CHAPTER clx.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire (Middle Ward District) Water. A.D. 1913.

[15th August 1913.]

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 (Middle Ward District) Water Order Confirmation Act 1913. Short title.

[*Price* 2*s.* 9*d.*]

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SCHEDULE.

LANARKSHIRE (MIDDLE WARD DISTRICT) WATER.

Provisional Order to authorise the District Committee of the Middle Ward of the county of Lanark to construct additional waterworks to abandon the authorised Glengavel Reservoir to extend the water supply limits of the District Committee to amend the Lanarkshire (Middle Ward District) Water Acts 1892 *to* 1908 *to authorise the County Council of the said county to levy assessments and to borrow money and for other purposes.*

WHEREAS by the following Acts and Orders (that is to say):—

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; and
The Lanarkshire (Middle Ward District) Water Order 1908;

(which Acts and Orders are hereinafter in this Order 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 Middle Ward of the county of Lanark (hereinafter called "the District Committee") for the construction of waterworks and the supply of water within the said Middle Ward (with the exception of certain areas therein which are comprised within the water supply districts of other authorities) and within a portion of the Lower Ward of the said county:

And whereas the District Committee have constructed waterworks and are supplying water within their limits of supply:

And whereas in view of the continued increase and growing requirements of the population within those limits a further supply of water is required:

And whereas in order to provide such supply it is expedient that the District Committee should be authorised to construct the reservoir and other waterworks described in this Order:

And whereas the construction of the reservoir authorised by this Order will render unnecessary the Glengavel Reservoir authorised by the Act of 1896 and it is expedient that the construction of the latter reservoir should be abandoned:

And whereas it is expedient that the area of supply of the District Committee should be extended to include a portion of the parish of Rutherglen in the Lower Ward of the said county:

And whereas it is expedient to amend the provisions of the Water Acts with regard to the assessment of the domestic water rate authorised by the Act of 1892:

And whereas it is expedient to amend the Water Acts in other respects and to confer further powers upon the District Committee in relation to their water undertaking as provided in this Order:

And whereas it would tend to the improvement and protection of the water supplies of the District Committee if certain of the lands acquired under or for the purposes of the Water Acts and this Order were planted with trees and it is expedient to authorise the District Committee to carry out a scheme or schemes of afforestation as regards those lands:

And whereas the County Council of the said county are by the Water Acts authorised to borrow such money as may be required for carrying into effect the purposes of those Acts and it is expedient that they should be authorised to borrow further money for the purposes of this Order:

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

Purchase of land and servitudes - - -	£38,000
Storage reservoir (excess over estimated cost (£100,000) of Glengavel Reservoir to be abandoned) - - - - - -	£30,000
Road Diversions - - - - - -	£12,000
Service reservoirs and filters - - -	£23,000
Trunk conduits and mains - - - -	£200,000

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Other mains and pipes - - - - - -	£7,500
Subsidiary works - - - - - - -	£7,500
Afforestation - - - - - - - -	£12,000

And whereas the said several works included in the said estimates 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 respectively and are hereinafter respectively 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:—

PRELIMINARY.

Short and collective titles.

1. This Order may be cited as the Lanarkshire (Middle Ward District) Water Order 1913 and the Water Acts and this Order may be cited together as the Lanarkshire (Middle Ward District) Water Acts 1892 to 1913.

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 the same which date is hereinafter referred to as "the commencement of this Order."

Incorporation of Acts.

3. 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) The Waterworks Clauses Act 1847 except—

(A) 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";

(B) 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;

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

(D) Sections 68 70 and 72:

(3) The Waterworks Clauses Act 1863:

(4) The provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof.

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

Interpretation.

4. 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 therewith 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 District Committee" means the District Committee of the district of the Middle Ward of the county;

The expression "the sheriff" means 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 this Order and according to the context the County Council or the District Committee as the case may be.

WORKS AND LANDS.

Power to make works.

5. Subject to the provisions of this Order the District Committee may make and maintain in the lines and according

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to the levels shown on the deposited plans and sections the works in the county hereinafter 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) A storage reservoir (Work No. 1) in the parish of Crawford to be situate on the streams called respectively the Camps Water and the Grains Burn and adjacent lands and terminating at an embankment to be formed across the Camps Water:

(2) A road diversion (Work No. 2) in the parish of Crawford commencing at the southern end of the embankment of the storage reservoir (Work No. 1) and terminating by a junction with the existing road to Whitecamp Farm near the junction of the Camps Water with the Fair Burn:

(3) A road diversion (Work No. 3) in the parish of Crawford commencing at the ford on the existing road to Cowhill Shepherds House and terminating by a junction with the existing road near the Shepherds House at Crimp Cramp:

(4) A road diversion and improvement (Work No. 4) in the parish of Crawford commencing at the southern end of the embankment of the storage reservoir (Work No. 1) and terminating near the north-eastern end of Midlock Farm Steading:

(5) A service reservoir (Work No. 5) on the White Corse Stream in the parish of Lesmahagow:

(6) A diversion (Work No. 6) of the White Corse Stream in the parish of Lesmahagow:

(7) An aqueduct conduit line or lines of pipes (Work No. 7) commencing in the storage reservoir (Work No. 1) and terminating in the service reservoir (Work No. 5):

(8) An aqueduct conduit line or lines of pipes (Work No. 8) commencing in the service reservoir (Work No. 5) and terminating by a junction with the existing water pipe of the District Committee in the East and West Highway near Glassford Bridge:

(9) A service reservoir (Work No. 9) to be situate in the enclosure numbered 1587 on the 25-inch Ordnance

Survey map (second edition 1898) of the parish of Shotts:

(10) An aqueduct conduit line or lines of pipes (Work No. 10) commencing by a junction with the existing water pipe of the District Committee in the Edinburgh Highway near Blairmains and terminating in the service reservoir (Work No. 9):

(11) An aqueduct conduit line or lines of pipes (Work No. 11) commencing in the service reservoir (Work No. 9) and terminating by a junction with the existing water pipe of the District Committee in the Fortissat Highway near Springbank:

(12) An aqueduct conduit line or lines of pipes (Work No. 12) commencing by a junction with the existing water pipe of the District Committee in the Motherwell Highway near its junction with the road leading to Low Motherwell Farm and terminating in the said Motherwell Highway at or near Carfin Cross:

(13) An aqueduct conduit line or lines of pipes (Work No. 13) commencing by a junction with the existing water pipe of the District Committee in the Range Road Flemington and terminating in Carfin Highway Wishaw:

(14) An aqueduct conduit line or lines of pipes (Work No. 14) commencing by a junction with the existing water pipe of the District Committee in Netherton Highway at its junction with the Manse Road Wishaw and terminating in Glen Road near Mansefield Wishaw.

Power to make subsidiary works.

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

Temporary occupation of lands.

7. Except as hereinafter provided the provisions with respect to the temporary occupation of lands of the Railways Clauses

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Consolidation (Scotland) Act 1845 incorporated with this Order shall apply only to Work No. 1 Work No. 5 Work No. 6 and Work No. 9 authorised by this Order and works immediately connected therewith and for the purposes of this Order the expressions "the railway" and "the centre of the railway" in those provisions shall be construed as meaning the said works and any part of the said works respectively Provided that sections 25 and 26 of the said Act shall apply to all the works by this Order authorised and that for the purposes of such application the prescribed limits mentioned in the said section 25 shall be three hundred yards from any part of the said works.

Limits of deviation.

8. In the construction of the works authorised by this Order the District Committee may deviate laterally to any extent not exceeding the limits of deviation shown on the deposited 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 five feet upwards and to any extent downwards Provided that the District Committee shall not construct the embankment or wall of any reservoir of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition and 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 so shown on the deposited sections.

Power to alter roads &c. temporarily.

9. For the purposes of and during the execution of the several works which the District Committee are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the District 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 watercourses 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 District Committee doing as little damage as possible and providing where 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 water course pipe or apparatus 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.

District Committee may enlarge or increase number of pipes &c.

10. The District Committee may at any time and from time to time as occasion requires for the purpose of supplying water under the Water Acts and this Order subject to the provisions of this Order and notwithstanding the expiration of the period limited for the completion of works maintain use extend alter renew relay remove replace enlarge and increase the number and size of any of the aqueducts conduits mains pipes and other works of the District Committee (other than reservoirs) whether situate within or without the limits of supply of the District Committee Provided that such extension alteration enlargement or increase shall be executed only on lands or property belonging to the county council or the District Committee or over which the county council or the District Committee have acquired a servitude right or which may be acquired by agreement or in roads or streets which the District Committee are authorised by the Waterworks Clauses Act 1847 or by the Water Acts or by this Order to open and break up.

As to diversion of public road.

11. So soon as the substituted portions of the public road leading from Southwood Road at Camps Bridge to the ford at Grains and known as the Camps Water Road by this Order authorised to be diverted and improved have been completed to the satisfaction of the road authority and are open for public use or in case of difference between the District Committee and the road authority the sheriff shall have certified that the same have been completed to his satisfaction and are open for public use all rights of way over or along such portions of the existing road as are rendered unnecessary by the new portions of road

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shall be extinguished and the District Committee may appropriate and use such first mentioned portions of road for the purposes of this Order Before applying to the sheriff for his certificate the District Committee shall give to the road authority seven days' notice in writing of their intention to apply for the same The said diverted portions of road shall upon completion to such satisfaction or when so certified as aforesaid become and the same shall thenceforth subject to the provisions of the Roads and Bridges (Scotland) Act 1878 and Acts amending the same be part of the said public road and be maintained by the road authority liable to maintain the portions of road for which the same are substituted.

Application of certain provisions of Order of 1908.

12. Subject to the provisions 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 works lands and waters which the District Committee are by this Order authorised to make acquire or impound and the powers conferred by those sections may be exercised by the District Committee with reference to such works lands and waters accordingly :—

Section 13 (Power to acquire servitudes only for lines of pipes);

Section 14 (Power to take servitudes &c. by agreement);

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).

Acquisition of lands for filters &c.

13. Subject to the provisions of this Order the District Committee may purchase compulsorily or by agreement the lands hereinafter in this section described and shown upon the deposited plans and may use the same for the construction thereon of filters and other subsidiary waterworks in connection with the water undertaking of the District Committee (that is to say) :—

Certain lands in the parish of Lesmahagow extending to one acre or thereabouts adjoining the Logan Water

bounded on the north and north-west by land belonging to Elliot MacKirdy and on the east south-east and south by land belonging to John Loudon.

As to private rights of way over lands taken compulsorily.

14. All private rights of way over any lands which shall under the powers of this Order be taken compulsorily shall as from the date of such acquisition be extinguished Provided that the District Committee shall make full compensation to all parties 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 taking of land otherwise than by agreement.

Power to acquire additional lands by agreement.

15. In addition to the lands which the District 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 waterworks they may from time to time by agreement for the purposes of those Acts or this Order purchase any additional quantity of land not exceeding in the whole ten acres Provided that the District Committee shall not create or permit a nuisance and shall not erect any buildings on such lands except offices and buildings for 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 this Order.

Power to take water.

16. Subject to the provisions of this Order the District Committee may divert intercept impound appropriate store use and distribute for the purposes of the Water Acts and this Order the waters of the streams called the Camps Water and the Grains Burn and of all or any of the affluents of those streams and all such streams springs and waters as may be impounded or intercepted by the works authorised by this Order.

As to compensation water.

17.—(1) Until the date of the completion of the reservoir (Work No. 1) and the first filling of the said reservoir the District Committee may take from the Camps Water and the Grains Burn any water they may require subject to the following restrictions :—

(A) They shall place a gauge weir across the Camps Water below the junction of that stream with the Grains Burn and not more than two hundred yards below the foot of the proposed embankment of the said

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reservoir through or over which two million five hundred thousand gallons of water shall be allowed to pass and flow down the said Camps Water every day of twenty-four hours if and when and so long as the said stream shall during the said twenty-four hours yield the said quantity:

(B) On any day during such time as the flow of water in the said Camps Water at the gauge weir aforesaid shall be less than at the rate of two million five hundred thousand gallons per day of twenty-four hours the District Committee shall not be entitled to draw any water therefrom but during such time as the flow is in excess of such rate the District Committee may take all or such part of the excess as they may require:

(C) For the purpose of registering the quantity of water daily passing through or over the said gauge weir the District Committee shall erect and maintain at a convenient point beside the same a proper and suitable recording instrument which shall be open to the inspection and examination of all persons interested.

(2) After the completion of the said reservoir and the first filling thereof the following provisions shall apply:—

(A) So long as the quantity of water taken by the District Committee for their water supply shall not exceed seven million eight hundred thousand gallons daily they shall during every day of twenty-four hours discharge or deliver into the said Camps Water at a point therein situated not more than two hundred yards below the foot of the embankment of the said reservoir not less than three million nine hundred thousand gallons of water in a continuous flow and on the District Committee taking any quantity of water for their water supply in excess of the said seven million eight hundred thousand gallons they shall discharge or deliver into the said Camps Water at the point and in manner aforesaid an additional quantity of water in the proportion of one thousand gallons for every two thousand gallons taken by them in excess of the quantity above mentioned:

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(B) For the purpose of measuring the quantity of water to be so discharged or delivered into the said Camps Water the District Committee shall erect and maintain at a point on the said stream below the said reservoir not more than two hundred yards below the foot of the embankment thereof a proper and suitable measuring gauge with a proper recording instrument fitted thereto and the same shall be open to the inspection and examination of all persons interested in the said compensation water:

(C) For the purpose of registering the quantity of water daily appropriated for the purposes of water supply the District Committee shall also erect and maintain a proper and suitable meter or measuring gauge at a convenient point beside the same with a proper recording instrument fitted thereto through or over which the said water shall flow which said meter or measuring gauge and recording instrument shall be open to the inspection and examination of all persons interested.

(3) The said gauge weir measuring gauges meters and recording instruments and works connected therewith shall be erected and maintained to the reasonable satisfaction of William Archer Tait civil engineer Edinburgh whom failing of an engineer to be appointed in his place by the sheriff on the application of any riparian proprietor or millowner or other person interested and the records taken by the said measuring gauges meters or recording instruments shall at all reasonable times be open to the inspection and examination in the office of the District Committee at Hamilton of such riparian proprietors millowners or other persons interested or of any person or persons deputed by them or any of them who shall be at liberty to make copies of said records.

(4) In case of any neglect on the part of the District Committee to maintain any gauge weir measuring gauge meter or recording instrument in a state of efficiency and in case of any other neglect by or in consequence of which the quantity of water referred to in subsection (1) (A) of this section and the quantities of compensation water referred to in subsection (2) (A) of this section shall not so flow the District Committee shall for every day on which such neglect occurs forfeit and pay

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to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them.

(5) If any difference arises between the District Committee and any person so interested with respect to the construction or use of any gauge weir measuring gauge meter or recording instrument or the state of repair or condition thereof or as to the quantities of water such difference shall be referred to the arbitration of an engineer to be nominated (unless otherwise agreed) on the application of either of them by the sheriff.

(6) The provisions of this section shall be accepted and taken by all persons interested as full compensation for all water of the Camps Water and Grains Burn which the District Committee can divert collect impound or appropriate under the powers of this Order except in respect of any lands situate between the foot of the said embankment and the said point of discharge of water into the said Camps Water.

Limiting powers of District Committee to abstract water.

18. The District 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.

Power to afforest lands.

19. The District Committee may plant with trees any land acquired under the powers of the Water Acts or this Order or otherwise lawfully acquired by them or the County Council for the purposes of or in connection with the water undertaking of the District Committee which may be suitable for afforestation The exercise of the power conferred by this section shall be deemed to be a purpose of this Order to which capital may be applied and in respect of which the County Council may borrow in terms of the sections of this Order of which the marginal notes are respectively "Power to apply capital already authorised" and "Power to County Council to borrow."

Reservoir not to be used for fishing &c.

20. The reservoir (Work No. 1) by this Order authorised and the embankments thereof shall not be used for shooting fishing or recreation except that the officials and servants of the District Committee may fish in the reservoir by net only to such an extent as may be necessary to preserve the purity of the water of the said reservoir.

Period for compulsory purchase of lands.

21. The powers for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order.

Period for completion of works.

22. If the works authorised by this Order are not completed within ten years from the commencement of this Order then on the expiration of that period the powers granted to the District Committee for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Owners may be required to sell parts only of certain properties.

23. And whereas in the exercise of the powers of this Order it may happen that portions only of the houses or other buildings or manufactories shown on the deposited plans may be sufficient for the purposes of this Order and that such portions may be severed from the remainder of the said properties without material detriment thereto Therefore notwithstanding section 90 of the Lands Clauses Consolidation (Scotland) Act 1845 the owners of and other persons interested in any of the properties described in the First Schedule to this Order and whereof parts only may be required for the purposes of this Order may if such portions can in the opinion of the jury arbiters or other authority to whom the question of disputed compensation shall be submitted be severed from the remainder of the premises without material detriment thereto be required to sell and convey to the District Committee .the portions only of the premises so required without the District Committee being obliged or compellable to purchase the whole or any greater portion thereof the District Committee paying for the portions taken by them and making compensation for any damage sustained by the owners thereof and other parties interested therein by severance or otherwise.

Single arbiter.

24. In all cases of disputed compensation arising under this Order in respect of land taken compulsorily or otherwise which fall to be determined under the provisions of the Lands Clauses Acts it shall unless the District Committee and the other party or parties to the dispute concur in the appointment of a single arbiter in terms of such Acts be in the power of the District Committee or such other party or parties to apply to the Secretary for Scotland to appoint a single arbiter to determine the compensation to be paid and it shall not be competent thereafter to have the same determined by arbiters oversman sheriff or jury acting under the last-mentioned Acts The said arbiter

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upon appointment shall be deemed to be a sole arbiter within the meaning of the Lands Clauses Acts and the provisions of those Acts with regard to arbitration shall apply accordingly and the arbiter shall notwithstanding anything contained in the said Acts determine the amount of expenses in the arbitration and such determination shall be final The remuneration of the said arbiter shall failing agreement be fixed by the Secretary for Scotland.

Costs of arbitration in certain cases.

25. The tribunal to whom any question of disputed purchase money or compensation under this Order is referred shall if so required by the District Committee award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the District Committee by the claimant giving sufficient particulars and in sufficient time to enable the District Committee to make a proper offer and if the tribunal shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the District Committee has been prejudiced thereby the tribunal shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant:

Provided that it shall be lawful for the Lord Ordinary on the Bills or the sheriff to permit any claimant after seven days' notice to the District Committee to amend the statement in writing of the claim delivered by him to the District Committee in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge or sheriff after hearing the District Committee if they object to the amendment and such amendment shall be subject to such terms enabling the District Committee to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge or sheriff may seem just and proper under all the circumstances of the case:

Provided also that this section shall be applicable only in cases where the notice to treat under the Lands Clauses Consolidation (Scotland) Act 1845 either contained or was endorsed with a notice of the effect of this section.

Power to use lands already acquired.

26. The District Committee may use for the purposes 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.

Waterworks &c. to form part of existing water undertaking of District Committee.

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

Accommodation for workmen &c.

28. The District Committee shall if and when required by the local authority of the district in which the works Nos. 1 to 8 inclusive by this Order authorised are situate (in this section called "the local authority") make provision to the satisfaction of the local authority for the proper housing and sanitary requirements of the persons employed in constructing the said works and for the treatment of cases of sickness (other than infectious disease) and accident occurring among the said persons during the construction of the said works In considering what provision ought to be made for the said purposes the local authority shall take into consideration the provision already available in the neighbourhood of or conveniently accessible from the said works.

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

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

In the event of the District Committee or the local authority failing to comply with any order or requirement of the Board

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under this section they shall be liable to a penalty not exceeding five pounds for every day during which such failure continues and such penalty shall be recoverable with expenses at the instance of the Lord Advocate on behalf of the Board in any competent court.

For the purposes of this section the Board shall have the same powers of holding inquiries and of requiring reports to be made by 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.

ABANDONMENT OF GLENGAVEL RESERVOIR.

Abandonment of Glengavel Reservoir.

29.—(1) The District Committee shall abandon the construction of the reservoir in the parish of Avondale authorised by the Act of 1896 and therein called "the Glengavel Reservoir" and such of the works connected therewith as may be rendered unnecessary by or in consequence of such abandonment.

(2) The District Committee may hold and use the lands acquired for the construction of the said reservoir and works or such part or parts thereof as they may think fit for any purpose for which they are by the Water Acts or this Order authorised to use lands acquired under the powers of those Acts and this Order and so long as the said lands are so held such lands shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the District Committee shall not create or permit a nuisance and shall not erect any buildings on such lands while so held except offices and buildings for 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 this Order.

(3) The provisions of the agreement between James Auldjo Jamieson commissioner for the Duke of Hamilton of the first part and the District Committee of the second part scheduled to and confirmed by the Act of 1892 so far as the same relate exclusively to the said Glengavel Reservoir shall be and the same are hereby annulled.

Compensation for damage to land by

30. The abandonment by the District Committee under the authority of this Order of the said Glengavel Reservoir and the works shall not prejudice or affect the right of the owner or

occupier of any land to receive compensation for any damage occasioned by the entry of the District Committee on such land for the purpose of surveying and taking levels or probing or boring to ascertain the nature of the soil or setting out of the line of such reservoir and works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the District Committee to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Railways Clauses Consolidation (Scotland) Act 1845 or the Water Acts.

entry &c. for purposes of reservoir &c. abandoned.

Extension of Limits of Supply.

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

Extension of limits of supply of District Committee.

(A) The limits within which the District Committee are by the Water Acts authorised and required to supply water shall be extended so as to include the area forming part of the parish of Rutherglen in the county which is comprised within the limits set forth in the Second Schedule to this Order and which area is hereinafter referred to as "the added area":

(B) The Water Acts as amended by this Order shall be in force within the added area as fully and in the same manner as within the limits of supply of the District Committee as existing at the commencement of this Order and the County Council and the District Committee respectively shall have and may exercise and shall be subject to all and the same powers rights duties and obligations within the added area as they have and can exercise and are subject to within such existing limits as if the added area had been originally included within such last-mentioned limits:

(C) In respect that the added area is part of the water supply area of the corporation of the city of Glasgow the foregoing provisions of this section shall only take effect in the event of the corporation failing to give

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a supply to houses and buildings within the added area on an application being made to them therefor in compliance with and on the terms and conditions of the Glasgow Water Acts 1855 to 1912:

(D) In the event of the District Committee supplying the added area or any part thereof and the corporation thereafter desiring to supply the same the corporation shall on giving notice in writing to the District Committee be entitled to do so on paying the District Committee the then value of that committee's pipes in the added area as the same may be fixed by agreement or failing agreement by an arbiter to be appointed by the parties or in the event of difference to be appointed by the sheriff and the added area shall cease to be within the limits of supply of the District Committee as from the date of the corporation exercising as regards the added area their powers of supplying water in that area under the said Glasgow Water Acts.

PROTECTIVE PROVISIONS.

For protection of Lanarkshire Tramways Company.

32. For the protection of the Lanarkshire Tramways Company (in this section called "the company") the following provisions shall unless otherwise agreed between the District Committee and the company apply and have effect (that is to say):—

(1) The laying down alteration improvement enlargement extension maintenance repair or renewal of any aqueduct conduit line or lines of pipes or mains 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 by him in writing or in the case of difference as may be determined by arbitration in 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 District Committee 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 District Committee 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 District Committee 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 District Committee:

(3) All such works shall be executed and maintained so as to cause no injury to the tramway works and no interruption 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 District Committee (only however so far as such bursting leakage or failure is attributable to acts or defaults of the District Committee their contractors agents or workmen) the District Committee 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 District Committee shall give fourteen days' notice in writing to the company before commencing any such works as aforesaid except in cases of emergency when such notice as is reasonably practicable shall be given:

(6) If any question or difference shall arise between the District Committee and the company in respect of any matters in this section referred to such question

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or difference shall be referred to the decision of an arbiter to be named by the sheriff on the application of the District Committee or the company.

For protection of Coltness Iron Company Limited.

33. Notwithstanding anything in this Order contained the following provisions for the protection of the Coltness Iron Company Limited (in this section called "the company") shall unless otherwise agreed in writing between the company and the District Committee or the County Council apply and have effect (that is to say):—

(A) In respect the company have at great expense provided for the use of their works known as the Coltness Iron Works at Newmains (hereinafter in this section referred to as "the works") a private supply of water sufficient for the non-domestic requirements of the works the annual value of the works as now existing or as they may from time to time exist shall (so long as the company maintain and use their private supply for non-domestic requirements) be held for the purposes of the domestic water rate under the section of this Order of which the marginal note is "Amendment of Water Acts as to domestic water rate" to be seven-fortieth parts of the annual value thereof entered in the valuation roll:

(B) The company shall not be entitled to demand a supply of water from the District Committee for non-domestic purposes for the works but should they in any year desire the District Committee to afford such a supply and should the District Committee agree to give such supply then for that year only the provisions of sub-section (A) of this section shall not apply and the annual value of the works for the purposes of the domestic water rate under the said section of this Order of which the marginal note is "Amendment of Water Acts as to domestic water rate" shall for that year be held to be one-fourth part of the annual value thereof entered in the valuation roll but in all other years when no such supply is given by the District Committee the provisions of sub-section (A) of this section shall apply.

For protection of Caledonian

34. 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 District 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 in over under or affecting any works or property belonging to or occupied or maintainable or repairable by the company the District 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 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 All the said works and operations shall be constructed carried on and completed in conformity only with the plans sections working drawings and specifications so approved at the sole risk and cost of the District Committee and at the sight and to the reasonable satisfaction of the engineer-in-chief of the company and all such works shall be maintained repaired or renewed by the District Committee in all time coming at their sole cost at the sight and to the satisfaction of the said engineer-in-chief :

(2) Where stop valves are required for the protection of the works or property belonging to or occupied or maintainable or repairable by the company the District Committee shall provide such stop valves when and as may be necessary and shall maintain the same all at their own expense :

(3) The District Committee shall not without the previous consent in writing of the company enter upon or interfere with any works or property belonging to or occupied 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 District Committee to be laid in upon over or under any such works or property and they shall not except as aforesaid alter or interfere with any of

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the said works of the company and shall not take or acquire any lands or property of the company for the purposes of this Order but shall be entitled to take such servitude only in upon over or under any land or property of the company as may be required for laying down and maintaining the said mains pipes or fittings and other works in accordance with the provisions of this Order:

(4) The District Committee shall give twenty-eight days previous notice in writing to the company of their intention to commence 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:

(5) The District Committee shall pay to and reimburse the company in all reasonable costs charges and expenses which they may incur in connection with the construction of the works authorised by this Order or the subsequent maintenance use alteration replacing or repair thereof:

(6) All the works and operations of the District Committee under this Order including the maintenance and any alteration replacing or repair of such works shall in so far as the same affect the works or property of the company be constructed executed and completed by the District Committee so as not to injure alter or interfere with or endanger the structure or stability of the same or the electric telephonic or signalling apparatus belonging to or maintainable by the company and the District Committee shall execute all underpinning or strengthening necessary to secure the safety 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 railway of the company be caused by or be in any way owing to the works or operations of the District Committee or the failure of or defect in the said aqueducts conduits or lines of pipes or any works of

the District Committee the District Committee shall free of all expense to the company execute and do all such works as may be necessary to restore or remove such injury danger interruption or impediment as the case may be or the company in their option and for any of these purposes may enter upon the works or property of the District Committee and execute and do all such works and things as may be necessary to restore or remove such injury danger interruption or impediment and the District Committee shall on demand repay to the company all reasonable costs and expenses incurred by them in connection therewith Provided further that the District 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 works or property The District Committee shall also indemnify the company for all damages or compensation which may be recovered from them by reason of such interruption impediment or interference or by reason of any accident so far as such interruption impediment interference or accident shall have been occasioned by or through the acts or default of the District Committee:

(7) 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 connection therewith without interference on the part of the District Committee and without incurring any liability to the District 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 alteration or reconstruction unless the same shall arise from some neglect or default of the company or their agents workmen or servants in the execution of such maintenance repair renewal deviation widening enlarging alteration or reconstruction Provided that

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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 District Committee and shall give (except in cases of emergency in which cases notice shall be given as soon as possible) fourteen days' previous notice in writing to the District Committee before commencing any such operations as may affect any of the said works of the District Committee by this Order authorised Provided that any extra expense which the company may incur in such maintenance repair renewal deviation widening enlarging alteration or reconstruction by reason of the existence of the said works by this Order authorised shall be paid by the District Committee:

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

For protection of burghs of Hamilton Motherwell and Wishaw.

35. The following provisions shall unless otherwise agreed apply and have effect for the protection of the provost magistrates and councillors (hereinafter in this section referred to as "the corporation") of each of the burghs of Hamilton Motherwell and Wishaw (each of which is hereinafter in this section referred to as "the burgh") (that is to say):—

(1) Before constructing any works authorised by this Order or any subsequent repairs thereof the execution of which may in any way interfere with or affect any streets highways roads lanes paths bridges or passages within the burgh or any sewers drains water pipes gas pipes electric mains or other works belonging to the corporation the District Committee shall give to the corporation not less than ten days' notice in writing accompanied by plans and sections showing the manner in which such works are proposed to be executed which plans and sections shall be subject to the approval of the corporation previously to such works being commenced Provided that if the

corporation do not within seven days after service of such notice on them intimate to the District Committee their approval or disapproval of the said plans and sections the District Committee may proceed to execute the works in accordance therewith. Provided further that in cases of emergency such notice as is reasonably practicable shall be given:

(2) The District Committee shall execute such works and any subsequent repairs thereof in accordance with the before-mentioned plans and sections and under the superintendence and to the reasonable satisfaction of the corporation or of any of their officials specially empowered by them to that effect:

(3) The works of the District Committee shall be carried out and completed without any undue delay after the commencement thereof and the District Committee shall reinstate and make good any street highway road lane path passage or the roadway over any bridge within the burgh which may be broken up or interfered with by the District Committee and make good any injury or interference at any time caused to any such street highway road lane path passage or roadway or any works of the corporation by the bursting leakage or failure of any work of the District Committee all to the reasonable satisfaction of the corporation and shall at all times whilst any such street highway road lane path passage or roadway shall be opened or broken up cause the same to be properly fenced guarded and lighted to the like reasonable satisfaction and keep such portion of street highway road lane path passage or roadway in good repair to the reasonable satisfaction of the corporation or of any of their officials specially empowered by them to that effect for six months after the completion of the works and in case of their default in any of the above matters the corporation may do the necessary works and things and recover the costs and expenses incurred by them from the District Committee:

(4) Wherever the District Committee shall have power to lay a water pipe in a street highway road lane path bridge or passage containing a water pipe which is

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the property of the corporation the District Committee shall so far as reasonably practicable lay their water pipe on the opposite side of the street highway road lane path bridge or passage from that in which the pipe belonging to the corporation has been laid:

(5) In exercising within the burgh the powers conferred by the sections of this Order the marginal notes of which are "District Committee may enlarge or increase number of pipes &c." and "Power to lay mains outside water limits" the District Committee shall lay their pipes in such streets and in such line or route as may be agreed between the corporation and the District Committee or failing agreement as may be determined by arbitration in manner hereinafter by this section prescribed:

(6) If any difference shall arise between the corporation and the District Committee or between their respective engineers as to any plans and sections to which the approval of the corporation is necessary or as to the mode of executing any works or as to any of the other provisions in this section such difference shall be determined by an engineer to be agreed on by the corporation and the District Committee or failing agreement to be appointed by the sheriff on the application of either party and the costs of any such reference shall be paid as the referee shall decide.

Confirming agreement with Duke of Hamilton's trustees.

36. The agreement made between the trustees of the late Duke of Hamilton of the first part and the District Committee of the second part as set forth in the Third Schedule to this Order is hereby confirmed and made binding on the parties thereto.

For protection of Lanarkshire Upper Ward District Committee.

37. For the protection of the District Committee of the Upper Ward of the county (in this section referred to as "the Upper Ward Committee") the following provisions (unless otherwise agreed upon) shall apply and have effect (that is to say):—

(1) The Upper Ward Committee may apply to the District Committee for a supply of water from the aqueduct conduit or line of pipes (Work No. 7) proposed to be constructed under the powers of this Order at

points to be indicated by the Upper Ward Committee (the same being places at which the water can be drawn under pressure without interfering with the continuous free flow of water throughout the said aqueduct) and the District Committee shall thereupon form the necessary connections and shall furnish to the Upper Ward Committee by means thereof a supply of water for their district to an extent not exceeding in the aggregate one hundred and fifty thousand gallons per day of twenty-four hours unless in the event of frost drought breakdown accident or other cause outwith the control of the District Committee The Upper Ward Committee shall not be entitled to demand the supply mentioned or any part thereof before the storage reservoir (Work No. 1.) has been constructed and the said aqueduct laid but if the District Committee prior to the construction of the said reservoir abstract water from the Camps Water for use in their district they shall make available to the Upper Ward Committee if desired a proportion of the water so abstracted such proportion to be in the ratio of one hundred and fifty thousand gallons to four million four hundred thousand gallons:

(2) The Upper Ward Committee shall repay to the District Committee the cost of forming the necessary connections for affording said supply including the supply and maintenance of suitable meters to ascertain the quantity of water supplied from time to time The quantity of water as recorded by the said meters shall be primâ facie evidence that such quantity has passed through the same and has been used provided that if from any cause whatever the meters should stop working or fail to indicate the quantity of water consumed at any time the District Committee shall estimate and fix the quantity of water which has been consumed from what they may consider to be the most reliable data at their command and in the event of the parties differing as to the said estimate such difference shall be determined in manner prescribed by subsection (10) of this section:

(3) The price for the water supplied as aforesaid shall for a period of ten years from the date when water is

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first taken be at the rate of fivepence for every one thousand gallons passing through the said meters From and after the expiry of the said period of ten years the price shall be regulated on the basis of the relative prices of sixpence (being the price charged by the District Committee for the year current 1912-1913 for supplies of water given by meter within their District) and fivepence as these may be in ratio to the actual price charged from time to time by the District Committee for meter supplies that is to say the ordinary meter price or prices obtaining in the Middle Ward Water District but not the price or prices which may be the subject of any special agreement between the District Committee and any other party In the event of any difference arising as to the ascertainment of the price to be charged as aforesaid the same shall be determined by the sheriff or by an arbiter appointed by him:

(4) If the Upper Ward Committee at any time after the completion of the works by this Order authorised apply to the District Committee for an additional supply of water for their district and if and so long as the District Committee have water to spare in the said aqueduct conduit or line of pipes (Work No. 7) after meeting the demands and requirements of their own district for all purposes they shall furnish such additional supply to the Upper Ward Committee not exceeding in the aggregate one hundred thousand gallons per day of twenty-four hours at the price and on the conditions hereinbefore specified with respect to the supply of one hundred and fifty thousand gallons per day:

(5) Before constructing any works authorised by this Order or any subsequent repairs thereof the execution of which may in any way interfere with or affect any highways within the Upper Ward District or any sewers drains water pipes or other works belonging to the Upper Ward Committee the District Committee shall give to the Upper Ward Committee not less than ten days' notice in writing accompanied by plans and sections showing the manner in which such works are proposed to be executed which plans and

sections shall be subject to the approval of the Upper Ward Committee obtained previously to such works being commenced Provided that if the Upper Ward Committee do not within seven days after service of such notice on them intimate to the District Committee their approval or disapproval of the said plans and sections the District Committee may proceed to execute the works in accordance therewith:

(6) The District Committee shall execute such works and any subsequent repairs thereof in accordance with the before mentioned plans and sections and under the superintendence and to the reasonable satisfaction of the Upper Ward Committee or any of their officials specially empowered by them to that effect:

(7) The works of the District Committee shall be carried out and completed without any undue delay after the commencement thereof and the District Committee shall reinstate and make good any highway or the roadway over any bridge within the district of the Upper Ward Committee which may be broken up or interfered with by the District Committee and make good any injury or interference at any time caused to any such highway or roadway or any works of the Upper Ward Committee by the bursting leakage or failure of any work of the District Committee all to the reasonable satisfaction of the Upper Ward Committee and shall at all times whilst any such highway or roadway shall be opened or broken up cause the same to be properly fenced guarded and lighted to the like reasonable satisfaction and keep such portion of highway or roadway in good repair to the reasonable satisfaction of the Upper Ward Committee for six months after the completion of the works and in case of their default in any of the above matters the Upper Ward Committee may do the necessary works and things and recover the costs and expenses incurred by them from the District Committee:

(8) Wherever the District Committee shall have power to lay a water pipe in a highway containing a water

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pipe which is the property of the Upper Ward Committee the District Committee shall so far as reasonably practicable lay their water pipe on the opposite side of the highway from that in which the Upper Ward Committee's pipe has been laid:

(9) The District Committee may supply water by meter or otherwise from their lines of pipes or from any of their works to any owners or occupiers of lands and heritages lying adjacent or near to the same within the Upper Ward District and the District Committee may contract with all or any such persons for such supply at such rates and upon such terms and conditions and for such period or periods of time as they may agree Provided that such supply shall be subject to the consent of the Upper Ward Committee and that the amount of such supply shall not be deducted from the quantity of water to be supplied to the Upper Ward Committee under the provisions of this section:

(10) If any difference shall arise between the District Committee and the Upper Ward Committee as to any plans and sections to which the approval of the Upper Ward Committee is necessary or as to the mode of executing any of the works or as to any of the other provisions of this section such difference shall (except as otherwise provided for) be determined by the arbitration of an engineer to be agreed on by the District Committee and the Upper Ward Committee or failing agreement to be appointed by the sheriff on the application of either party and the costs of any such reference shall be paid as the referee shall decide.

For protection of Lord Colebrooke's trustees.

38. For the protection of the trustees of Lord Colebrooke or others the owners for the time being of the estate of Grains (hereinafter in this section called "the owners") the following provisions shall apply unless otherwise agreed between the owners and the District Committee (that is to say):—

(1) The District Committee shall within two years after the commencement of this Order serve upon the owners notice to treat for the purchase of all lands of the owners including wayleaves required for the

construction of the works specified in the section of this Order of which the marginal note is "Power to make works":

(2) There shall be substituted for the existing roads within the limits of deviation of Work No. 1 leading to Crimp Cramp and White Camp new or reconstructed roads of a width of not less than ten feet with necessary passing places to the reasonable satisfaction of the owners and the District Committee shall thereafter maintain the said new or reconstructed roads to the like satisfaction The District Committee and all persons entitled to use the said existing roads shall be entitled to use the said new or reconstructed roads at all times hereafter.

AMENDMENTS OF WATER ACTS.

Power to lay mains outside water limits.

39. Without prejudice to the powers conferred by the Water Acts and this Order the District Committee shall have and may exercise in relation to the carrying of water mains and pipes without their limits of supply for the purpose of affording a supply of water within those limits the like powers subject to the like restrictions (including the liability to make compensation for damage caused by the exercise of such powers) as are conferred and imposed on a local authority by the Public Health (Scotland) Act 1897 in relation to the carrying of sewers without the district of the local authority Provided that in exercising the powers conferred by this section the District Committee shall be subject to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets except section 29 of that Act and that for the protection of railways and canals and any bridge tunnel or other work in connection therewith section 107 of the Public Health (Scotland) Act 1897 shall apply Provided further that nothing in this section shall authorise the District Committee to exercise the powers conferred by this section within the district of the Upper Ward of the county nor for the purpose of executing the works authorised by the section of this Order of which the marginal note is "Power to make works."

Definition of supply of water for

40. For the purposes of the Water Acts and this Order and of the Acts incorporated therewith a supply of water for

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domestic purposes.

domestic purposes shall not (notwithstanding anything contained in section 12 of the Waterworks Clauses Act 1863) include a supply of water for the following purposes (that is to say) For steam gas motor and other like engines for railway purposes for ventilating purposes for working any machine or apparatus for horses or cattle for washing carriages motor cars or other vehicles for watering gardens by means of any outside tap or any hose tube pipe sprinkler or other like apparatus for fountains or any ornamental purpose for any trade manufacture or business or any other purposes other than domestic.

Amendment of section 32 of Act of 1892.

41.—(1) Any person who may consider himself aggrieved by the terms of the table of rates and conditions of supply for other than domestic purposes prescribed from time to time by the District Committee under section 32 of the Act of 1892 may appeal to the sheriff whose decision shall be final.

(2) The proviso to section 32 of the Act of 1892 is hereby repealed.

As to breaking up of ground for maintaining communication pipes.

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

Payment in advance of charges for water supply.

43. The charge for a supply of water by the District Committee under any contract or arrangement for a special supply whether existing at the commencement of this Order or entered into subsequently to that date shall except when the supply is furnished by meter and unless the contract or arrangement otherwise expressly provides be payable quarterly one quarter in advance at such dates as the District Committee shall fix Provided that when the supply is furnished by meter the consumer may be required to deposit such sum as security for the payment for such supply as the District Committee think necessary.

Amendment of Water Acts as to domestic water rate.

44.—(1) As from the fifteenth day of May one thousand nine hundred and thirteen section 55 (Estimate to be considered by County Council and domestic water rate imposed) of the Act of 1892 and section 31 (Power to levy domestic water rate) of the Act of 1899 shall be and the same are hereby repealed and

as from that date the enactments contained in the following sub-sections of this section shall come into force and take effect in lieu of the enactments contained in the said repealed sections Provided that the repeal of the last-mentioned sections shall not prejudice the right of the County Council or of the District Committee to recover any assessment or charge imposed or payable under the Water Acts prior to the date aforesaid.

(2) The estimate to be made up in manner provided by section 54 of the Act of 1892 shall be submitted to the finance committee of the County Council who shall revise the same and forthwith submit the estimate so revised together with any recommendations made by the District Committee as to the assessments hereinafter mentioned to the County Council at their meeting in the month of October in each financial year.

(3) The County Council may and they are hereby authorised and required annually to impose and levy an assessment to be called the domestic water rate upon all lands and heritages within the limits of supply of the District Committee at such rate in the pound of the annual value thereof respectively as entered in the valuation roll as shall be sufficient when supplemented by the public water rate (if any) and the other water revenues received under the Water Acts and this Order to defray the expenses incurred or to be incurred for the purposes of water supply under the Water Acts and this Order for and during the year next ensuing the fifteenth day of May then last past including the sums necessary for payment of interest on and repayment of principal of any money borrowed for the purposes of the Water Acts and this Order.

(4) Provided that the domestic water rate shall not be assessed or levied in respect of—

(A) Dwelling-houses railway stations or other buildings unless such dwelling-houses railway stations or other buildings shall have been actually supplied with water by the District Committee or unless some pipe of the District Committee shall be laid down within one hundred yards of the same measuring from the outer wall thereof or of any domestic office in contact therewith and occupied as appurtenant thereto:

(B) Tenements situate in a private close or place unless such tenements shall have been actually supplied with water by the District Committee or unless some pipe

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of the District Committee shall be laid down within one hundred yards of the entrance to such close or place or the nearest part thereof:

(c) Agricultural lands unless some pipe of the District Committee shall be laid within one hundred yards from some dwelling-house or dwelling-houses upon the same and then only in respect of the annual value of such dwelling-house or dwelling-houses and in any case in which the annual value of such dwelling-house or dwelling-houses is not entered in the valuation roll separately from the remainder of the subjects of which it or they form part the County Council shall subject to a right of appeal to the sheriff whose decision shall be final by any person aggrieved determine the annual value of the said dwelling-house or dwelling-houses for the purposes of the domestic water rate In this subsection the expression "agricultural lands" means any lands and heritages used for agricultural or pastoral purposes only or as market gardens orchards allotments woodlands parks gardens or pleasure grounds.

(5) Provided further that for the purposes of the domestic water rate—

(A) The annual value of the following lands or premises shall be held to be one-fourth of the annual value thereof entered in the valuation roll (viz.):—

(i) All lands and premises used exclusively as a canal or basin of a canal or towing path for the same or as a railway or tramway excepting the stations depôts and other buildings which shall be assessable in like manner and to the same extent as other lands and buildings within the limits of supply;

(ii) All waterworks sewage works gasworks electric power stations or sub-stations or electric supply works and underground or other pipes mains or cables of any water company gas company electric power or electric supply company corporation or commissioners;

(iii) All public works and manufactories;

(B) The annual value of the following lands or premises shall be held to be seven-fortieths of the annual value thereof entered in the valuation roll (viz.):—

All mines minerals and quarries.

(6) When under the Water Acts or this Order water is supplied to any buildings or premises for other than domestic purposes it shall not be lawful to charge both the domestic water rate applicable to the buildings or premises so supplied and also for the supply of water so furnished for other than domestic purposes to such buildings or premises but the County Council may either charge the said domestic water rate leviable on such buildings or premises or charge for the supply of water furnished to the same as they may think fit.

(7) The domestic water rate by this Order authorised to be imposed and levied shall for all the purposes of the Water Acts and this Order be substituted for and be deemed to be the domestic water rate authorised to be imposed and levied by the Act of 1892.

FINANCIAL.

Power to apply capital already authorised.

45. The District Committee may apply to any of the purposes 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 or directed to be applied.

Power to County Council to borrow.

46. 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 District 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 Order and the carrying out of the other purposes of this Order to which capital is properly applicable on the security of the assessments authorised by the Water Acts as amended by this Order and may assign any such assessments in security of the moneys so borrowed and the provisions of the Water Acts with reference to moneys borrowed under the authority of those Acts and the repayment thereof shall apply to moneys borrowed under the

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authority 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 Order including money already borrowed for the purposes of those Acts shall not exceed the sum of one million and eighty thousand pounds Provided that if the County Council pay off any moneys borrowed under the authority of the Water Acts or this Order otherwise than by means of instalments or of a sinking fund 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 Order for the repayment of any loan for the purposes 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.

47. 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 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):

Of the Act of 1899—

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

Provided that section 69 of the Act of 1892 shall be read as if the words "and duly stamped" were omitted therefrom.

Protection of lender from inquiry.

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

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Application of moneys borrowed.

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

Costs of Order.

50. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall 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 if paid out of moneys so borrowed shall be repaid within five years from the commencement of this Order.

The SCHEDULES referred to in the foregoing Order.

FIRST SCHEDULE.

HOUSES BUILDINGS OR MANUFACTORIES PARTS ONLY OF WHICH MAY BE TAKEN.

Parish.	Nos. on deposited Plans.
WORK NO. 1 AND WORK NO. 3.	
Crawford - - - - - -	3
WORK NO. 7.	
Douglas - - - - - -	26a
Lesmahagow - - - - - -	63

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SECOND SCHEDULE.

DESCRIPTION OF THE BOUNDARIES OF THE ADDED AREA BEING PART OF THE PARISH OF RUTHERGLEN.

Commencing at a point in the boundary between the parishes of Cambuslang and Rutherglen where said boundary meets the northern extremity of the eastern boundary of inclosure number 291 as shown on the revised edition of the Ordnance Survey map of the parishes of Cambuslang Rutherglen and Carmunnock (Second Edition 1895) thence following said parish boundary in an easterly direction till it reaches a point where the boundaries of the parishes of Cambuslang Rutherglen and Carmunnock meet thence along the boundary between the parishes of Carmunnock and Rutherglen in a southerly westerly south-westerly and westerly directions to the centre line of the public road leading from Mid Farm to Burnside past Burnside Farm thence northward and north-westward till the centre line of the said road meets the centre line of Lochbrae Drive thence eastward along the centre line of said drive till the same meets the easterly boundary or range thereof of inclosure number 291 thence northward along the said eastern boundary of the said inclosure number 291 to the point of commencement.

THIRD SCHEDULE.

MINUTE OF AGREEMENT between GEORGE DALZIEL writer to the Signet Edinburgh as Commissioner for the Most Noble Alfred Douglas Duke of Hamilton Brandon and Chatelherault THE MOST HONOURABLE JAMES GRAHAM commonly called the Marquis of Graham C.V.O. the said GEORGE DALZIEL and GEORGE FRANCIS DALZIEL writer to the Signet Edinburgh the trustees acting under the trust disposition and settlement granted by the Most Noble William Alexander Louis Stephen Duke of Hamilton Brandon and Chatelherault K.T. now deceased dated the nineteenth day of January eighteen hundred and ninety-three and along with relative codicils registered in the books of council and session on the twenty-sixth day of July eighteen hundred and ninety-five conform to factory and commission in his favour dated the twenty-ninth day of

August and the tenth day of September and registered in the books of council and session the eleventh day of September all in the year nineteen hundred and one granted by the Most Noble Spencer Compton Cavendish Duke of Devonshire K.G. now deceased and others the trustees then acting under the said trust disposition and settlement and codicils and ratified and adopted by the said present trustees the said present trustees and their successors in title being hereinafter referred to as the first parties of the first part and the DISTRICT COMMITTEE OF THE MIDDLE WARD OF THE COUNTY OF LANARK hereinafter referred to as the second parties of the second part.

WHEREAS the second parties are promoting in the present session of Parliament a Provisional Order for authority inter alia to construct additional waterworks and to abandon the Glengavel Reservoir authorised by the Lanarkshire (Middle Ward District) Water Act 1896:

And whereas the parties hereto have agreed that in the event of the said Provisional Order being passed the agreements and provisions hereinafter contained shall come into full force and effect:

Therefore the parties hereto have agreed and hereby agree as follows:—

First The second parties agree to give to the first parties a supply of water for the following subjects (viz.) The new kennels at Greenhead and the farms of North Halls South Halls and Peel Hill in the parish of Avondale and county of Lanark and any other farmhouses or other buildings belonging to the first parties which may hereafter be erected in the same neighbourhood to be given off at the point where the first parties' private pipe crosses the second parties water main at or near the said new kennels at Greenhead Provided always that if and in so far as the quantity of water as the same may be ascertained by a meter to be provided and maintained at the expense of the first parties taken in any year shall exceed in total annual quantity one million eight hundred and twenty-five thousand gallons being an average of five thousand gallons per day the first parties shall be bound to pay for the excess of water supplied over the said total annual quantity at the meter rate from time to time charged by the second parties for water supplied within their district Provided further that the first parties shall not be entitled to require free of charge in any one day a quantity of water of more than ten thousand gallons and that the whole supply referred to in this article shall be subject to the usual conditions of supply obtaining in the water district of the second parties as these are regulated by the second parties' statutory powers.

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Second The second parties agree to give to the first parties a supply of water to be given off at a convenient point opposite to the following houses or lodges in the said parish of Avondale (viz.) The Main Gate Lodge the Gamekeeper's House or Mid Lodge and the new or North Gate Lodge and to be delivered through a meter to be provided and maintained at the expense of the first parties into a tank to be formed and maintained by the first parties Provided always that if and in so far as the quantity of water taken in any year shall exceed the total annual quantity of one hundred and eighty-two thousand five hundred gallons being an average of five hundred gallons per day the first parties shall be bound to pay for the excess of water supplied over the said total annual quantity at the meter rate from time to time charged by the second parties within their district subject to the restriction to sixpence per thousand gallons provided for in the succeeding article.

Third The second parties agree to give the first parties a supply of water for Dungavel Lodge in the said parish of Avondale and the out-buildings offices and whole establishment connected therewith Provided always that the first parties shall be bound to pay for the whole quantity of water supplied to them in terms of this section of these presents as such quantity may be ascertained by meter to be provided and maintained at the expense of the first parties at the meter rate from time to time charged by the second parties for water supplied within their district subject to this limitation that the rate to be charged under this and the immediately preceding article shall never exceed the sum of sixpence per thousand gallons of water notwithstanding that the meter rate for the time within the Middle Ward water district may be higher than sixpence per thousand gallons The water to be supplied under this article shall be delivered into the tank referred to in the preceding article and the fixed yearly quantity of one hundred and eighty-two thousand five hundred gallons therein specified shall be deducted from the total consumption indicated by the meter in order to ascertain the quantity of water for which payment is to be made Provided further that the whole supply referred to in this and the immediately preceding article shall be subject to the usual conditions of supply obtaining in the water district of the second parties as these are regulated by the second parties' statutory powers.

Fourth In connection with the granting of all the said supplies hereinbefore referred to it is understood that the second parties shall not be required to incur any expense for piping and that the first parties shall for the purpose of the supplies lay their own connecting pipes to the second parties' mains.

Fifth The first parties shall have right and there is hereby conferred upon and vested in them in all time coming without any

payment therefor the privilege and right to shoot upon and all other sporting rights and facilities over the land forming the site of the foresaid reservoir which the second parties propose to abandon Provided always that the said privilege and rights shall not be exercised so as to prejudice restrict or interfere with the use by the District Committee of the said land or any part thereof for any purpose for which the second parties are by their Water Acts or the Provisional Order before mentioned authorised to use lands acquired under the powers of those Acts or the said Order.

Sixth The second parties agree not to sell or otherwise dispose of or alienate the site of the foresaid reservoir without previously offering to sell the same to the first parties who shall be allowed a period of six months in which to decide whether they will or will not purchase the said site and in the event of the first parties electing to purchase the said site the price (failing agreement between the parties) shall be fixed by a single arbiter to be mutually agreed upon or failing agreement to be nominated by the sheriff of the county of Lanark on the application of either of the parties the said arbiter to have power to dispose of all questions of expenses.

Seventh The provisions of this agreement shall be in substitution of the provisions in the minute of agreement between the late James Auldjo Jamieson writer to the Signet Edinburgh as commissioner for the first parties and the second parties dated twenty-eighth February and second March eighteen hundred and ninety-six so far as these relate to the supply of water referred to in article second of the said agreement and further all other obligations binding on the second parties under the said agreement so far as these are now inapplicable in respect of the abandonment of the said Glengavel Reservoir are hereby annulled.

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

In witness whereof these presents written on this and the three preceding pages are executed in duplicate by the parties hereto as follows They are subscribed by William Neilson and Robert Lambie two of the members of and William Edward Whyte clerk to the said District Committee duly authorised to sign same for and on behalf of the said District Committee namely By the said William Neilson at Bellshill on the twenty-sixth day of April nineteen

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hundred and thirteen before these witnesses James M'Gougan and James Frew both clerks in the office of the said District Committee at Hamilton by the said Robert Lambie at Larkhall on the day month and year last mentioned before these witnesses the said James M'Gougan and the said James Frew and by the said William Edward Whyte at Hamilton on the day month and year last mentioned before these witnesses the said James M'Gougan and the said James Frew and by the said George Dalziel as commissioner foresaid at Edinburgh on the twenty-eighth day of the month and year last mentioned before these witnesses John Robertson writer to the Signet Edinburgh and Alexander Dunbar clerk to Messieurs Tods Murray and Jamieson writers to the Signet Edinburgh.

JOHN ROBERTSON Witness.
ALEXANDER DUNBAR Witness. — GEORGE DALZIEL.

JAMES M'GOUGAN Witness.
JAMES FREW Witness. — WM. NEILSON.

JAMES M'GOUGAN Witness.
JAMES FREW Witness. — ROBERT LAMBIE.

JAMES M'GOUGAN Witness.
JAMES FREW Witness. — W. E. WHYTE
District Clerk.

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