CHAPTER 52.

An Act to amend the Public Health (Scotland) Acts.

[5th August 1891.]

53 & 54 Vict. c. 50.

WHEREAS by the Local Government (Scotland) Act, 1889, provision is made by sections seventeen and seventy-seven for dividing every county into districts for the purposes of the administration of the laws relating to public health, and by sections seventeen and seventy-eight for the constitution of a district committee for each district, which shall be the local authority therein under the Public Health (Scotland) Act, 1867, and any amending Act, in this Act referred to as the Public Health (Scotland) Acts:

30 & 31 Vict. c. 17.

And whereas such districts comprise several parishes, and it has been found to be expedient, in order to facilitate the administration of the last-mentioned Acts with respect to the supply of water to such districts or parts thereof, that the said Acts should be amended as herein-after provided:

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:

Short title and construction.

1. This Act may be cited for all purposes as the Public Health (Scotland) Amendment Act, 1891, and the Public Health (Scotland) Acts and this Act shall be read and construed together as one Act.

Commencement of Act.

2. This Act shall not take effect within any district in any county until after the county council shall, on the application of the district committee, have passed a resolution approving of its taking effect within such district, such resolution having been passed, and such application having been sanctioned at meetings called with special notice of the resolution to be submitted thereat.

An application of a district committee or a resolution of a county council shall not have effect for the purposes of this section unless approved of by an absolute majority of the whole members of the district committee or county council, as the case may be.

Incorporation of Act and parts of Acts. 30 & 31 Vict. c. 17. 10 & 11 Vict. c. 17.

3. The following Acts, and parts of Acts, so far as the same respectively are applicable for the purposes and are not inconsistent with the provisions of the Public Health (Scotland) Act, 1867, are hereby incorporated with that Act:—

The Waterworks Clauses Act, 1847, except the provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit, and except the words in section forty-four thereof, "with the "consent in writing of the owner or reputed owner of any such "house or of the agent of such owner";

26 & 27 Vict. c. 93.

The Waterworks Clauses Act, 1863;

8 & 9 Vict. c. 33.

The provisions of the Railway Clauses Consolidation (Scotland) Act, 1845, with respect to the temporary occupation of lands near the railway during the construction thereof, but such last-mentioned provisions shall apply only in the case of any reservoir, filter, or distributing tank which the local authority

may be authorised to construct, and the works immediately connected therewith; and for the purposes of this Act those provisions shall be read as if such reservoir, filter, or tank, and works were therein mentioned, instead of "the railway," and the boundaries of such reservoir, filter, or tank, and works, instead of "the centre of the railway;" and the prescribed limits shall be two hundred yards from such boundaries.

Division of assessment for water supply into (1) domestic water rate and (2) public water rate.

4. Upon this Act taking effect the expense incurred or to be incurred by the district committee as local authority under the provisions of the Public Health (Scotland) Acts during the year ensuing for water supply (including the sums necessary for payment of interest on and repayment of instalments of any money borrowed for providing such supply) shall be paid out of the assessments in this section authorised; that is to say:—

(1.) It shall be lawful for the county council, and they are hereby authorised and required, once in every year to impose and levy an assessment (to be called the domestic water rate) upon all lands and heritages within the district which shall have been supplied with water by the district committee as local authority at such rate in the pound as shall be sufficient, when supplemented by the public water rate, if any, to defray the expense herein-before mentioned;

(2.) It shall be lawful for the county council, and they are hereby authorised, once in every year to impose and levy an assessment (to be called the public water rate) if they shall think fit upon all lands and heritages within the district, but such rate if imposed shall not exceed threepence in the pound, and may be such less amount as the county council may from time to time determine.

(3.) The assessments or rates in this section mentioned shall not in the aggregate exceed the rates authorised by the Public Health (Scotland) Acts, and shall be imposed and levied and be payable, and may be recovered in the same manner, as nearly as may be, as assessments under the provisions of the Public Health (Scotland) Acts.

Provided always that—

(*a.*) Where a special water supply district has been formed in the manner provided in the said Acts, and a sufficient supply of water has been obtained and is maintained therein under the authority of the said Acts, the lands and heritages situated within such special water supply district shall not be liable to assessment for the expense of supplying water to other parts of the district:

(*b.*) The local authority shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year:

(*c.*) No person shall be entitled to demand such supply of water or to require the local authority to lay down communication pipes, unless some pipe of the local authority shall have been laid within one hundred feet of the house or other premises in respect of which such

supply or communication pipes are demanded, or unless the local authority shall become bound by virtue of a requisition and agreement made and executed in the manner and to the extent required by the Waterworks Clauses Act, 1847, to cause pipes to be laid down within the said distance of one hundred feet of such house or other premises.

Power to borrow on security of assessments.

5. The county council as the local authority may, in addition to the powers conferred by section eighty-nine (six) of the Public Health (Scotland) Act, 1867, borrow money for the purposes therein set forth on the security of the assessments hereby authorised, and may assign the said assessments and the general assessments that may be imposed under the said Act or any of them in security of the money to be so borrowed.

Power to abolish certain special water supply districts.

6. If in any special water supply district the maximum rates leviable shall be inadequate to provide and maintain a sufficient supply of water, it shall be lawful for the local authority, at a meeting called with special notice, to resolve by an absolute majority of their number, to apply to the county council, who may by an absolute majority of the whole members of the council resolve, subject to such conditions as they may determine regarding the payment of any debt that may affect such special water supply district, that the area embraced within the boundaries of such special water supply district shall cease to exist as a special water supply district, and, in the event of such local authority so resolving, such area shall, subject as aforesaid, from and after a date to be fixed by such local authority cease to be rated and assessed for the purposes of water supply separately from the district; but such area may continue to be rated and assessed separately from the district for the purpose of the payment of such debt.

A resolution of a local authority under this section shall not have effect until it is confirmed by the Secretary for Scotland on the application of the county council, and after such inquiry as the Secretary for Scotland shall deem necessary. The costs of any such inquiry shall be borne by the local authority.

Saving for existing water companies and commissioners.

7. Nothing contained in or done in pursuance of the provisions of this Act shall authorise the supply of water to, or any assessment to be imposed and levied within, any district or part of a district which is already authorised to be supplied with water by any water company or water commissioners or trustees established by Act of Parliament, or shall prejudice or affect the last proviso of sub-section one of section eighty-nine of the Public Health (Scotland) Act, 1867.

Saving for existing loans.

8. Nothing contained in or done in pursuance of the provisions of this Act shall in any way prejudice the rights or powers of creditors who before the passing of this Act have advanced moneys to any local authority under the Public Health (Scotland) Acts, and all securities for such moneys may be enforced against the same assessments against which they may be enforced at the passing of this Act.