CHAP. cxxxii.

An Act to confirm a Provisional Order under the "Public Health (Scotland) Act, 1867," relating to the Burgh of Fraserburgh. [1st August 1870.] A.D. 1870.

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has, under the provisions of the "Public Health (Scotland) Act, 1867," duly made the Provisional Order which is contained in the Schedule to this Act annexed, and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Order should be so confirmed:

Be it 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 to this Act annexed shall be and is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, be valid and have the like force and effect as if the same were specially enacted in this Act. **Confirmation of Provisional Orders.**

2. This Act may be cited as "The Public Health (Scotland) Supplemental Act, 1870." **Short title.**

SCHEDULE referred to in this Act.

FRASERBURGH.

Public Health (Scotland) Act, 1867.

WHEREAS by the "Public Health (Scotland) Act, 1867," it is, inter alia, enacted, section 89, that with respect to the improvement of burghs having a population of less than ten thousand according to the census last taken, and not having a local Act for police purposes, "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 pur- "pose 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 whereas it is further provided by the said Act, section 90, that, upon compliance with the provisions and regulations 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 such 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 the land so intended to be taken, 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 on 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 land otherwise than by agreement, or any of them:

And whereas the commissioners of police of the burgh of barony of Fraserburgh in the county of Aberdeen (which contains less than ten thousand inhabitants), under "The General Police and Improvement (Scotland) Act, 1862," (herein-after called "the commissioners") are the local authority within the said burgh of barony under the "Public Health (Scotland) Act, 1867:"

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 commissioners, setting forth—(1), that the commissioners intend, under the provisions of the said Act, to bring a supply of water to the town of Fraserburgh from the stream of Mid Ardlaw, called the Glashiemyre Burn, by means of an aqueduct with branch drains; (2), that, for the purpose of supplying such water to the said town, it would be necessary for the commissioners to acquire certain lands described on the plan therein mentioned, being the plan marked No. 1 herein-after mentioned, and also described in the book of reference herein-after mentioned, under the provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," which Acts are herein termed and referred to as "the Lands Clauses Acts," with respect to the purchase and taking of lands otherwise than by agreement, and that the commissioners had published the advertisements and served the notices required by the 90th section of the first-recited Act; and the said petition prayed that a Provisional Order might be made enabling the commissioners to put in force the said provisions of the Lands Clauses Acts with respect to the said lands:

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, but subject to the conditions and modifications after specified; and two plans, marked respectively "No. 1" and "No. 2," describing the waterworks to be constructed and the lands intended to be taken for the purposes thereof, and a book of reference to the said plans containing the names of the owners or reputed owners, lessees or reputed lessees and occupiers of such lands, have been signed by me with reference to this Order, and have been deposited with the sheriff clerk of the county of Aberdeen at his office in Peterhead:

Now, therefore, in virtue 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 commissioners as the local authority within the said burgh of barony of Fraserburgh, to put in force, with reference to the lands described on the said two plans and in the said book of reference, the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

2. With reference to this Order the following expressions in the Lands Clauses Acts shall have the meanings hereby assigned to them; that is to say, the expression "promoters of the undertaking" shall mean the commissioners,

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and the expression "the Special Act" shall mean this Order and the Act confirming the same; and the word "lands" in this Order shall have the meaning assigned to it in the Lands Clauses Acts, and shall include water and the right thereto.

3. The works described on the said plans shall be executed as shown on the said plan marked "No. 1": Provided always, that with respect to the lands of Mid Ardlaw the said works may be executed as shown on the said plan marked "No. 2," if the owner of the said lands shall signify to the commissioners in writing his desire to that effect within fourteen days after an application in writing by the clerk to the commissioners is delivered to him personally or forwarded by post in a registered letter to his usual or last known address; provided also, that the commissioners shall provide and cause to flow in the course of the Glashiemyre Burn a supply of water at no time less than ten thousand gallons in every twenty-four hours, which shall enter the said burn at or close to a point marked A on the said plan marked "No. 2;" and the works in connexion with the supply of water to the said burn shall be executed to the satisfaction of Allan Duncan Stewart, civil engineer, Edinburgh, and, failing him, of any other civil engineer to be nominated by the sheriff of Aberdeenshire on the application of the commissioners.

4. In constructing the works described on the said plans, the commissioners may deviate from the lines laid down thereon to any extent not exceeding ten yards from the said lines respectively, provided the said works, by means of such deviation, be not made to extend into the lands of any person, whether owner, lessee, or occupier, whose name is not mentioned in the said book of reference, without the previous consent in writing of such person.

Given under my hand and seal at Whitehall this 7th day of May 1870.

H. A. Bruce. (L.S.)

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