Bridget Beckermet, commencing at the termination of Work No. 4 and terminating in the existing "Brow Top Reservoir" in the enclosure numbered 441 on the said 1/2500 ordnance map (sheet LXXII—16, edition of 1924);

Work No. 6.—a line or lines of pipes to be situate in the said parish of Cleator Moor and the parish of Weddicar, commencing at the termination of Work No. 4 and terminating in the enclosure

numbered 193 in the then parish of Hensingham on the said 1/2500 ordnance map (sheet LXVII—11, edition of 1925);

Work No. 7.—a service reservoir and pumping station to be situate in the said parish of Weddicar in enclosures numbered 193 and 370 in the then parish of Hensingham on the said 1/2500 ordnance map (sheet LXVII—11, edition of 1925).

In the borough and the rural district of Ennerdale—

Work No. 8.—a line or lines of pipes to be situate in the borough and the parishes of Weddicar, St. Bees and Rottington, commencing in Work No. 7 and terminating in the enclosure numbered 44 in the then parish of Sandwith on the said 1/2500 ordnance map (sheet LXVII—9, edition of 1925).

In the rural district of Ennerdale—

Work No. 9.—a service reservoir in the said parish of Rottington in the enclosure numbered 44 in the then parish of Sandwith on the said 1/2500 ordnance map (sheet LXVII—9, edition of 1925).

In the borough and the rural district of Ennerdale—

Work No. 10.—a line or lines of pipes to be situate in the borough and the said parish of Weddicar, commencing in Work No. 7 and terminating in the existing service reservoir known as "Harras Reservoir" in the borough in the enclosure numbered 68 on the said 1/2500 ordnance map (sheet LXVII—2, edition of 1925).

In the rural district of Ennerdale—

Work No. 11.—a track to be situate in the said parish of Ennerdale and Kinniside, being a diversion of the existing track leading from the premises known as How Hall to the premises known as Bowness, commencing and terminating in the said existing track;

Work No. 12.—a track to be situate in the said parish of Ennerdale and Kinniside, being a diversion of the existing track leading from the premises known as Routon to the premises known as Low Gillerthwaite, commencing and terminating in the said existing track.

Works to form part of water undertaking.

6. Subject to the provisions of this order, the works by this order authorised to be made shall for all purposes form part of the water undertaking.

Stopping up of tracks and footpath.

7.—(1) The Corporation may stop up—

(*a*) so much of the track in the parish of Ennerdale and Kinniside leading from the premises known as How Hall to the premises known as Bowness as lies between the points marked respectively "M" and "N" on the signed plans;

(*b*) so much of the track in the parish of Ennerdale and Kinniside leading from the premises known as Routon to the premises known as Low Gillerthwaite as lies between the points marked "O" and "P" respectively on the signed plans:

Provided that the Corporation shall not stop up—

(i) the portion of the track (*a*) hereinbefore described until the track diversion (Work No. 11) authorised by this order is completed and opened for public use; and

(ii) the portion of the track (*b*) hereinbefore described until the track diversion (Work No. 12) authorised by this order is completed and opened for public use.

(2) The Corporation may construct in the manner shown on the signed plans a footpath in the parish of Ennerdale and Kinniside, being a diversion of the existing footpath leading from premises known as Far Broadmoor Cottages to the Anglers Hotel between the points marked "L" and "M" respectively on the signed plans, and may, when the said footpath diversion shall have been completed and opened for public use, stop up and cause to be discontinued as a footpath so much of the existing footpath as will be rendered unnecessary by the construction of the said footpath diversion.

(3) As from the completion and opening for public use of the track diversions and the footpath diversion authorised by this order, all such rights of way over or along the existing portions of track or footpath as will be rendered unnecessary by the track diversions or footpath diversion respectively shall be extinguished, and the Corporation may appropriate and use for the purposes of the water undertaking the site of the portions of tracks or footpath stopped up so far as the same is bounded on both sides by lands of the Corporation.

Power to acquire easements for underground works.

8.—(1) Where the Corporation are empowered by the Whitehaven Corporation Compulsory Purchase Order, 1946, to acquire compulsorily any lands which they require for the purposes of any underground works authorised by this order, they may in lieu of acquiring those lands acquire only such easements and rights over, under or in those lands as may be sufficient for the said purposes, and may give notice to treat in respect of those easements and rights, and the provisions of the Lands Clauses Acts shall apply in relation to the acquisition thereof as if they were lands within the meaning of those Acts.

(2) The lands referred to in subsection (1) of this section are coloured pink on the map referred to in the said compulsory purchase order.

(3) The Corporation shall not be required or, except by agreement, be entitled to fence off or sever from adjoining lands any lands in respect of which they have acquired only easements or rights under the provisions of this section, and subject to those easements or rights and to any other restrictions imposed by this order the owners or occupiers for the time being of those lands shall have the same rights of using and cultivating them as if the said compulsory purchase order and this order had not been made.

PART III

Abstraction of Water

Power to take waters.

9. On and after the appointed day the Corporation may impound and take the waters of Ennerdale Water and of all rivers and streams which flow into that lake:

Provided that the Corporation shall not take from the Ennerdale Reservoir for the purposes of their water supply a greater quantity of water than ninety-eight million gallons in any week.

In this section "week" means a period commencing at midday on one Sunday and ending at midday on the next following Sunday.

Incorporation of Part III of Third Schedule of Water Act 1945.

10.—(1) The provisions of subsections (2) (4) (5) (6) and (7) of section 10 of the Third Schedule to the Act of 1945 are hereby incorporated with this part of this order, subject to the modification that in paragraph (*b*) of subsection (4) for the words "take any water from the stream contrary to the provisions of subsection (1) or subsection (3)

of this section or " there shall be substituted the words " take any water from Ennerdale Reservoir contrary to the provisions of section 9 of the special Act."

(2) The prescribed limits for the purposes of subsection (2) of the said section 10 shall be the limits between the outlet sluices of Ennerdale Water existing at the date of this order and a point six hundred yards in a westerly direction therefrom.

(3) The prescribed quantity of compensation water for the purposes of the said subsection (2) shall be four million gallons.

As to appointed day.

11.—(1) In this order the expression " the appointed day " means the date of the completion of the first filling of Ennerdale Reservoir:

Provided that, if at any time before the first filling of the Ennerdale Reservoir the Corporation are satisfied that they are in a position to discharge compensation water in accordance with the provisions of section 10 of this order and apply to the Minister, the Minister may appoint a date earlier than the date of the said first filling and the date so appointed shall for the purposes of this order be the appointed day.

(2) If the Minister appoints a date under this section, subsection (2) of section 10 of the Third Schedule to the Act of 1945 as incorporated with this part of this order shall have effect as if the words " the appointed day " were therein substituted for the words " the completion of the reservoir."

Part IV

Supply of Water and Miscellaneous

Extension and re-definition of limits of supply.

12. The limits within which the Corporation are authorised to supply water shall be and include the borough, so much of the parishes of St. Bees and Weddicar in the rural district of Ennerdale in the county of Cumberland as immediately before the making of the Cumberland Review Order, 1934, formed part of the parish of Hensingham, and so much of the parish of Rottington in the said rural district as immediately before the said Order of 1934 formed part of the parish of Preston Quarter.

Additional charges for gardens, horses, &c.

13. The prescribed sum for the purposes of subsection (1) of section 48 of the Third Schedule to the Act of 1945 as incorporated with this order (which subsection authorises the charging of an additional sum not exceeding the prescribed sum for water used in certain circumstances by means of a hosepipe) shall be twenty shillings.

Price of water supplied by meter.

14. The maximum charge for a supply of water by meter by the Corporation shall be two shillings per thousand gallons.

Amendment of local enactments.

15.—(1) Section 20 of the Whitehaven Waterworks Act, 1849, shall be amended by the omission of the words from " upon the Occupiers ", where these words first occur, to " think proper " and from " and provided also " to the end of the section.

(2) Subsection (2) of section 1 of the Whitehaven Order, 1927, shall be amended by the omission of the words from the beginning of the subsection to the word " mentioned."

(3) The following section shall be substituted for section 6 of the Whitehaven Order, 1927:—

" 6. For the purposes of the supply of water by the Corporation under the local enactments relating to the water undertaking, the

Corporation shall have the powers of a local authority under section 119 of the Public Health Act, 1936, in respect of the carrying of water mains as if the limits of supply were the district:

Provided that in the exercise of the said powers the Corporation shall be subject to the provisions, so far as they are applicable, of subsections (1) and (2) of section 278 and sections 331, 333 and 334 of the said Act."

Repeal.

16.—(1) The enactments mentioned in Part I of the Schedule to this order are hereby repealed to the extent therein mentioned.

(2) If and when the Corporation acquire Ennerdale Water the enactments mentioned in Part II of the Schedule to this order shall be repealed as from the date of the acquisition.

(3) On the appointed day the enactments mentioned in Part III of the Schedule to this order shall be repealed to the extent therein mentioned.

(4) The repeal of any enactment by this section shall not affect anything duly done or suffered thereunder, or any right, privilege, obligation or liability acquired, accrued or incurred thereunder.

Protection for electricity undertakers. 62 & 63 Vict. c. 19.

17. In their application to the works authorised by section 5 of this order, the provisions of section 17 of the Schedule to the Electric Lighting (Clauses) Act, 1899, in so far as they authorise the altering of the position of electric lines or works of electricity undertakers, shall have effect in relation to electric lines or works of the South Cumberland Electricity Supply Company, Limited, as if, instead of referring only to the electric lines or works therein mentioned, they referred to all electric lines and works lawfully laid or constructed.

SCHEDULE

Enactments Repealed

Part I

Enactments Repealed on the Coming Into Force of this Order

The Whitehaven Waterworks Act, 1849.

So much of section I (8 & 9 Vict. c. 18 and 10 & 11 Vict. c. 17 incorporated with this Act) as relates to incorporation of the Waterworks Clauses Act, 1847.

Section VII (limits of Act).

Section X (Trustees to make weirs, dams and other works at the mouth of said lake).

Section XI (works not to prejudice the claim of Mr. T. Ainsworth to the use of water).

Section XII (water to be discharged from Ennerdale Lake for the purposes of this Act).

Section XIII (water to be discharged from Ennerdale Lake in certain cases for the use of occupiers of mills).

Section XVI (Trustees may purchase land, not exceeding twenty acres, for additional purposes).

Section XXI (supply of water not to include supply for trade &c.).

Section XXII (water for other than domestic and shipping purposes to be supplied by agreement).

Section XXIII (charges for private baths and water closets to be limited).

Section XXV (constant pressure to be that afforded from reservoir).

Section XXVI (certain clauses of 11 & 12 Vict. c. 34 relating to rates applied to this Act).

Section XXVII (new rate may be made though previous rate not fully paid up).

Section XXVIII (power to rate the owners instead of occupiers in certain cases).

Section XXIX (liability to rates not to disqualify justices, and Trustees may be competent witnesses).

Section XXXVI (certain clauses in 11 & 12 Vict. c. 16 applied to this Act).

Section XXXVIII (nothing herein to exempt Trustees from provisions of 11 & 12 Vict. c. 63).

The Whitehaven Waterworks Act, 1864.

Section 3 (limits of Act).

So much of section 4 (incorporation of general Acts) as relates to incorporation of the Waterworks Clauses Acts, 1847 and 1863.

Section 10 (power for Trustees to take lands).

Section 11 (powers for compulsory purchase limited).

Section 13 (lands for extraordinary purposes).

Section 17 (power to levy water rate).

Section 23 (Trustees may make rules and regulations for preventing waste of water).

Section 24 (exceptions to constant supply and high pressure).

The Whitehaven Harbour and Town Improvement Act, 1876.

Section 41 (regulations for preventing waste of water).

Section 44 (power to borrow on town rates) so far as it relates to borrowing on the security of the water rate.

The Whitehaven Town and Harbour (Incorporation) Act, 1885.

So much of section 12 (incorporation of general Acts) as relates to incorporation of the Waterworks Clauses Acts, 1847 and 1863.

Section 75 (saving rights of Thomas Ainsworth).

The Whitehaven Corporation Act, 1899.

So much of section 3 (incorporation of general Acts) as relates to incorporation of the Waterworks Clauses Acts, 1847 and 1863.

Section 6 (revival of power to make and maintain additional waterworks) so far as it relates to the taking of land.

Section 9 (for the protection of David Ainsworth and John Stirling Ainsworth).

Section 12 (saving for Salmon Fisheries Acts, 1861 and 1873).

Section 14 (limiting quantity of land which may be taken from a certain common).

Section 15 (period for compulsory purchase of lands).

Section 18 (power to take additional lands by agreement).

Section 21 (repeal and amendment of former Acts).

Section 22 (supply of water for other than domestic purposes and by measure).

The Whitehaven Order, 1927.

Subsections (1) (3) and (4) of section 1 (revision of charges).

Section 2 (alteration of local Act on new water rates coming into operation).

Section 5 (purchase of additional lands by agreement).

Part II

Enactments Repealed on Acquisition of Ennerdale Water

The Whitehaven Waterworks Act, 1849.

Section IX (an annual payment to be made to Mr. J. Dickinson or other the owner of Ennerdale Lake in consideration of impounding in and drawing water therefrom).

The Whitehaven Waterworks Act, 1864.

Section 28 (saving rights of Lord of Manor of St. Bees and the said trustees and others) except so much of that section as relates to the Lord of the Manor of St. Bees.

The Whitehaven Town and Harbour (Incorporation) Act, 1885.

Section 19 (provision for annual payment to John Dickinson).

Section 21 (provision as to compensation to John Dickinson).

Section 74 (saving rights of John Dickinson).

The Whitehaven Corporation Act, 1899.

Section 8 (provision for annual payment to Joseph Dickinson and George Dickinson).

Section 11 (provision as to compensation to owners of Ennerdale Lake).

Section 67 (saving rights of owners of Ennerdale Lake).

PART III

Enactments Repealed on the Appointed Day

The Whitehaven Waterworks Act, 1849.

So much of section VIII (power to make waterworks according to deposited plans) as relates to the taking, user and appropriation of a portion of the waters of the river Ehen and the proviso to that section.

The Whitehaven Waterworks Act, 1864.

Section 7 (power to take water not exceeding one million gallons a day from Ennerdale Lake etc.).

Section 8 (gauges to be constructed by Trustees for measuring quantity of water to be drawn from lake).

Section 9 (penalty in the event of more than one million of gallons per diem being drawn from the lake).

The Whitehaven Town and Harbour (Incorporation) Act, 1885.

Section 15 (Trustees may impound waters of Ennerdale Lake).

The Whitehaven Corporation Act, 1899.

Section 7 (Corporation may impound waters of Ennerdale Lake).

Given under the official seal of the Minister of Health this eighteenth day of February, nineteen hundred and forty-seven.

(L.S.)

I. F. Armer,
Under Secretary,
Ministry of Health.

This order came into force on the 24th March, 1947.

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