CHAPTER lxi.

An Act to confirm a Provisional Order made under the Public Health (Scotland) Act, 1867, relating to the Parish of Bothwell, in the County of Lanark. [3d July 1879.] A.D. 1879.

WHEREAS a Provisional Order made by one of Her Majesty's Principal Secretaries of State under the Public Health (Scotland) Act, 1867, is not of any validity unless the same has been confirmed by Act of Parliament: 30 & 31 Vict. c. 101.

And whereas Her Majesty's Principal Secretary of State for the Home Department has, under the said Act, duly made the Provisional Order contained in the schedule annexed to this Act, and it is expedient that the said Order should be so confirmed:

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

1. The Provisional Order contained in the schedule annexed to this Act is hereby confirmed, and all the provisions contained in the said Order shall, from and after the passing of this Act, have the same validity and force as they would have if enacted in the body of this Act. Provisional Order in schedule confirmed.

2. This Act may be cited as the Public Health (Scotland) Act, 1867, Order Confirmation (Bothwell) Act, 1879. Short title.

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SCHEDULE.

Public Health (Scotland) Act, 1867. *Bothwell.*

WHEREAS by the Public Health (Scotland) Act, 1867, it is among other things enacted, section 89, that "with respect to parishes (exclusive of any "parts of such parishes as are situated within the district of any local authority "other than the parochial boards of such parishes) the local authority, if they "think it expedient so to do, may acquire and provide or arrange for a supply "of water for the domestic use of the inhabitants, and for that purpose may "conduct water from any lake, river, or stream, may dig wells, make and "maintain reservoirs, may purchase, take upon lease, hire, construct, lay down, "and maintain such waterworks, pipes, and premises, and do and execute all "such works, matters, and things as shall be necessary and proper for the "aforesaid purpose, and may themselves furnish a supply of water, or contract "or arrange with any other person to furnish the same; and for the purposes "aforesaid the local authority shall be held to have all the powers and rights "given to promoters of undertakings by the Lands Clauses Acts: Provided "always, that they shall make reasonable compensation for the water so taken "by them, and for the damage which may be done to any lands by reason of "the exercise of the powers hereby conferred in terms of the said Acts;" and that "the local authority, if they have any surplus water after fully supplying "what is required for domestic purposes, may supply water from such surplus "to any public baths and washhouses or for trading or manufacturing purposes "on such terms and conditions as may be agreed on between the local authority "and the persons desirous of being so supplied:"

And whereas it is provided by the said Act, section 90, that, upon compliance with the provisions therein contained with respect to advertisements and notices, the local authority may present to one of Her Majesty's Principal Secretaries of State a petition stating the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and praying that the local authority may, with reference to such land, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement; and that, upon the receipt of such petition and proof of the proper advertisements having been published and notices served, the Secretary of State may direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition; and after the completion of such inquiry the Secretary of State may, by Provisional Order, empower the local authority to put in force, with reference to the land referred to in such order, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agree-

ment, or any of them, and either absolutely or with such conditions and modifications as he may think fit:

And whereas the parochial board of the parish of Bothwell, in the county of Lanark, are the local authority in the said parish under the Public Health (Scotland) Act, 1867:

And whereas under the provisions of the said Public Health (Scotland) Act, 1867, by a resolution of the said local authority, dated the 17th day of November 1877, certain portions of the said parish of Bothwell, comprising the villages of Bothwell, Uddingston, Bellshill, and Mossend, and the lands adjacent thereto, were formed into a special water supply district:

And whereas a petition under the Public Health (Scotland) Act, 1867, and the Public Health (Scotland) Amendment Act, 1871, has been presented to me as one of Her Majesty's Principal Secretaries of State by the said local authority, setting forth, among other things, the formation of such water supply district, and that the present water supply to the inhabitants of such district being for the most part obtained from wells, and in some instances from coal pits, is quite inadequate and insufficient for the purposes of the inhabitants and unsuitable for domestic use, and that no company established by Act of Parliament is authorised to supply such district with water, and that it would be of great advantage to the inhabitants of the said district if the said local authority were authorised to obtain a supply of water for the domestic use of the inhabitants and for trading and manufacturing and other purposes, under the provisions of the Public Health (Scotland) Act, 1867, and Public Health (Scotland) Amendment Act, 1871, from the Logan Water and the Lochfennoch Burn, in the parish of Lesmahagow and county of Lanark, which flow into the River Nethan, which discharges itself into the River Clyde, and to make and execute, for the purpose of such supply and for compensation, the reservoirs, aqueducts, conduits, or lines of pipe, embankments, dams, weirs, sluices, and other works and conveniences as described on the plan herein-after mentioned; and that, with the view of affording such supply of water, the said local authority proposed, under the provisions of the said Acts and the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, which two last-mentioned Acts are in this Order referred to as the Lands Clauses Acts, to take land and other property for the execution of the proposed works, and works and conveniences connected therewith, and for all purposes necessary for providing such supply of water; and that the said local authority had published the advertisements and served the notices required by section 90 of the said Public Health (Scotland) Act, 1867; and the said petition prayed that a Provisional Order might be made empowering the said local authority to put in force with reference to the lands mentioned in such petition, the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas due inquiry was directed and held in respect of the matters contained in the said petition, and I have resolved to grant the prayer thereof; and a plan describing the reservoirs, aqueducts, conduits, and lines of pipe, and the lands, burns, springs, streams, roads and other property intended to be

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taken for the purposes thereof, and of the said water supply, and a book of reference to such plan containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands, burns, springs, streams, roads, and other property, have been signed by me with reference to this Order, and have been deposited with the sheriff clerk of the county of Lanark at his office in Hamilton:

Now, therefore, in pursuance of the power vested in me by the Public Health (Scotland) Act, 1867, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order, under my hand and seal, direct that, from and after the passing of an Act of Parliament confirming the same:

1. The expression "the Special Act" in the Lands Clauses Acts shall mean this Order; and the expression "the promoters of the undertaking" in such Acts shall with reference to this Order mean the parochial board of the parish of Bothwell, herein-after called the local authority; and the word "lands" in this Order shall have the meaning attached to it in such Acts and the Public Health (Scotland) Act, 1867, and shall thereby include water and the right thereto.

2. The local authority may put in force, with reference to the lands, burns, springs, streams, roads, and other property described on the said plan and in the said book of reference, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

3. The local authority, in constructing the works described on the said plan, may deviate laterally from the lines laid down thereon to any extent not exceeding the limits of lateral deviation shown thereon, and may deviate vertically from the levels of the said works as defined on the sections and the said plan to any extent not exceeding five feet upwards and five feet downwards: Provided always, that they may erect any water tower, stand-pipe, or other like work of any height, which for the time being may be necessary or proper for the purposes of this Order.

4. The local authority may, in the execution of their works, take wayleaves, easements, servitudes, or other limited rights over lands and other property, subject to such conditions as may be agreed on with the persons interested.

5. And whereas the Village of Larkhall, in the Parish of Dalserf and County of Lanark, has been formed into a special water supply district under the Public Health (Scotland) Act, 1867, and the water supply pipes of the local authority pass through the said village, it is hereby provided, in the event of the local authority of Dalserf intimating in writing to the local authority within two months after this Order is confirmed by Act of Parliament that they are desirous to obtain a supply of water for the said special water supply district of Larkhall from the local authority, and request them to furnish such supply, the local authority shall, from some point on the line of their waterworks to be fixed by them, furnish in bulk to the local authority of Dalserf for the special water supply district of Larkhall before mentioned, a supply of water whereof the quantity shall not at any time exceed fifty thousand gallons per day of twenty-four hours, unless otherwise mutually arranged, on such terms and conditions and in perpetuity, or for such period of time as may be agreed on betwixt the said local authority and the local authority of Dalserf, and failing agreement

within three months after this Order is confirmed by Act of Parliament, then on such terms and conditions, and for such endurance, as shall be fixed by an engineer to be appointed by the Sheriff of Lanark on the application of either party.

6. All questions of compensation betwixt the local authority and any person whatsoever with regard to the taking and abstraction of water under this Order shall be referred to the arbitration of George Cunningham, of Edinburgh, civil engineer, whom failing, George Robertson, of Edinburgh, civil engineer, under the Lands Clauses Acts.

7. Any works to be constructed in exercise of the powers conferred by this Order, whether in laying down, altering, replacing, or repairing any mains or pipes, or otherwise, upon, across, under, adjoining, or in close proximity to any bridge or railway at any time belonging to or worked or maintained by the Caledonian Railway Company, or the Glasgow, Bothwell, Hamilton, and Coatbridge Railway Company, or any lands or property at any time belonging to or used or occupied by either of the said railway companies respectively, shall be done under the superintendence and to the reasonable satisfaction of the engineers of the said railway companies respectively for the time being, and according to such plans and at such times as shall be reasonably approved by them respectively before any such works are begun; but in all things at the expense of the local authority, and so as to cause no injury to any such bridge or railway or the works thereof, or to such lands or property, or interference with the passage or conduct of traffic over such bridge or railway; and if any such injury shall arise to any such bridge or railway or the works thereof, or to such lands or property, or interference with the passage or conduct of such traffic, either in the construction or laying down, or in effecting the repairs of any such work of the local authority, or by the bursting or breakage of any of their reservoirs, mains, or pipes, or by any neglect or default of the local authority, or otherwise howsoever, and if the said railway companies, or either of them, in the renewal of any such bridge or work connected with their railway, incur any extra expense by reason of the laying or keeping laid of the mains or pipes belonging to the local authority, or otherwise, the local authority shall make full compensation to the said railway companies respectively for any such injury, or interference, or extra expense, the amount thereof to be recoverable, with full costs, from the local authority by all and the same means as a simple contract debt is recoverable.

Given under my hand and seal at Whitehall this twenty-ninth day of April one thousand eight hundred and seventy-nine.

Richd. Assheton Cross. L.S.

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