CHAPTER x.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire County Council (Water &c.). A.D. 1917.

[10th July 1917.]

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict. c. 47.

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

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

2. This Act may be cited as the Lanarkshire County Council (Water &c.) Order Confirmation Act 1917. Short title.

[*Price* 3*s.* 6*d.*]

A.D. 1917.

SCHEDULE.

Provisional Order to authorise the District Committee of the Middle Ward of the County of Lanark to construct a railway and additional waterworks to include a portion of the county of Dunbarton within the limits of water supply of the District Committee to confer powers on the County Council and the district committees of the county in relation to the removal disposal and treatment of trade refuse in special drainage districts to provide for the application to the county of certain provisions of the Burgh Police (Scotland) Acts 1892 *and* 1903 *to make further provision with regard to the supply of gas within the county and for other purposes.*

WHEREAS by the Acts and Orders set forth in the First Schedule to this Order (which Acts and Orders are in this Order hereinafter collectively referred to as "the Water Acts" and separately as the Act or Order of the year in which the same was passed or confirmed) powers have been conferred on the district committee of the district of the Middle Ward of the county of Lanark (hereinafter referred to as "the Middle Ward Committee" and "the county" respectively) for the construction of waterworks and the supply of water within the said Middle Ward (with the exception of certain areas therein which are within the water supply districts of other authorities) and within portions of the Lower Ward of the county:

And whereas by the Order of 1913 the Middle Ward Committee were authorised to construct a reservoir on the Camps Water and the Grains Burn in the parish of Crawford and certain aqueducts or conduits and other works in connexion therewith:

And whereas by the Order of 1913 the Middle Ward Committee were authorised to acquire certain lands in the said parish of Crawford belonging to the trustees of the Right Honourable Lord Colebrooke for the purposes of the said reservoir and by section 38 of the said Order the Middle Ward Committee were required within two years after the

commencement of the said Order to serve notice to treat for the purchase of the said lands: A.D. 1917.

And whereas it is expedient that additional lands belonging to the said trustees should be acquired for the purposes of the water undertaking of the Middle Ward Committee and that those lands and the said lands referred to in the Order of 1913 should be acquired together:

And whereas it is expedient that the Middle Ward Committee should be authorised to construct and maintain the railway described in this Order:

And whereas the portions of the parishes of Cumbernauld and Kirkintilloch in the county of Dunbarton included within the limits described in the Second Schedule to this Order are without a water supply and can be most efficiently and economically supplied with water by the Middle Ward Committee and at the request of the county council of the said county of Dunbarton and of the Eastern District Committee of that county the County Council of the county and the Middle Ward Committee have agreed to the inclusion thereof within their limits of supply and it is expedient to give effect to such agreement:

And whereas it is expedient to authorise the Middle Ward Committee to construct the additional waterworks described in this Order for the purpose of affording a supply within the aforesaid area in the county of Dunbarton and for improving the means of supply within the existing limits of the Middle Ward Committee:

And whereas it is expedient to provide for the regulation and control of the discharge of the trade refuse from public works and manufactories situate within special drainage districts of the county into the sewers of the county authorities and for affording further facilities and means for the removal disposal and treatment of trade refuse:

And whereas for the improvement of the health and sanitary conditions of the county it is expedient to provide for the application to the county or some parts thereof of the provisions of the Burgh Police (Scotland) Act 1892 and of the Burgh Police (Scotland) Act 1903 specified in this Order:

And whereas by the Lanarkshire Gas Order 1914 the Burghs Gas Supply (Scotland) Act 1876 was in relation to the

A.D. 1917.

county amended in various respects with a view to enabling the said Act to be adopted and carried into effect within the county as contemplated by section 44 of the Local Government (Scotland) Act 1894:

And whereas it is expedient that further provision as contained in this Order should be made with respect to the supply of gas within the county:

And whereas it is expedient that the County Council of the county should be authorised to borrow further money for the purposes of the works authorised by this Order:

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

	£
Purchase of lands and servitudes - - - -	12,000
Railway - - - - - - - -	23,000
Trunk conduits and mains - - - - -	60,000
Other mains and pipes - - - - - -	10,000
Service reservoir - - - - - - -	3,000
Subsidiary works - - - - - - -	2,000

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

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Order have been deposited with the principal sheriff clerk of the county of Lanark in his offices at Glasgow Hamilton Lanark and Airdrie and with the sheriff clerk of the county of Dunbarton in his office at Dumbarton and are hereinafter referred to as the deposited plans sections and books of reference:

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899:

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

Short title and citation.

1. This Order may be cited as the Lanarkshire County Council (Water &c.) Order 1917.

This Order and the Water Acts may be cited together as the Lanarkshire (Middle Ward District) Water Acts 1892 to 1917.

This Order and the Lanarkshire Gas Order 1914 may be cited together as the Lanarkshire Gas Orders 1914 and 1917.

Commencement of Order.

2. This Order except where otherwise expressly provided shall commence and have effect on and from 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.—Water.
Part III.—Trade Refuse.
Part IV.—Sanitary.
Part V.—Gas.
Part VI.—Miscellaneous.

PART I.

PRELIMINARY.

Incorporation of Acts.

4. The following Acts and parts of Acts so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Order are hereby incorporated with this Order (namely) :—

(1) The Lands Clauses Acts :

(2) So far as regards the provisions of Part II. of this Order other than those relating to the railway authorised by this Order :—

(A) The Waterworks Clauses Act 1847 except—

(i) The words in section 44 thereof "with " the consent in writing of the owner " or reputed owner of any such house " or of the agent of such owner";

(ii) The provisions thereof with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and section 83 relating to accounts;

(iii) So much thereof as authorises the undertakers to cut off or discontinue any supply for domestic purposes; and

(iv) Sections 68 70 and 72;

(B) The Waterworks Clauses Act 1863;

(C) The provisions of sections 25 and 26 of the Railways Clauses Consolidation (Scotland) Act 1845 and for the purposes of this Order the expression "the railway" and "the centre of the railway" in those sections shall be construed as meaning the waterworks authorised by this Order and any part of the said waterworks respectively:

(3) So far as regards the provisions of Part II. of this Order relating to the railway:—

The Railways Clauses Consolidation (Scotland) Act 1845 (except sections 40 41 52 54 80 to 100 and 108 to 118 of that Act and so much of section 79 thereof as follows the words "propelled thereby") and Part I. (relating to the construction of a railway) except section 6 and Part III. (relating to working agreements) of the Railways Clauses Act 1863.

This Order shall be deemed to be a special Act within the meaning of the Acts wholly or partially incorporated herewith.

Interpretation.

5. In this Order unless there be something in the subject or context repugnant to such construction—

The several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health (Scotland) Act 1897 or the Local Government (Scotland) Acts 1889 to 1908 have the same respective meanings;

The expression "the county" means the county of Lanark;

The expression "the County Council" means the County Council of the county;

The expression "the Middle Ward Committee" means the district committee of the district of the Middle Ward of the county;

The expression "the railway" means the railway authorised by this Order and the works connected therewith;

The expression "the waterworks" means the works other than the railway authorised by Part II. of this Order;

The expression "the supplementary water district" means those parts of the parishes of Cumbernauld and Kirkintilloch in the county of Dunbarton which are included within the limits set forth in the Second Schedule to this Order;

The expression "special drainage district" means a special drainage district formed or to be hereafter formed in the county under the Public Health (Scotland) Act 1897;

The expression "trade refuse" means any liquid either with or without particles of matter in suspension or solution therein which proceeds or results from or has been used in or in connexion with any industry or trade;

The expression "trade premises" means any mill manufactory or other works or premises situate within a special drainage district;

The expression "trader" means an owner or occupier of trade premises;

The expression "the Burghs Gas Supply Act" means the Burghs Gas Supply (Scotland) Act 1876 as amended by the Burghs Gas Supply (Scotland) Act 1893;

The expression "the Order of 1914" means the Lanarkshire Gas Order 1914;

The expression "the sheriff" means except where otherwise stated the sheriff of the county and includes his substitutes;

In the Acts wholly or partially incorporated with this Order the expressions "the undertakers" "the company" "the railway company" and "the promoters of the undertaking" mean respectively for the purposes of

A.D. 1917.

this Order and according to the context the County Council or the Middle Ward Committee as the case may be;

The expressions "schoolmasters of the several parishes" and "schoolmasters" in sections 7 8 and 9 of the Railways Clauses Consolidation (Scotland) Act 1845 mean for the purposes of this Order the clerk to the parish council of the parish in which the lands referred to in those sections are situate.

PART II.

WATER.

Power to make railway.

6. Subject to the provisions of this Order the Middle Ward Committee may make and maintain in the lines and according to the levels shown on the deposited plans and sections the railway in the parish of Crawford in the county hereinafter described with all proper stations sidings approaches works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

A railway three miles five furlongs one chain in length commencing by a junction with the Caledonian Railway Company's main line from Glasgow to Carlisle at a point about one hundred and ten yards south-eastwards from the signal cabin at the southern end of Crawford station platform and terminating at a point about four hundred and twenty yards eastwards from the ford where the road to Grains crosses over the White Gill and one hundred and ninety-five yards southwards from the centre line of the Camps Water near the line of the embankment of the reservoir (Work No. 1) authorised to be constructed by the Middle Ward Committee upon the Camps Water and the Grains Burn by the Order of 1913.

Power to make waterworks.

7. Subject to the provisions of this Order the Middle Ward Committee may make and maintain in the lines and according to the levels shown on the deposited plans and sections the waterworks in the county and the county of Dunbarton herein-

after described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

(1) An aqueduct conduit line or lines of pipes (Work No. 1) commencing in the existing clear water tank at Glassford Filters and terminating by a junction with the existing pipe of the Middle Ward Committee in the Hamilton Road near Low Motherwell:

(2) An aqueduct conduit line or lines of pipes (Work No. 2) commencing by a junction with the existing pipe of the Middle Ward Committee in the Motherwell Road near Carfin Cross and terminating in the existing service reservoir belonging to the Middle Ward Committee at Newhouse:

(3) An aqueduct conduit line or lines of pipes (Work No. 3) commencing by a junction with the existing pipe of the Middle Ward Committee in the North and South Road at a point about one thousand four hundred and thirty yards south of the boundary between the counties of Lanark and Dunbarton at Luggiebank and terminating in the service reservoir (Work No. 4):

(4) A service reservoir (Work No. 4) in the parish of Cumbernauld to be situate in the field or inclosure immediately to the west of Airdriehead Farm Steading numbered 604 on the 25-inch Ordnance Survey map of the said parish second edition 1898:

(5) An aqueduct conduit line or lines of pipes (Work No. 5) commencing by a junction with the aqueduct or conduit (Work No. 3) at a point near Eastfield and terminating in the public road at or near Castlecary House Castlecary:

(6) An aqueduct conduit line or lines of pipes (Work No. 6) commencing by a junction with the aqueduct or conduit (Work No. 3) at the cross roads one thousand two hundred yards north-eastwards from the village of Condorrat and terminating in the public road between Kilsyth and Croy near Auchenstarry:

A.D. 1917.

(7) An aqueduct conduit line or lines of pipes (Work No. 7) commencing by a junction with the aqueduct or conduit (Work No. 3) at the cross roads one thousand two hundred yards north-eastwards from the village of Condorrat and terminating in the public road near Drumgrew Bridge:

(8) An aqueduct conduit line or lines of pipes (Work No. 8) commencing by a junction with the existing pipe of the Middle Ward Committee in the Slamannan and Greengairs Road at Greengairs and terminating in the public road near Eastfield by a junction with the aqueduct or conduit (Work No. 5):

(9) An aqueduct conduit line or lines of pipes (Work No. 9) commencing by a junction with the aqueduct or conduit (Work No. 8) near Dibside and terminating in the public road near Low Abronhill.

Subsidiary works in connexion with waterworks.

8. The Middle Ward Committee in addition to the foregoing waterworks may upon the lands delineated on the deposited plans in relation to the waterworks and acquired by them make erect and maintain all such cuts channels catchwaters tunnels adits pipes culverts conduits drains sluices byewashes shafts wells bores water towers overflows waste water channels gauges filters filter beds tanks banks walls bridges embankments approaches machinery and appliances as may be necessary or convenient in connexion with or subsidiary to the waterworks but nothing in this section shall exonerate the Middle Ward Committee from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

Power to deviate.

9. Subject to the provisions of this Part of this Order the Middle Ward Committee may in the construction of the railway and waterworks by this Order authorised deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the waterworks five feet upwards and to any extent downwards and in the case of the railway to any extent upwards or downwards

and may increase any inclination or gradient of the railway shown on the deposited sections in relation thereto as not steeper than one in twenty-six to such extent as they may see fit provided that the inclinations or gradients so increased be not steeper than one in twenty-six and they may diminish the radius of any curve described on the deposited plans in relation to the railway to any extent which shall leave a radius of not less than two chains Provided that except for the purpose of crossing over a stream bridge or culvert no part of any pipe shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Power to alter roads &c. temporarily.

10. For the purposes of and during the execution of the waterworks and in maintaining the same the Middle Ward Committee may temporarily break up alter divert or cross over or under or stop up any streets highways roads lanes paths bridges railways or tramways shown on the deposited plans and described in the deposited books of reference and any sewers drains water-courses gas pipes water pipes telegraphic telephonic electrical and other mains pipes wires posts and other works in on or under the same or in on or under any of the lands so shown and described which they may from time to time find it expedient for any of those purposes to interfere with the Middle Ward Committee doing as little damage as possible and providing when practicable a proper temporary substitute before interrupting the traffic on any such street highway road lane path bridge railway or tramway or the flow of sewage gas water or electricity or telephonic communication in or by means of any such sewer drain watercourse pipe main wire post or other work and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster General Provided also that nothing in this section shall authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section.

Railway not to be used for public traffic.

11. Notwithstanding anything contained in the Railways Clauses Consolidation (Scotland) Act 1845 or this Order the railway shall not be used for the conveyance of passengers or

A.D. 1917.

public traffic nor shall any tolls rates or charges be taken in respect thereof or of the traffic thereon.

Board of Trade may modify or dispense with requirements as to railways.

12. The Board of Trade shall in making or approving any regulations in relation to the working or using of the railway have regard to the nature of the district through which the railway is to pass and the character and extent of the traffic which may use the same and shall so far as they may deem consistent with public safety dispense with or modify all or any of the requirements or regulations compliance with which is usually under the provisions of any Act relating to railways or otherwise required by the Board of Trade.

Power to cross certain road on level.

13. The Middle Ward Committee may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line and afterwards with a double line only across and on the level of the public road numbered on the deposited plans relating to the Railway 8A in the parish of Crawford which crossing is hereinafter referred to as "the level crossing."

Provisions as to crossing of road on level.

14.—(1) The Board of Trade at any time after the completion of the railway may if it appears to them necessary for the public safety or for preventing cattle or horses from entering upon the railway require the Middle Ward Committee to erect and maintain gates across the railway at the level crossing and also may authorise the Middle Ward Committee to remove subject to such conditions as the Board of Trade may prescribe any gates erected under this section and the Middle Ward Committee shall observe such conditions.

(2) If gates are erected and maintained in accordance with this section the following provisions shall apply:—

(A) The Middle Ward Committee shall unless otherwise permitted by the Board of Trade in writing employ a proper person to open and close such gates on either side of the level crossing:

(B) Such gates shall be kept constantly closed across the railway except during the time when engines carriages or trucks passing along the railway shall have occasion to cross the road and shall be of such dimensions and so constructed as when closed across the railway to sufficiently fence in the railway:

(C) The drivers or conductors of any engines carriages or trucks passing along the railway or other the person whose office or duty it may be to open or close the said gates shall cause the same to be closed as soon as such engines carriages or trucks shall have passed through the same.

Level crossing without gates.

15. If gates are not erected and maintained at the level crossing in accordance with the foregoing provisions of this Order the following provisions shall apply (that is to say):—

(A) At each of two points one three hundred yards along the railway in one direction from the level crossing and the other three hundred yards along the railway in the other direction from the level crossing there shall be erected and maintained a white post standing five feet above ground and bearing upon it and so as to be plainly legible by the driver of an engine approaching the level crossing a figure indicating the number of miles an hour which is fixed under the provisions of this Order as the maximum rate of speed of a train or engine approaching and within a distance of three hundred yards from the level crossing:

(B) At each of two points one fifty yards or thereabouts along the road in one direction from the point of crossing and the other fifty yards or thereabouts along the road in the other direction from the point of crossing there shall be erected and maintained by the Middle Ward Committee a notice board cautioning the public to beware of the trains.

Restriction of speed.

16. The Middle Ward Committee shall not run any train or engine upon the railway at a rate of speed—

(A) Exceeding at any time fifteen miles an hour;

(B) Exceeding five miles an hour when such train or engine is within the distance of three hundred yards from the level crossing if no gates are erected and maintained across the railway at the level crossing;

(C) Exceeding any less maximum speed fixed by the Board of Trade for any part of the railway where the Board consider such further restrictions necessary for public safety.

A.D. 1917.

Application of section 10 of Order of 1913.

17. The powers conferred on the Middle Ward Committee by section 10 (District Committee may enlarge or increase number of pipes &c) of the Order of 1913 may be exercised by the Middle Ward Committee for the purpose of supplying water under the powers of this Part of this Order and in relation to the waterworks authorised by this Order and the roads or streets which the Middle Ward Committee are by the Waterworks Clauses Act 1847 as incorporated with this Order or by this Order authorised to open and break up.

Application of certain provisions of Order of 1908.

18. Subject to the provisions of this Part of this Order the sections of the Order of 1908 hereinafter mentioned shall so far as the same are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to the waterworks and to the lands which the Middle Ward Committee are by this Part of this Order authorised to construct and acquire and the powers conferred by those sections may be exercised by the Middle Ward Committee with reference to such works and lands accordingly:—

Section 13 (Power to acquire servitudes only for lines of pipes);
Section 17 (Power to hold lands needful to prevent fouling and to protect water);
Section 18 (Acquisition of minerals by agreement);
Section 23 (Power to agree as to drainage of lands);
Section 24 (Byelaws for preventing pollution of water);
Section 25 (Power to discharge water into streams);
Section 26 (Laying mains in public roads).

Power to grant servitudes &c. by agreement.

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

Acquisition of lands.

20.—(1) Subject to the provisions of this Part of this Order the Middle Ward Committee may purchase compulsorily and hold and use for the purposes of or in connexion with their water undertaking the lands hereinafter described and shown upon the deposited plans (that is to say):—

Certain lands in the parish of Crawford in the county belonging or reputed to belong to the trustees of the Right Honourable Lord Colebrooke situate to the east of the White Gill Cowhill and Swine Gill Burns.

(2) If the Middle Ward Committee do not within three months after the commencement of this Order serve notice to treat for the purchase of the whole or part of the lands hereinbefore described then the powers conferred upon the Middle Ward Committee by this section shall cease.

As to private rights of way over lands taken compulsorily.

21. All private rights of way over any lands which shall under the powers of this Part of this Order be taken compulsorily shall as from the date of such acquisition be extinguished Provided that the Middle Ward Committee 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 respect to the purchase and taking of land otherwise than by agreement.

Lands for extraordinary purposes in connexion with railway.

22. The quantity of land to be taken by the Middle Ward Committee by agreement in connexion with the railway for the extraordinary purposes mentioned in the Railways Clauses Consolidation (Scotland) Act 1845 shall not exceed ten acres but nothing in that Act or this Order shall exempt the Middle Ward Committee from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land so taken.

Power to acquire additional lands by agreement.

23. In addition to the lands which the Middle Ward Committee are by the Water Acts and this Order authorised to purchase compulsorily and any other lands which they may acquire and hold for the protection of their water undertaking they may from time to time by agreement for the purposes of those Acts or this Part of this Order relating to the waterworks purchase any additional quantity of land not exceeding in the whole ten acres Provided that the Middle Ward Committee shall not create or permit a nuisance and shall not erect any buildings on such lands except offices and buildings for

A.D. 1917.

persons in their employ and such buildings as may be incident to or connected with the exercise of the powers conferred by the Water Acts and by this Part of this Order in relation to the water undertaking.

Limiting powers of Middle Ward Committee to abstract water.

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

Application of provisions of Order of 1913 relating to settlement of disputed compensation.

25. The provisions of section 24 (Single arbiter) and of section 25 (Costs of arbitration in certain cases) of the Order of 1913 shall apply in all cases of disputed purchase money or compensation arising under this Part of this Order as if those sections had been repeated in this Order in relation to such cases.

Period for compulsory purchase of lands.

26. Subject as hereinbefore provided the powers for the compulsory purchase of lands for the purposes of this Part of this Order shall cease after the expiration of three years from the commencement of this Order.

Period for completion of works.

27. If the railway and the waterworks are not completed within five years from the commencement of this Order then on the expiration of that period the powers granted to the Middle Ward Committee for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Owner may be required to sell part only of a certain property.

28. And whereas in the exercise of the powers of this Part of this Order it may happen that a portion only of the property shown on the deposited plans and thereon numbered 12 in the parish of Crawford may be sufficient for the purposes of this Order and that such portion may be severed from the remainder of the said property without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owner of and other persons interested in the said property whereof part only may be required for the purposes of this Part of this Order may if such portion 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 the said property without material detriment thereto be required to sell and convey to the Middle Ward Committee the portion only of the

said property so required without the Middle Ward Committee being obliged or compellable to purchase the whole or any greater portion thereof the Middle Ward Committee paying for the portion taken by them and making compensation for any damage sustained by the owner thereof and other parties interested therein by severance or otherwise.

Accommodation for workmen &c.

29. The provisions of section 28 (Accommodation for workmen &c.) of the Order of 1913 shall apply in relation to the railway and waterworks as if the same were included among the works to which that section specifically relates.

Power to use lands already acquired.

30. The Middle Ward Committee may use for the purposes of this Part of this Order any lands or property already acquired under the powers of the Water Acts and which are not required for the purposes for which the same were originally purchased.

Works to form part of water undertaking of Middle Ward Committee.

31. The works authorised by and the lands acquired under this Part of this Order shall form part of the water undertaking of the Middle Ward Committee and the powers and provisions of the Water Acts shall so far as applicable extend and apply to the said works and lands.

Agreements with Caledonian Railway Company.

32. The Middle Ward Committee on the one hand and the Caledonian Railway Company (hereinafter referred to as "the company") on the other hand may subject to the provisions of Part III. of the Railways Clauses Act 1863 as amended or varied by the Railway and Canal Traffic Acts 1873 and 1888 enter into agreements with respect to the following purposes or any of them (that is to say):—

The construction working use management and maintenance by the company of the railway and of the works connected therewith and the conveyance of traffic thereon;

The supply and maintenance by the company under and during the continuance of any such agreement as aforesaid for the working of the railway of engines stock and plant necessary for the purposes of such agreement and the provision and employment of officers and servants necessary for the purposes of such agreement;

The management regulation interchange transmission accommodation and delivery of traffic; and

A.D. 1917.

The payments to be made and the conditions to be observed with respect to any of the foregoing matters;

and for the purposes of this section the Middle Ward Committee shall be deemed to be the proprietors of a railway within the meaning of section 28 of the Railways Clauses Act 1863.

Saving for Postmaster-General.

33.—(1) Nothing in any agreement made under the authority of this Order shall affect the rights of His Majesty's Postmaster-General under the Telegraph Act 1878 to place and maintain telegraphic lines in under upon along over or across the railway and from time to time to alter such telegraphic lines and to enter upon the railway for the purposes in the Telegraph Act 1878 specified and the Postmaster-General shall after the making of any such agreement be at liberty to exercise all the rights aforesaid notwithstanding that the railway is worked by the company as freely and fully in all respects as he was entitled to do before the making of any such agreement.

(2) Nothing in this Order or in any agreement made under the authority of this Order shall be deemed to impose upon the Postmaster-General the obligation of transmitting under the provisions of the Telegraph Act 1868 or any agreement between the Postmaster-General and the company made in pursuance thereof any larger number of telegraphic messages of the company free of charge than he would have been bound to transmit had this Order not become law.

For protection of burgh of Hamilton.

34. The provisions of section 35 of the Order of 1913 shall in relation to the waterworks apply mutatis mutandis for the protection of the provost magistrates and councillors of the burgh of Hamilton.

Supplementary water district.

35. As from and after the commencement of this Order and subject to the provisions of this Order—

(1) The limits within which the Middle Ward Committee are by the Water Acts authorised and required to supply water shall be extended so as to include the supplementary water district:

(2) The Water Acts and this Part of this Order other than the provisions thereof relating to the railway shall subject as hereinafter provided be in force within the supplementary water district as fully and in the same manner as within the limits of supply of the

Middle Ward Committee as existing at the commencement of this Order and the County Council and the Middle Ward Committee respectively shall subject as aforesaid have and may exercise and shall be subject to all and the same powers rights duties and obligations within the supplementary water district as they have and can exercise and are subject to within such existing limits as if the supplementary water district had been originally included within such last-mentioned limits:

(3) Provided as follows:—

(A) The domestic water rate authorised by the Water Acts may be imposed and levied within the supplementary water district at such rate in the pound not exceeding fifty per centum in excess of the domestic water rate for the same period within the remainder of the limits of supply of the Middle Ward Committee (which rate of fifty per centum in excess is in this section hereafter referred to as "the excess rate") as the County Council may from time to time determine:

(B) The rates and charges for the supply of water for other than domestic purposes within the supplementary water district may exceed the rates and charges for similar supplies within the remainder of the limits of supply of the Middle Ward Committee by such amount not exceeding fifty per centum of the last-mentioned rates and charges as the Middle Ward Committee may from time to time prescribe (which amount of fifty per centum in excess is in this section hereafter referred to as "the excess charge"):

Provided that on the expiry of twenty years after the commencement of this Order and on the expiry of every succeeding period of twenty years thereafter the county council of the county of Dunbarton or the County Council or the Middle Ward Committee may ask for a revision of the excess rate and the excess charge or either of them as the case may be and failing agreement it shall be competent for either of the said county councils or for the Middle Ward Committee as the case

A.D. 1917.

may be to appeal to the Local Government Board for Scotland who after such inquiry (if any) as they shall think proper may decide that no alteration shall be made in either the excess rate or the excess charge or if they are satisfied that a material change of circumstances has emerged may increase or diminish the excess rate and the excess charge or either of them as in their judgment shall appear equitable:

For the purposes of this section the said Board 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:

(c) The rates charges and assessments which the County Council and Middle Ward Committee are by the Water Acts and this Part of this Order authorised to impose and levy within the supplementary water district may be imposed and levied within that district as follows:—

(i) The public water rate may be imposed upon all lands and heritages as from the fifteenth day of May preceding the commencement of this Order under deduction of an amount proportionate to the period which shall have elapsed between the said fifteenth day of May and the commencement of this Order;

(ii) The domestic water rate may be imposed and levied upon lands and heritages as from the fifteenth day of May preceding the date when such lands and heritages would subsequent to the commencement of this Order have become liable to be assessed to the domestic water rate under section 44 of the Order of 1913 had they been then situate within the limits of supply of the Middle Ward Committee under the Order of 1913 under deduction of an amount

proportionate to the period which shall have elapsed between the said fifteenth day of May and the date when such lands and heritages may have become so liable to be assessed;

(iii) The rates and charges for supplies of water for other than domestic purposes except in the case of supplies by meter shall be recoverable as from the fifteenth day of May preceding the date when such rates and charges become exigible:

(D) The following provisions of the Water Acts shall not apply within the supplementary water district (that is to say):—

Section 53 (In case of insufficient supply district committee may require owner to take supply of water) of the Act of 1892;

Section 58 (As to mode of levying and recovering assessments) of the Act of 1892 so far as the same provides that the assessments and rates authorised by that Act shall be deemed to be and shall not in the aggregate exceed the assessments or rates authorised by the Public Health (Scotland) Acts;

Section 30 (Removal of standpipes &c.) of the Order of 1908:

(E) Section 17 (Powers of district committee under Public Health Acts to apply to undertaking) of the Order of 1902 shall for the purpose of enabling the Middle Ward Committee to exercise within the supplementary water district the powers conferred by that section be read and have effect as if that district were included within the district of the Middle Ward Committee:

(F) Any question difference or other matter which by the Water Acts or this Part of this Order or the Acts incorporated therewith respectively is directed or falls to be decided or determined by the sheriff of the county shall if the

A.D. 1917.

same arise in connexion with the carrying out of those Acts or this Part of this Order within the supplementary water district be decided or determined by the sheriff of the counties of Stirling Dunbarton and Clackmannan or his substitute Provided that for the purposes of section 41 (Amendment of section 32 of Act of 1892) of the Order of 1913 the expression "the sheriff" shall mean the sheriff of the county:

(G) In section 63 (Prosecution of offences) of the Act of 1892 the expressions "the sheriff" and "the justices of the peace for the county" shall in relation to offences committed within the supplementary water district mean the sheriff of the counties of Stirling Dunbarton and Clackmannan and the justices of the peace for the county of Dunbarton respectively.

For protection of premises at Dullatur.

36. Notwithstanding anything in this Order contained the domestic water rate shall not be imposed and levied upon those premises situated on the lands of Dullatur within the supplementary water district obtaining at the commencement of this Order a supply of water from the private waterworks constructed upon the said lands so long as such premises shall in the opinion of the district committee of the eastern district of the county of Dunbarton be afforded an adequate supply of wholesome water for domestic purposes Provided always that if any question shall arise under this section between the owners or occupiers of such premises as aforesaid and the said district committee as to whether an adequate supply of wholesome water is being afforded thereto it shall be determined summarily by the sheriff of the counties of Stirling Dunbarton and Clackmannan who shall have regard to all the circumstances of the case and whose decision shall be final.

Power to local authority of eastern district of county of Dunbarton to become undertakers for supply of water within

37. In the event of the local authority of the eastern district of the county of Dunbarton at any time after a supply of water has been afforded within the supplementary water district under the provisions of this Order electing to undertake the supply of water therein and of their making application to the Secretary for Scotland under the Private Legislation Procedure (Scotland) Act 1899 for a Provisional Order for that

purpose neither the County Council nor the Middle Ward Committee shall oppose such application or any Bill that may be promoted in Parliament in substitution for such Provisional Order except on the question of the amount of the payment to be made to the County Council and the Middle Ward Committee in respect of the said local authority undertaking the supply of water within the supplementary water district in place of the County Council and Middle Ward Committee and of the terms upon which the transfer is to be made.

supplementary water district.

38. The Middle Ward Committee may with the consent of the district committee of the eastern district of the county of Dunbarton supply water in bulk or otherwise in any part of the said eastern district within the parishes of Cumbernauld and Kirkintilloch upon such terms and conditions and for such period as may be agreed upon between the Middle Ward Committee and the consumers And for the purpose of affording such supply the Middle Ward Committee shall have and may exercise beyond the supplementary water district the powers of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes Provided that nothing in this section shall authorise the Middle Ward Committee to furnish a supply of water in any place within the said eastern district beyond the supplementary water district unless the Middle Ward Committee previously obtain the consent in writing of any water company or authority at the time authorised by Parliament to supply such place with water.

Supply by agreement to other parts of eastern district of Dunbartonshire.

39. The Middle Ward Committee may apply to any of the purposes of this Part of this Order to which capital is properly applicable any funds which under the Water Acts belong to or are authorised to be borrowed by the County Council and which may not be required for the purposes for or to which the same were authorised to be raised or directed to be applied.

Power to apply capital already authorised.

40. The County Council may in addition to the sums which they are authorised to borrow by the Water Acts borrow on the requisition of the Middle Ward Committee and with the consent of the standing joint committee of the county such further sums as may be required for defraying the costs of and incident to the construction of the works authorised by this Part of this Order and the carrying out of the other purposes of this Part of this Order to which capital is properly applicable on the security of the assessments authorised by the Water

Power to County Council to borrow.

A.D. 1917.

Acts and this Part of this Order and may assign any such assessments in security of the moneys so borrowed and the provisions of the Water Acts (other than the provisions of section 25 of the Act of 1896) with reference to moneys borrowed under the authority of those Acts and the repayment thereof shall apply to moneys borrowed under the authority of this Part of this Order Provided that the total amount to be borrowed by the County Council under and for the purposes of the Water Acts and this Part of this Order shall not exceed the sum of one million one hundred and ninety thousand pounds Provided also that if the County Council pay off any moneys borrowed under the authority of the Water Acts or this Part of this Order otherwise than by means of instalments or of a sinking fund or out of money derived from the sale of land or capital moneys properly applicable to the purpose of such repayment not being moneys borrowed for that purpose it shall be lawful for the County Council again to borrow the amounts so paid off and so from time to time Provided further that if the period determined in terms of the Water Acts and this Part of this Order for the repayment of any loan for the purposes of this Part of this Order exceeds forty years the loan to which such determination relates shall unless the Secretary for Scotland otherwise consents be repaid by equal yearly or half-yearly instalments of principal or by means of a non-accumulating sinking fund set apart invested and applied in accordance with the regulations framed by the Secretary for Scotland under section 67 of the Local Government (Scotland) Act 1889 for the time being in force.

Application to mortgages of provisions of Acts of 1892 and 1899.

41. The following sections of the Act of 1892 and of the Act of 1899 shall apply to mortgages granted by the County Council under the powers of this Part of this Order (that is to say):—

Of the Act of 1892:—

Section 64 (Form of mortgage);
Section 66 (Transfer of mortgages);
Section 67 (Transfer of mortgages in case of bankruptcy);
Section 68 (Mortgages of rates to be personal estate);
Section 69 (Discharge of mortgages) as amended by section 47 of the Order of 1913:

Of the Act of 1899:—

Section 27 (Manner in which mortgages to be signed and executed).

Protection of lender from inquiry.

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

Application of moneys borrowed.

43. The sums borrowed by the County Council on the requisition of the Middle Ward Committee under the authority of this Part of this Order shall be paid to the Middle Ward Committee as the Middle Ward Committee may from time to time require and shall be applied by the Middle Ward Committee to purposes only to which the sums so borrowed are properly applicable.

PART III.

TRADE REFUSE.

Definition of county authority.

44. In this Part of this Order the expression "the county authority" means in relation to the powers thereby conferred of raising money by rate or loan and of acquiring land the County Council and in relation to the other powers duties and obligations conferred or imposed on the county authority by this Part of this Order that expression means a district committee of the county.

Sewerage powers of Public Health Acts to apply to removal and disposal of trade refuse.

45. The county authority shall for the purposes and subject to the provisions of this Part of this Order have the like powers and duties with respect to the construction and maintenance of sewers and other works for the removal distribution disposal and treatment of trade refuse produced on trade premises and with respect to the purchase and taking of land by agreement or otherwise than by agreement and with respect to the imposing of assessments and the borrowing of money as they have under the Public Health (Scotland) Acts 1897 to 1907 with respect to the construction and maintenance of sewers and other works for the removal distribution treatment and disposal of sewage and the purchase and taking of land by agreement or otherwise than by agreement and the making of assessments and the borrowing of money for such sewers works and lands and all the provisions of those Acts and of any Acts incorporated therewith

A.D. 1917.

shall apply accordingly so far as the same are applicable and are not inconsistent with this Part of this Order.

Traders may discharge trade refuse into sewers.

46.—(1) Subject to the provisions of this Part of this Order any trader within a special drainage district may require the county authority to receive the trade refuse produced on his trade premises and shall be entitled to discharge or to continue to discharge such trade refuse through any properly constructed drain communicating with a sewer of the county authority and for such purpose shall be entitled subject to delivery to the county authority of plans and sections thereof and to the approval of the same by the county authority to enlarge or alter such drain or to construct new drains and cause the same to empty into a sewer of the county authority If the county authority do not intimate their disapproval of the said plans and sections within a period of twenty-eight days after the delivery thereof they shall be deemed to have approved thereof If the county authority disapprove of the said plans and sections a dispute or difference shall be deemed to have arisen between the county authority and the trader delivering the said plans and sections within the meaning of the section of this Order of which the marginal note is "Reference of questions in dispute."

(2) Any trader requiring the county authority to receive trade refuse produced on his trade premises as aforesaid or proposing to discharge trade refuse from such premises into a sewer of the county authority not used for such purpose at the commencement of this Order or proposing to enlarge or alter any drain used for the purpose of discharging trade refuse from such premises into any sewer of the county authority shall at least one month previously serve the county authority with notice in writing of his requirement or proposal as aforesaid and stating the branch of industry or trade carried on by him upon the trade premises affected and the name and address of the owner and of the occupier respectively of such premises.

(3) The provisions of this section shall not come into force within a special drainage district until—

(A) The county authority have provided such sewers as in the opinion of the county authority are sufficient both for the sewage purposes of that district and for its probable requirements in relation to the removal of trade refuse; and

(B) The regulations to be made as hereinafter provided shall have come into force:

Provided that in the meantime the existing rights of the county authority and of traders respectively shall remain unaffected.

(4) Trade refuse discharged into a sewer or any purification works of the county authority shall be vested in the county authority who shall have power to sell or otherwise dispose of the same as they may think proper.

Production of plans &c.

47. The owner and occupier of any lands or premises on in through or under which any sewer drain pipe channel or outlet is situate by means whereof any trade refuse flows or is or may be discharged into any sewer of the county authority shall upon application in writing by the clerk to the county authority produce for inspection by the county authority their officers or agents and the county authority shall upon application in writing by such owner or occupier produce for inspection by him or his agent all such plans of such sewer drain pipe channel or outlet as aforesaid as he or they may respectively possess and if required such owner or occupier or the county authority as the case may be shall furnish at reasonable charges copies of all such plans and such information thereon as he or they respectively is or are able to afford and in case of default such owner or occupier or the county authority as the case may be shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding forty shillings for every day during which such default shall continue after conviction.

Power to take trade refuse from several premises separately or in combination.

48. The county authority may construct or provide or may enter into and carry out agreements with any trader or traders for the construction or provision of separate sewers or other works for receiving and disposing of trade refuse from trade premises or may by means of a combined scheme or schemes with all necessary sewers and works receive and dispose of the trade refuse from two or more trade premises apart or separately from the general sewerage system or disposal works of the county authority.

Disposal of sludge &c.

49. The county authority may at the request and cost of any trader remove and dispose of any sludge deposit or other

A.D. 1917.

substance which may have been produced in the course of the treatment of trade refuse upon or in connexion with trade premises.

Power to enter into arrangements with other authorities.

50. The county authority may enter into arrangements with any other county authority or county authorities or with any other local authority or authorities for the purpose of the exercise and performance of the powers and duties of the county authority under this Part of this Order.

County authority to make general regulations.

51.—(1) Subject to the provisions of this Part of this Order the county authority shall make general regulations which may apply to one or more special drainage districts and which shall be conformed to by traders requiring the county authority to receive trade refuse from trade premises into the sewers of the county authority under the authority of this Order and such general regulations shall provide for (inter alia)—

(A) The preliminary treatment of trade refuse by traders;

(B) The admission of certain trade refuse from trade premises direct into the sewers of the county authority without preliminary treatment and the exclusion therefrom of certain trade refuse until subjected to preliminary treatment;

(C) The provision to be made by traders for enabling the county authority to inspect and take samples of trade refuse;

(D) The dimensions and capacity of pipes whereby trade refuse may be discharged into the sewers of the county authority and the quantity temperature time and rate of discharge and condition of trade refuse which may be so discharged;

and may provide for payment to the county authority of reasonable charges (in addition to the assessments levied within the special drainage district) for the removal and disposal of trade refuse when there shall be no preliminary treatment thereof or when there shall be exceptional circumstances.

(2) The said regulations shall be made with due regard to the capacity and fitness of the sewers and purification works of the county authority and the methods of purification employed and also with regard to reasonableness of cost and to the effect

on and circumstances connected with the respective branches of industry or trade in the special drainage district so as to ensure that no material injury will be inflicted by the regulations on the interests of such industries or trades and shall make all reasonable distinction between such respective branches of industry or trade.

(3) The county authority may subject to the provisions of this section from time to time repeal or alter regulations made by them under this section or may make new regulations in substitution for any existing regulations.

(4) Regulations made by the county authority under this section and any alteration thereof shall be published by being advertised once in each of two successive weeks in a newspaper published or circulating in the special drainage district and a copy shall be furnished by the county authority to any trader within that district on application without charge.

(5) Regulations made under this section and any alteration thereof (except such alterations as are made in terms of the next succeeding section) shall come into force on the expiration of two months after the date of the last advertisement under the immediately preceding subsection unless before the expiration of that period a trader within the special drainage district shall lodge a representation in writing with the county authority against the regulations or any of them or the proposed alteration thereof The county authority shall consider any such representation and may if they think fit withdraw or alter the regulations or any of them or the proposed alteration and if the county authority shall decline to withdraw or alter the same or if the trader shall decline to withdraw the representation made by him on being required in writing by the county authority so to do a dispute or difference shall be deemed to have arisen between the county authority and the trader within the meaning of the section of this Order of which the marginal note is "Reference of questions in dispute" and the arbiter referred to in that section may disallow the regulations or the proposed alteration or may allow the same with or without alteration as he may think just and reasonable.

(6) Regulations or any alteration of regulations against which a representation has been lodged under the immediately preceding subsection if not withdrawn by the county authority or disallowed by the said arbiter shall come into force with

A.D. 1917.

such alterations (if any) as may have been made by the county authority or directed by the said arbiter upon the withdrawal of the said representation or upon the decision of the arbiter as the case may be.

(7) A copy of the regulations made under this section for the time being in force certified to be correct by the clerk to the county authority shall be received as evidence in all legal proceedings.

Right to call for modification &c. of regulations.

52.—(1) A trader affected by any regulations made by the county authority under this Part of this Order for the time being in force may lodge with the county authority a representation in writing setting forth that such regulations or any of them have become unnecessary or unsuitable and that the same should be modified varied or rescinded or that further or other regulations should be made in addition thereto or substituted therefor.

(2) If the county authority refuse or neglect to comply with such representation a dispute or difference shall be deemed to have arisen between the county authority and the trader making the representation within the meaning of the section of this Order of which the marginal note is "Reference of questions in dispute" and the county authority shall modify vary or rescind the regulations or make such further or other regulations if and as the arbiter may direct.

(3) Any modification variation or rescission of existing regulations and any further or other regulations which may be made by the county authority in compliance with a representation made under this section or the direction of an arbiter thereunder shall be made with due regard to the matters mentioned or referred to in subsection (2) of the immediately preceding section of this Order and shall be published by advertisement in manner provided by that section and shall come into force upon the date of the first advertisement thereof.

Regulating discharge into sewers.

53. Nothing in this Part of this Order contained shall entitle a trader to require the county authority to receive into their sewers or dispose of—

(A) Any liquids which would prejudicially affect the sewers or purification works of the county authority or the

method of purification employed in the said purification works;

(B) Any waste steam condensing water heated water or other liquid (such water or other liquid being of a higher temperature than one hundred and ten degrees Fahrenheit) which either alone or in combination with sewage would cause a nuisance or be injurious or dangerous to health;

(C) Any water solid matter or grease which by the regulations made under this Part of this Order shall be required to be excluded or removed from trade refuse;

or to discharge or continue to discharge the same through any drain pipe or channel communicating with a sewer or any purification works of the county authority.

Power to enter and inspect.

54. Any person duly appointed by the county authority for the purpose and exhibiting his appointment if required so to do may at all reasonable hours of the day or night enter any trade premises for the purpose of ascertaining whether any trade refuse is being discharged into a sewer of the county authority the volume of the same the capacity of the drains pipes or sewer to carry the same and the nature of the trade refuse so being discharged and if such person be at any time refused admittance into such premises for the purposes aforesaid or be prevented from making such examination the occupier of such premises shall for every such offence be liable to a penalty not exceeding forty shillings.

Agreements for reception and disposal of trade refuse.

55. Subject to the provisions of this Part of this Order the county authority may enter into agreements with any trader as to the terms and conditions upon which the county authority will receive and dispose of any trade refuse produced on his trade premises including the construction of all sewers or works whether for preliminary treatment or otherwise required therefor and for the repayment of any expense which the county authority may incur in respect of the construction of sewers or works or on account or in respect of such reception and disposal and the terms and conditions of all such agreements shall so far as reasonably practicable be the same in like circumstances.

A.D. 1917.

Agreements with traders outside special drainage district.

56. The county authority may also enter into agreements with the owner or occupier of any mill manufactory or other works or premises situated in an area adjacent to any special drainage district for the reception and disposal of any trade refuse produced on such premises by means of the sewers and works constructed for the reception or disposal of the sewage or trade refuse of or produced within such special drainage district or for the removal and disposal of any sludge deposit or other substance produced in the course of treatment of trade refuse upon or in connexion with such premises and that on such terms as the county authority may think fit and the terms and conditions of all such agreements shall so far as reasonably practicable be the same in like circumstances Provided that nothing in this section contained shall entitle the owner or occupier of any such premises as aforesaid situated outwith a special drainage district to require the county authority to receive or dispose of any trade refuse from such premises.

Existing arrangements for disposal of trade refuse.

57. The occupier of any trade premises from which trade refuse is being discharged into a sewer of the county authority at the commencement of this Order shall be deemed as at that date to have required the county authority to receive and dispose of the trade refuse from those premises subject to the provisions of this Part of this Order.

Reference of questions in dispute.

58. If any dispute or difference shall arise between the county authority and a trader under the foregoing provisions of this Part of this Order or any regulations made thereunder such dispute or difference shall be decided by an arbiter to be agreed upon by the parties differing or failing such agreement by an arbiter to be nominated by the Local Government Board for Scotland on the application of either party and the decision of such arbiter shall be final.

Penalties.

59. A trader who wilfully or negligently discharges or allows to be discharged any trade refuse from trade premises into a sewer or any purification works of the county authority except in accordance with the provisions of this Part of this Order and the regulations for the time being in force thereunder or who shall otherwise infringe such provisions or regulations or any of them shall be liable to a penalty not exceeding thirty pounds and to a penalty not exceeding five pounds for every day on which the offence is continued after conviction.

Prosecution of offences.

60. Offences against the provisions of this Part of this Order and against regulations made thereunder may be prosecuted summarily and all penalties and expenses (except penalties and expenses payable by the county authority) in respect of such offences may be recovered at the suit of the county authority in any court of competent jurisdiction in the manner provided by the Summary Jurisdiction (Scotland) Act 1908 together with the expenses of prosecution and conviction.

Application of penalties.

61. Penalties exigible under this Part of this Order and regulations made thereunder (except penalties payable by the county authority) shall be payable to the county authority and shall when recovered be applied by them to the purposes of this Part of this Order.

Application of section 4 of Order of 1907.

62. The expression "sewage purification works" in section 4 (Extension of period for repayment of moneys borrowed for sewage purification works) of the Lanarkshire County Council Order 1907 shall be deemed to include any works and plant either within or without the county (including outfall and intercepting sewers and effluent pipes) to be provided for or in connexion with the purification (including the treatment utilisation and disposal during and after such purification) of the trade refuse of a special drainage district and any lands wherever situate acquired or used for the purposes of any such works as aforesaid and the said section shall apply accordingly to any money borrowed by the county authority for the purposes of such works and lands.

Power of Local Government Board in case of nuisance.

63. If in the exercise of the powers of this Part of this Order any nuisance shall be caused by or arise from the treatment utilisation or disposal of trade refuse the Local Government Board for Scotland shall have the like powers for enforcing the removal or remedy of the nuisance as are conferred upon that Board by section 146 of the Public Health (Scotland) Act 1897 in relation to the remedy or removal of nuisances.

Saving in relation to Glasgow Sewage Acts.

64. Nothing in this Part of this Order shall prejudice or affect the rights of the corporation of the city of Glasgow under the Glasgow Sewage Acts 1891 to 1914 nor shall anything in this Order be held to impose upon the county authority any obligation to receive into any sewer within the county which the county authority may have a right to connect with the sewers of the corporation any trade refuse sewage or effluent which under the Glasgow Sewage Acts 1891 to 1914 the

A.D. 1917.

corporation of the city of Glasgow would have a right to exclude from their own sewers.

Provisions of this Part of Order not to be founded on in forming or enlarging special drainage districts.

65. In considering the propriety of forming or enlarging a special drainage district the provisions of this Part of this Order or of any regulations made thereunder shall not be founded upon as a reason for seeking to include within a special drainage district any mines or minerals.

For protection of certain companies engaged in coal iron and steel industries.

66. The following provisions for the protection of the companies whose names are set out in the first column of the Third Schedule to this Order (each of which companies is in this section hereafter referred to as "the company") shall unless otherwise agreed between the company and the county authority have effect in the application of this Part of this Order or of any regulations made thereunder to the works owned or occupied by the company set out opposite the name of the company in the second column of the said schedule (which works so owned or occupied by each company respectively are in this section hereafter referred to as "the works") (that is to say):—

Notwithstanding anything in this Part of this Order contained the company shall be entitled to discharge from the works into the sewers of the county authority without preliminary treatment trade refuse consisting of water either with or without particles of oil or grease or other similar substance in suspension therein Provided however that the said water shall not be of a higher temperature than one hundred and ten degrees Fahrenheit.

The provisions of this section shall apply equally to (A) the works situate within a special drainage district existing at the date of the commencement of this Order and (B) the works not so situate if and when the same come to be situate within a special drainage district.

Saving for Rivers Pollution Acts.

67. Nothing in this Part of this Order contained shall prejudice or affect the provisions of the Rivers Pollution Prevention Acts 1876 and 1893.

PART IV.

SANITARY.

Application to county of section 246

68.—(1) The provisions of section 246 (Water and water-closets) of the Burgh Police (Scotland) Act 1892 as amended

A.D. 1917.

of Burgh Police (Scotland) Act 1892 &c.

by section 104 (2) (P) of the Burgh Police (Scotland) Act 1903 and the provisions of section 24 (Penalties for failure to provide waterclosets) of the last-mentioned Act shall extend and apply to the county Provided that in such sections as so applied there shall be substituted for the expressions "commissioners" and "council" the expression "district committee constituted by the Local Government (Scotland) Act 1889."

(2) Any owner who may consider himself aggrieved by any notice under section 246 of the Burgh Police (Scotland) Act 1892 as amended as aforesaid and applied by this section in respect that the same is unreasonable or inexpedient having regard to all the circumstances may appeal to the sheriff within twenty-one days after the service upon him of such notice and the decision of the sheriff on such appeal shall be final.

Amendment of section 44 of Local Government (Scotland) Act 1894 *in* relation to county.

69. Section 44 (Formation of lighting and scavenging districts and provision of public baths) subsection (1) (B) of the Local Government (Scotland) Act 1894 shall in relation to the county be read and take effect as if after the words "Burgh Police (Scotland) Act 1892" occurring therein there were inserted the words "and section 23 and section 24 of the Burgh Police (Scotland) Act 1903."

PART V.

GAS.

Further amendments of Burghs Gas Supply Act 1876 in relation to county.

70. The Burghs Gas Supply Act as applied by section 44 of the Local Government (Scotland) Act 1894 shall have effect in relation to the county subject to the following further amendments and provisions in addition to the amendments and provisions contained in the Order of 1914 and subject to the provisions of the section of this Order the marginal note of which is "For protection of burghal local authorities":—

(1) A district committee of the county (in this section referred to as "the district committee") shall subject to regulations to be from time to time made with the consent of the County Council appoint annually a sub-committee for every district in the county within which the Burghs Gas Supply Act has been adopted for carrying out within that district the purposes of that Act and of the Local Government

A.D. 1917.

(Scotland) Act 1894 as applied and amended by the Order of 1914 and this Order and such sub-committee shall in whole or in part consist of parish councillors of the parish or parishes in which the said district is situated whether members of the district committee or not:

(2) Without prejudice to the provisions of section 42 of the Burghs Gas Supply (Scotland) Act 1876 in their application to the county it shall be lawful for a sub-committee appointed by the district committee under the provisions of this section to enter into arrangements with any other sub-committee so appointed with respect to the supply of gas by or to either of such sub-committees to or by the other and for the purpose of giving effect to any such arrangements the County Council and the district committee may according to their respective powers in relation to gas supply make such provision financial or otherwise and execute such works either within or outwith a district within which the Burghs Gas Supply Act has been adopted as they may consider necessary or expedient:

(3) Every such arrangement as is referred to in the preceding subsection including any financial or other provisions made by the County Council and the district committee respectively for the purpose of giving effect thereto shall be intimated to the Secretary for Scotland who may after such inquiry if any as he thinks fit either approve or disapprove of the same or may modify the terms thereof In the event of the Secretary for Scotland modifying any such arrangement or provisions and of the same not being concurred in by the authorities interested it shall be competent to them to withdraw and cancel their proposals In the exercise of the powers conferred upon the Secretary for Scotland for the purposes of this subsection the Secretary for Scotland shall have and may exercise all the powers of section 93 of the Local Government (Scotland) Act 1889:

(4) For the purposes of this section the district committee shall have and may exercise beyond the area of any

district within which the Burghs Gas Supply Act has been adopted the powers of the Gasworks Clauses Act 1847 in relation to the breaking up of streets for the purpose of laying pipes subject to the duties and obligations imposed by that Act in relation to the exercise of those powers.

For protection of Coltness Iron Company Limited.

71. Whereas the Coltness Iron Company Limited (in this section called "the company") have erected certain works and plant at their Coltness Ironworks at Newmains for the production and supply of gas and have by means thereof and by mains pipes and other apparatus (all hereinafter in this section called "their gas undertaking") afforded a supply of gas not only to the said works but also to certain of the inhabitants within the Newmains Special Lighting District of the county and adjacent areas the following provisions for the protection of the company shall unless otherwise agreed in writing between the company and the Middle Ward Committee apply and have effect (that is to say):—

The company shall in respect of their gas undertaking be deemed to be and shall have all the rights powers and privileges which under the Burghs Gas Supply Act the Order of 1914 and this Order would be possessed by a company not incorporated by Act of Parliament or authorised by Provisional Order confirmed by Act of Parliament supplying gas within the said special lighting district and areas aforesaid at the date of a resolution of adoption in the said district and areas or any of them of the Burghs Gas Supply Act becoming operative and the Middle Ward Committee shall accordingly be subject to all the obligations imposed by those Acts and Orders in reference to the undertaking of such a company.

For protection of burghal local authorities.

72. In the exercise of the powers conferred by this Part of this Order the following provisions for the protection of the provost magistrates and councillors (hereinafter in this section referred to as "the corporation") of each of the burghs of Airdrie Coatbridge Hamilton Lanark Motherwell Rutherglen and Wishaw (each of which is hereinafter in this section referred to as "the burgh") shall except so far as otherwise agreed upon in writing between the district committee of the Upper Middle and Lower Ward Districts of the county respectively as the case may be (each of which is hereinafter in this

A.D. 1917.

section referred to as "the district committee") and the corporation have effect (that is to say):—

(1)—(A) All mains pipes or works to be laid in or along any highway or in upon or across any bridge repairable by the corporation or the roadway over the same or approaches thereto shall be laid in such position in such highway bridge roadway or approaches or at the side thereof and at such depth as the corporation may reasonably direct:

(B) In all cases where the district committee propose to lay mains pipes and works in proximity to any mains sewers pipes or other works belonging to the corporation these shall be laid in such positions and at such levels in relation to the mains sewers pipes and works of the corporation as the corporation may reasonably direct:

(2) The provisions of the Gasworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to the provisions of this section extend and apply to all highways and bridges and the roadways over the same and the approaches thereto and to all other property of the corporation opened or broken up or interfered with by the district committee in the exercise of the powers of this Order Provided that the notice required by section 8 of that Act shall (except in cases of accidental leakage or burst as to which notice shall be given thereafter as soon as may be) be not less than in the case of a bridge or the approaches thereto one month and in all other cases fourteen days and with such notice there shall in every case (except as aforesaid) be sent a plan and section showing the proposed works:

(3) Nothing in this Order shall authorise the district committee to interfere with the structural part of any bridge repairable by the corporation without the consent in writing of the corporation which consent shall not be unreasonably withheld and may be given upon such conditions as the corporation may reasonably determine:

A.D. 1917.

(4) No sewer gas or water pipe or other works or property of the corporation shall be in any way altered or interfered with except in accordance with plans sections and specifications previously submitted to and approved of by the corporation which approval shall not be unreasonably withheld and any such alteration or interference shall be made at the expense of the district committee:

(5) The corporation shall not be liable for or in respect of any damage or injury to any mains pipes or other works of the district committee laid down or constructed under the powers of this Order in or on any highway or bridge or the roadway over a bridge or the approaches thereto caused by the use of road rollers and other road plant and heavy traffic or resulting from the exercise by the corporation of the powers vested in them from time to time:

(6) Nothing in this Order contained shall take away or abridge any power vested or to be vested in the corporation to construct build lay repair maintain open or break up alter enlarge improve divert or relay or reconstruct any highway road street bridge or any sewer drain main pipe channel or conduit or other works of the corporation and in the event of the corporation in the exercise of any such power finding it necessary to interfere with any pipes works or fittings of the district committee the district committee shall at their own cost alter relay or if necessary remove such pipes works or fittings temporarily or permanently as may be reasonably required to meet the new or changed conditions:

(7) All works shall be so executed by the district committee as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any highway or over any bridge carrying any highway or the approaches thereto:

(8) The district committee in opening or breaking up the highways bridges or roadways under the jurisdiction of the corporation shall not without the consent of

A.D. 1917.

the corporation have more than one hundred lineal yards open or broken up at any one place at one time in any such highway bridge or roadway and the district committee shall complete their operations and restore the said highway bridge or roadway and the surface thereof to the satisfaction of the corporation with all reasonable despatch and maintain the same for a period of twelve months from the date of a certificate by the corporation or their surveyor certifying that such highway bridge or roadway has been satisfactorily restored The restoration of highways or roadways under this section shall mean and include the causewaying or paving of roads which are causewayed or paved and the bottoming metalling rolling and completion of the tracks opened up with materials and in a manner reasonably approved of by the corporation:

(9) The district committee shall pay to the corporation the reasonable costs which they may incur in the repair and reinstatement of so much of any highway or of the roadway of any bridge carrying any highway or the approaches thereto in which the mains pipes and works of the district committee are or may be laid as may be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said pipes:

(10) Any extra expense which may be incurred by the corporation in carrying out any powers vested or which may be vested in them by any existing or future Act of Parliament or otherwise in consequence of the construction by the district committee of works by this Order authorised shall be repaid to the corporation by the district committee:

(11) The district committee shall pay to the corporation the costs or expenses they may reasonably incur or be put to in superintending the works authorised by this Order or with reference to any of the matters contained in this section:

(12) All notices to be given or plans to be submitted under the provisions of this section shall be deemed to be sufficiently served on or submitted to the

corporation if the same be sent to the town clerk of the burgh at his office in the burgh:

(13) If any difference at any time arises between the corporation and the district committee touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbiter to be agreed upon between them or failing such agreement to be appointed by the sheriff on the application of either party.

For protection of burghs of Lanark Hamilton and Motherwell.

73. Nothing in this Part of this Order shall prejudice or affect the powers or rights of the provost magistrates and councillors of the burghs of Lanark Hamilton and Motherwell under the Burghs Gas Supply Act or the powers or rights of the said provost magistrates and councillors of the said burgh of Hamilton under the Hamilton Gas Acts 1846 to 1909.

PART VI.

MISCELLANEOUS.

For protection of Lanarkshire Tramways Company.

74. For the protection of the Lanarkshire Tramways Company (hereinafter in this section called "the company") the following provisions shall unless otherwise agreed between the Middle Ward Committee the county authority or the district committee referred to in Parts II. III. and V. of this Order respectively as the case may be (which Middle Ward Committee county authority or district committee as the case may be are hereinafter in this section referred to as "the authority") and the company apply and have effect (that is to say):—

(1) The laying down construction execution alteration improvement enlargement extension maintenance repair or renewal of any aqueduct conduit line or lines of pipes or sewers or mains pipes or other works in the exercise of the powers contained in this Order in or under any street or road in which any tramway of the company is laid shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the company and only according to such plans and sections and in such manner as shall be submitted to and reasonably approved of by him in writing or in the case of difference as may be determined by arbitration in

A.D. 1917.

manner hereinafter provided Provided that if the said engineer shall not signify his approval or disapproval of any plans or proposals so submitted to him within fourteen days after the same are delivered to him he shall be deemed to have approved thereof:

(2) All such works shall be done by and at the expense of the authority who shall restore and make good to the reasonable satisfaction of the said engineer any portion of any street or road which the company are liable to maintain so far as the same may be disturbed or interfered with by or owing to any operations of the authority Provided always that if the company elect so to do where any works are required to be laid in or under the portion of any street or road repairable by the company they may themselves lay the same at the reasonable cost charges and expenses of the authority but so nevertheless that any works so laid by the company shall be laid under the superintendence and to the reasonable satisfaction of the engineer of the authority:

(3) All such works shall be executed and maintained so as to cause as little injury as possible to the tramway works and as little interruption as possible to the conduct or passage of the company's traffic thereon:

(4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any works of the authority (only however so far as such bursting leakage or failure is attributable to acts or defaults of the authority their contractors agents or workmen) the authority shall make compensation to the company in respect thereof and the amount of such compensation shall be determined by arbitration as hereinafter provided:

(5) The authority shall give fourteen days' notice in writing to the company before commencing any such works as aforesaid except in case of emergency when such notice as is reasonably practicable shall be given:

(6) If any question or difference shall arise between the authority and the company in respect of any matters in this section referred to such question or difference shall be referred to the decision of an arbiter to be named by the sheriff on the application of the authority or the company:

(7) Nothing contained in this section shall prejudice the provisions for the protection of the Lanarkshire County Authorities contained in the Lanarkshire Tramways Acts 1900 to 1908.

For protection of Caledonian Railway Company.

75. The following provisions for the protection of the Caledonian Railway Company (hereinafter in this section called "the company") shall unless otherwise agreed between the company and the Middle Ward Committee apply and have effect (that is to say):—

(1) Before commencing any works or operations under the powers conferred on them by this Order affecting any lines of railway canal or other works or land or in over under across or affecting any works or other property belonging to or used or occupied or maintainable or repairable by the company or any bridge or approaches thereto or the roadway on or under such bridge or other work or within a distance of sixty feet on either side of such canal and works connected therewith the Middle Ward Committee shall submit to the company plans sections working drawings and specifications thereof showing the manner in which such works or operations are to be carried out as well as the design material and mode of execution thereof for approval of the company which approval shall be deemed to have been given unless the company signify their disapproval within twenty-one days after submission of the said plans sections working drawings and specifications:

(2) All the said works and operations shall except as hereinafter provided be constructed carried on and completed by the Middle Ward Committee in strict conformity with the plans sections working drawings and specifications so approved at the sole risk and cost of the Middle Ward Committee and at the sight

A.D. 1917.

and to the reasonable satisfaction of the company and all such works shall except as hereinafter provided be maintained repaired or renewed by the Middle Ward Committee in all time coming at their sole risk and cost at the sight and to the satisfaction of the company:

(3) All the works and operations of the Middle Ward Committee in connexion with the junction of the railway by this Order authorised (in this section called "the intended railway") with the railway of the company shall so far as the said works and operations are situated between the said junction with the railway of the company and the boundary of the company's property or the catch points necessary for the protection of the company's railway if such catch points are situated outside the company's property be carried out by the company at the risk and expense of the Middle Ward Committee and the company shall also execute any additional works in connexion with the junction which the Board of Trade may require to be executed as a result of their inspection of the intended railway before the same is authorised to be opened for traffic and the whole cost of such works and operations including the cost of materials and appliances shall be paid by the Middle Ward Committee to the company:

(4) The Middle Ward Committee shall not without previous consent in writing of the company enter upon or alter or interfere with any line of railway canal or other works or land or other property belonging to or used or occupied by the company or any bridge or approaches thereto or the roadway on or under such bridge or other work belonging to or maintainable or repairable by the company further or otherwise than may be necessary for constructing and maintaining any of the said works of the Middle Ward Committee to be laid in upon over or under any such railway canal bridge works or land or other property and they shall not except as aforesaid enter upon or alter or interfere with any of the said works or property of the company and shall

not take or acquire any lands or property of the company for the purposes of this Order:

(5) The Middle Ward Committee shall give twenty-eight days previous notice in writing to the company of their intention to commence the construction of any of the works by this Order authorised affecting the property or works of the company and such works shall be completed with all reasonable despatch Provided always that in cases of emergency such notice as is reasonably practicable shall be given and no part of the works authorised by this Order or operations connected therewith so far as affecting any canal or other works connected therewith or within a distance of sixty feet on either side thereof shall be less than twenty feet below the ordinary top water level of the canal and all such works so far as affecting such canal as aforesaid shall so far as reasonably practicable be completed within two months of the commencement thereof:

(6) The Middle Ward Committee shall provide construct and maintain at their own cost on land to be provided by them all to the satisfaction of the company at or near the junction of the intended railway with the railway of the company sufficient and convenient sidings for the storage and exchange of traffic between the company's railway and the intended railway and the plans specifications and working drawings thereof shall be first submitted for approval of the company in the manner hereinbefore provided:

(7) The company may in their discretion from time to time erect maintain and alter such signal cabins signals and conveniences as may be requisite in connexion with the junction of the intended railway with the railway of the company either on their own land or on land belonging to or provided at their own expense by the Middle Ward Committee and may appoint and remove such signalmen watchmen and other persons as may in their judgment be necessary for working the same and for the prevention of danger to detention of or interference with their

A.D. 1917.

traffic at or near the said junction and the expense of erecting altering maintaining and working such signal cabins signals and conveniences shall be repaid by the Middle Ward Committee to the company:

(8) Should it be necessary in the opinion of the company in consequence of the construction of any of the works of the Middle Ward Committee for the company permanently or temporarily to alter reconstruct or to remove the signal cabins signalling apparatus telegraph posts and wires or any works buildings roads or other conveniences or any of them on or connected with their said railways at or near to the said junction the Middle Ward Committee shall bear and on demand pay to the company the expense of and connected with such alteration reconstruction or removal and of restoring the same to their former position or placing them in a different position or of substituting other works or conveniences therefor:

(9) The Middle Ward Committee shall pay to and reimburse the company in all reasonable costs charges and expenses which they may incur in connexion with the construction of any of the works authorised by this Order or the subsequent maintenance use alteration replacing or repair thereof including (without prejudice to the said generality) any expenses which the company may reasonably incur in connexion with the employment of inspectors signalmen watchmen bridgekeepers and others and for superintendence of the works hereby authorised during construction and for all extra precautions for the safety and working of their traffic or protection of their property on account of the execution maintenance use alteration replacing or repair of the said works:

(10) All the works and operations of the Middle Ward Committee by this Order authorised including the maintenance alteration replacing or repair of such works as aforesaid shall in so far as the same affect the railways canals land or other works or property of the company or be within a distance of sixty feet on either side of the said canal be carried out so as

not to injure alter or interfere with or endanger the structure or stability of the same or the electric telegraphic telephonic or signalling apparatus or other works belonging to or maintainable by the company and the Middle Ward Committee shall execute all underpinning or strengthening necessary to secure the safety of any of the works or the property of the company as aforesaid and should any danger injury interruption impediment or interference to or with the passage or conduct of traffic on any such railway or canal or any leakage or loss of water from such canal be caused by or be in any way owing to the works or operations of the Middle Ward Committee or the failure of or defect in any of the said works or operations the Middle Ward Committee shall free of all expense to the company execute and do all such works as may be necessary to restore or remove or prevent such injury danger interruption or impediment and stop such loss of water as the case may be or the company in their option and for any of these purposes may enter upon the works or property of the Middle Ward Committee and execute and do all such works and things as may be necessary to restore or remove or prevent such injury danger interruption or impediment or loss of water and the Middle Ward Committee shall on demand repay to the company all reasonable costs and expenses incurred by them in connexion therewith Provided further that the Middle Ward Committee shall pay all costs and expenses and shall make reasonable compensation to the company for all loss or damage caused by such works and operations interruption impediment or interference to or with the foresaid railways canals lands works or other property owned occupied maintained or repaired by the company The Middle Ward Committee shall also indemnify the company for all damages or compensation which may be recovered from them at the instance of their employees passengers owners of merchandise traders on the said canal or owners of property adjoining such works or any other person or persons by reason of such interruption impediment

A.D. 1917.

or interference or by reason of any accident so far as such interruption impediment interference or accident shall have been occasioned by or through the acts or default of the Middle Ward Committee or those for whom they are responsible:

(11) In the event of the Middle Ward Committee or their contractors carrying or hauling materials or other traffic in connexion with the works authorised under this Order by traction engines or other mechanical haulage over any roads owned by or maintained by the company they shall repair to the satisfaction of the company any culverts and bridges belonging to the company proved to have been damaged by them and also any extraordinary damage to any such roads caused by the use of such traction engines or mechanical haulage but the Middle Ward Committee shall not be liable for any damage to any such roads due to ordinary wear and tear:

(12) Nothing in this Order contained or which may be done in pursuance thereof shall prevent the company from maintaining repairing and whenever in their discretion thought necessary renewing deviating widening enlarging altering or reconstructing their railways bridges or approaches or other works in connexion therewith or from renewing deviating widening enlarging deepening repairing or altering the company's canal or other works in connexion therewith without interference on the part of the Middle Ward Committee and without incurring any liability to the Middle Ward Committee or to any person using the works authorised by this Order for any loss injury damage or expense which may arise from such maintenance repair renewal deviation widening enlarging deepening alteration or reconstruction Provided that in the event of the company exercising any of such powers they shall do so in such manner as to cause as little damage and interference as practicable to and with the said works of the Middle Ward Committee by this Order authorised and shall give (except in cases of emergency in which cases notice shall be given as soon as possible after the work has been com-

menced) fourteen days' previous notice in writing to the Middle Ward Committee before commencing any such operations as may affect any of the said works of the Middle Ward Committee by this Order authorised Provided that any extra expense which the company may incur in such maintenance repair renewal deviation widening enlarging deepening alteration or reconstruction by reason of the existence of any of the said works by this Order authorised shall be paid by the Middle Ward Committee:

(13) Where stop valves are required for the protection of the works or property belonging to or occupied or maintained or repairable by the company the Middle Ward Committee shall provide such stop valves whenever the same may be necessary and shall maintain the same all at their own expense:

(14) Any question or difference between the Middle Ward Committee and the company arising under this section shall be determined by an arbiter to be agreed upon between the Middle Ward Committee and the company or failing agreement to be nominated by the Board of Trade on the application of either party.

For protection of North British Railway Company.

76. The following provisions for the protection of the North British Railway Company (hereinafter called "the North British Company") shall unless otherwise agreed between the North British Company and the Middle Ward Committee apply and have effect (that is to say):—

(1) Before commencing the construction under or in pursuance of the powers of this Order of any works affecting the lands or property of the North British Company the Middle Ward Committee shall submit plans sections and specifications of the said works to the North British Company for their approval and the said works shall be constructed and carried out in conformity with such plans sections and specifications as approved and at the sight and to the reasonable satisfaction of the engineer of the North British Company and such works shall thereafter be maintained by the Middle Ward Committee

A.D. 1917.

to the reasonable satisfaction of such engineer Provided that the approval of the North British Company shall not be unreasonably withheld and that it shall be deemed to have been given unless the North British Company signify their disapproval within twenty-eight days after submission of the said plans sections and specifications Provided also that any expenses which the North British Company may reasonably incur for inspection or superintendence of the said works during execution or in connexion with the maintenance or repair of the said works at any time or in protecting their property during or in connexion with the construction maintenance or repair of the said works shall be repaid to them by the Middle Ward Committee:

(2) All the works and operations of the Middle Ward Committee under or in pursuance of the powers of this Order shall be constructed executed and completed so as not to injuriously affect the structure of any bridge of the North British Company or to cause any injury thereto or to any railway of that company or any interruption to the passage or conduct of traffic thereon and if any injury or interruption shall arise from or be in any way owing to the works or operations of the Middle Ward Committee or the bursting leakage or failure of the said works or any of them the Middle Ward Committee shall forthwith make good or remove such injury or interruption at their own expense or the North British Company may do the same and the Middle Ward Committee shall pay to the North British Company all costs and expenses loss or damage including loss of traffic incurred or sustained by them in respect thereof:

(3) The Middle Ward Committee shall free and relieve the North British Company from all claims whatsoever by third parties arising out of the construction or existence of the said works or the bursting leakage or failure thereof:

(4) The North British Company may repair and when necessary alter or reconstruct their railways or any bridge under or over which the said works or any of them may be laid but not so as to injuriously affect the said works of the Middle Ward Committee or to interrupt the water supply otherwise than may be reasonably necessary in connexion with any work of repair alteration or reconstruction by the North British Company and if any injury or other interruption shall arise to the said works or any of them from or be owing in any way to any works or operations of the North British Company on any railway or on any such bridge the North British Company shall forthwith make good or remove such injury or interruption at their own expense or failing their doing so the Middle Ward Committee may do the same and the North British Company shall pay to the Middle Ward Committee all costs and expenses loss or damage incurred or sustained by them in respect thereof Provided that any such works of the North British Company shall so far as they may interfere with the said works of the Middle Ward Committee be done to the reasonable satisfaction of the engineer of the Middle Ward Committee Any extra expense which the North British Company may incur in such repair alteration or reconstruction by reason of the construction or existence of the said works shall be paid by the Middle Ward Committee and such extra expense if any shall failing agreement be determined by the arbiter to be appointed as after mentioned:

(5) If any difference shall arise between the Middle Ward Committee and the North British Company or between their respective engineers under the foregoing provisions of this section (including any difference as to the meaning of the said provisions) such difference shall be determined by a single arbiter to be appointed by the sheriff on the application of either party:

(6) The Middle Ward Committee shall not under or in pursuance of the powers of this Order without the

A.D. 1917.

consent in writing of the North British Company enter upon take use or interfere with either temporarily or permanently any lands property or works of the North British Company but they shall purchase and take such servitude in and under any lands property or works of the North British Company as shall be necessary for the purpose of constructing and maintaining any such works of the Middle Ward Committee as aforesaid in accordance with the provisions of this section.

County Council not to borrow money during continuance of present war.

77. Notwithstanding anything contained in this Order no money shall be borrowed under the powers of this Order during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained and the periods limited by this Order for the compulsory purchase of lands for the waterworks and for the completion thereof shall be calculated from the date of the consent of the Treasury or the expiration of the said period of twelve months whichever event shall first happen.

Costs of Order.

78. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall in the first instance be paid by the County Council out of the assessments to be levied or out of the moneys to be borrowed under the authority of the Water Acts and this Order and out of the public health rates of the county in such proportions as the County Council shall determine but the county council of the county of Dunbarton shall repay to the County Council out of the public health rate leviable by the county council of the county of Dunbarton within the eastern district of that county such proportion of the said costs charges and expenses as shall be agreed upon between those councils respectively or as failing agreement shall be determined by the auditor of the Court of Session to be fairly attributable to that part of this Order which relates to the supplementary water district including Works Nos. 3 to 9 both inclusive If the said costs charges and expenses are paid out of borrowed money the same shall be repaid within five years from the commencement of this Order.

The SCHEDULES referred to in the foregoing Order. A.D. 1917.

THE FIRST SCHEDULE.

LIST OF THE WATER ACTS.

The Lanarkshire (Middle Ward District) Water Act 1892.
The Lanarkshire (Middle Ward District) Water Act 1896.
The Lanarkshire (Middle Ward District) Water Act 1899.
The Lanarkshire (Middle Ward District) Water Order 1902.
The Lanarkshire (Middle Ward District) Water Order 1908.
The Lanarkshire (Middle Ward District) Water Order 1913.

THE SECOND SCHEDULE.

BOUNDARIES OF THE SUPPLEMENTARY WATER SUPPLY DISTRICT.

Commencing at a point in the boundary between the parishes of Cumbernauld and Kirkintilloch where the same meets the county boundary between the county of Dunbarton (detached) and the county of Stirling thence along said county boundary generally east north-eastward east south-eastward southward and south-eastward to a point in the said county boundary near Craighead upon the Walton Burn at the northern extremity of the eastern boundary of the inclosure number 118 as shown upon the 25-inch Ordnance survey sheet of Dunbartonshire second edition 1898 thence southward along the eastern boundaries of inclosures numbered 118 119 120 121 123 and 127 or line thereof thence westward south-westward along the southern boundaries of the inclosures numbered 127 and 128 thence in a straight line in a south-westerly direction to the most easterly corner of inclosure numbered 131 thence generally southward along the eastern boundaries of the inclosures numbered 131 132 1356 1359 and 1360 thence in an easterly direction along the northern boundary of the inclosures numbered 1364 and 1363 thence in a southerly

A.D. 1917.

direction along the eastern boundary of the inclosure numbered 1363 thence in a straight line to the north-eastern corner of the inclosure numbered 1403 and along the eastern boundaries of the said inclosure and of the inclosure numbered 1404 to the most southerly corner of the inclosure numbered 1405 thence in a straight line to the northern extremity of the eastern boundary of the inclosure numbered 1458 thence generally southward along the eastern boundary of said inclosure numbered 1458 to the point where the same joins the county boundary between Lanarkshire and Dunbartonshire near Toddle Well thence generally westwards along the said county boundary being the Luggie Water to the point where it meets the southern extremity of the north-western boundary of the inclosure numbered 794 thence north-eastward along the north-western boundaries of the inclosures numbered 794 765 766 767 768 and 770 to a point 100 yards from the west side of the public road from Deerdykes to Drumgrew Bridge thence north north-westward along a line 100 yards west of and parallel to said road to a point in the southern boundary of the inclosure numbered 578 thence west south-westward and north-westward along the south and south-west boundaries respectively of said inclosure and the inclosure numbered 577 thence in an east north-easterly direction along the southern boundary of the North British Railway till the said boundary meets the parish boundary between the parishes of Kirkintilloch and Cumbernauld thence following the said parish boundary generally in a northerly direction to the point of commencement.

THE THIRD SCHEDULE.

Referred to in the section of this Order of which the marginal note is "For protection of certain companies engaged in coal iron and steel industries."

Names.	Works.
Messrs. Wm. Baird and Company Limited	Gartsherrie Iron Works Coatbridge.
Messrs. Wm. Beardmore and Company Limited.	Mossend Steel Works Mossend.
The Coltness Iron Company Limited -	Coltness Iron Works Newmains.
Messrs. David Colville and Sons Limited	Dalzell Steel and Iron Works Motherwell.
Messrs. Wm. Dixon Limited - - -	Calder Iron Works Coatbridge.
Messrs. Jas. Dunlop and Company Limited.	Clyde Iron Works Tollcross.
The Etna Iron and Steel Company Limited.	The Etna Iron and Steel Works Motherwell.
The Glasgow Iron and Steel Company Limited.	The Wishaw Iron and Steel Works Wishaw.
Messrs. P. and W. MacLellan Limited -	Dalzell Bridge Works Motherwell.
Messrs. Merry and Cunningham Limited -	Carnbroe Iron Works Coatbridge.
The Motherwell Iron and Steel Company Limited.	Motherwell Iron and Steel Works Motherwell.
Messrs. R. Y. Pickering and Company Limited.	Railway Carriage and Wagon and Wheel Works Wishaw and Railway Wagon Repairing Works Rawyards near Airdrie.
The Scottish Iron and Steel Company Limited.	Glencairn Iron and Steel Works Motherwell.
The Shotts Iron Company Limited -	Shotts Iron Works Shotts.
Messrs. Smith and McLean Limited -	Gartcosh Steel and Iron Works Gartcosh and Milnwood Steel and Iron Works Mossend.
The Steel Company of Scotland Limited -	Hallside Steel Works Newton.
Messrs. Stewarts and Lloyds Limited -	Clydesdale Steel Works Mossend and Clydeside Tube Works Tollcross.

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