CHAPTER lxxiii.

An Act for confirming a Provisional Order made under "The Public Health (Scotland) Act, 1867," relating to the Parish of Cambuslang, in the county of Lanark. A.D. 1875.

[29th June 1875.]

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:

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:

Provisional Order confirmed.

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; save and except that in lieu of the paragraph immediately following the words "that is to say," in section one of the said Provisional Order, there shall be inserted the following; viz.,

"As compensation for the taking, impounding, and appropriating of the water which the said parochial board are, under 'The Public Health (Scotland) Act, 1867,' 'The Public Health (Scotland) Amendment Act, 1871,' the Lands Clauses Acts, and this order, empowered to take, they shall before supplying water from the said intended reservoir for the purposes of those Acts, and in all time after commencing to give such supply, cause to flow in

A.D. 1875.

a continuous regular stream, and (so far as may be) equally at all hours of day and night, from the said intended reservoir into the channel of the said Cocks Burn below the embankment of the said reservoir, a quantity of water not less than sixty-three thousand nine hundred and sixty gallons in each and every day; and it shall not be lawful for the said parochial board to store water in the said intended reservoir, except for the purpose of sending, or at such times as they shall be sending, down such compensation water."

And that the measuring gauge mentioned in the next following paragraph of section one of the said Provisional Order shall be constructed and maintained immediately below the intended embankment therein mentioned.

Act to be a Public Act.

2. This Act shall be deemed to be a Public General Act of Parliament.

Short title.

3. This Act may be cited as the "Public Health (Scotland) Act, "1867, Orders Confirmation Act, 1875 (No. 3)."

THE SCHEDULE.

Provisional Order relating to the Parish of Cambuslang, in the County of Lanark.

CAMBUSLANG.

PUBLIC HEALTH (SCOTLAND) ACT, 1867.

(30 & 31 Vict. c. 101.)

WHEREAS by the "Public Health (Scotland) Act, 1867," it is, inter alia, enacted, section eighty-nine, 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, con-"struct, 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 "wash-houses, or for trading or manufacturing purposes:"

And whereas it is further provided by the said Act, section ninety, 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

A.D. 1875.

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 land otherwise than by agreement, or any of them:

And whereas under the provisions of the "Public Health (Scotland) Act, 1867," the parochial board of the parish of Cambuslang, in the county of Lanark, are the local authority to execute the said "Public Health (Scotland) Act, 1867," and "The Public Health (Scotland) Amendment Act, 1871," within the said parish, and within the special water supply district of Cambuslang, which forms part of that parish:

And whereas a petition under the provisions of the "Public Health (Scotland) Act, 1867," has been presented to me, as one of Her Majesty's Principal Secretaries of State, by the said parochial board, setting forth that the present supply of water in the said special water supply district is insufficient, that an additional supply is urgently required, that it is expedient that certain new works for that purpose should be formed, that lands should be acquired for the purposes of those works, and that the petitioners should be empowered to put in force, with reference to such lands, the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement; and it is in the said petition further stated that, for the purposes of giving such supply as aforesaid, it is proposed to take and impound, appropriate and distribute, the whole of the waters of the stream known as Cocks Burn, and all the affluents thereof above the embankment herein-after mentioned, excepting such quantity (if any) of such water as may not be required for such purposes, and to construct the works herein-after mentioned, that is to say:

1. An embankment across the stream called or known as Cocks Burn, at and adjoining a point in the centre of that stream about two hundred and twenty yards (measured in a straight line) westward from the point where that stream crosses the turnpike road from Glasgow to Eaglesham and East Kilbride;
2. A reservoir, commencing at a point in the said stream about three hundred and ninety yards (measured in a straight line) south-westward from the said point in the centre of the said stream, and terminating at the embankment herein-before described;
3. A conduit or pipe, commencing in the intended reservoir herein-before described at a point about two hundred and fifty yards (measured in a straight line) westward from the said point where the said stream crosses the said turnpike road, and passing first in an easterly and then in a northerly direction to a point on the said turnpike road about one hundred and ninety yards northward from the said point where the said stream crosses the said turnpike road, and thence along such turnpike road to a point near the toll-house at Greenlees toll bar, thence leaving the said turnpike road and passing in a north-easterly direction to and

terminating in the existing reservoir, known as Turnlaw Reservoir, near the south-western corner of that reservoir, together with all proper and convenient accesses to the intended reservoir, and works and conveniences connected with the said intended embankment, reservoir, and conduit or pipe, and also all gauge-weirs, bye-washes, waste water-courses, sluices, valves, culverts, filters, tanks, mains, pipes, and other conveniences and appliances necessary or convenient for the said works, and for giving the said supply of water;

and to take and acquire the lands required for the purposes of the said works; and that the petitioners had published the advertisements and served the notices required by the ninetieth section of the "Public Health (Scotland) Act, 1867:"

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof, and a plan describing the works to be constructed, and the land intended to be taken for the purposes thereof, 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 land, 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 powers 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, direct that from and after the passing of any Act of Parliament confirming the same—

1. It shall be lawful for the parochial board of the parish of Cambuslang, in the county of Lanark, as the local authority within the said parish, to put in force, with reference to the land 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; but the said powers are granted only under the following conditions; (that is to say,)

As compensation for the taking, impounding, and appropriating of the water which the said parochial board are, under the "Public Health (Scotland) Act, 1867," "The Public Health (Scotland) Amendment Act, 1871," the Lands Clauses Acts, and this order, empowered to take, they shall, as soon as they shall have completed the said reservoir, and shall have filled the same with water, and in all time thereafter, cause to flow in a continuous regular stream, and (so far as may be) equally at all hours of day and night, from the said reservoir into the channel of the said Cocks Burn below the embankment of the said reservoir, a quantity of water not less than sixty-three thousand nine hundred and sixty gallons in each and every day.

The said parochial board shall, before appropriating any of the waters of the said Cocks Burn, construct, and shall for ever after maintain, upon the said burn a suitable measuring gauge over or through which the said compensation water shall flow or be discharged; and such gauge shall be open to the inspection and examination of the several persons interested in the water so to flow or be discharged through or over the same; and if at any time such gauge shall be

A.D. 1875.

in an unfit state of repair or condition for the purpose for which it is intended, the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the said parochial board, or if they fail so to do within seven days after notice given to them by or on behalf of any of the persons interested as aforesaid, requiring the said parochial board so to do, it shall be lawful for any person so interested to cause such works to be done and performed in connexion with the said gauge as shall be necessary for placing it in a proper and efficient state and condition, and to recover the expenses of such works, with full costs of suit, against the said parochial board in any court of competent jurisdiction.

2. In this order the expression "the Lands Clauses Acts" means "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860;" and the word "lands" has the meaning assigned to it in the Lands Clauses Acts, and includes water and the right thereto.

In the Lands Clauses Acts the expression "the special Act" means and includes this order; and the expression "the promoters of the undertaking" means, with reference to this order, the parochial board of the parish of Cambuslang, as the local authority within that parish under the "Public Health (Scotland) Act, 1867," and "The Public Health (Scotland) Amendment Act, 1871."

Given under my hand and seal at Whitehall this fifth day of May one thousand eight hundred and seventy-five.

(L.S.) R. Assheton Cross.

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