CHAPTER xliv.

An Act to confirm a Provisional Order under the "Public Health (Scotland) Act, 1867," relating to the Burgh of Brechin. [27th June 1872.]

A.D. 1872.

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:

Confirmation of Provisional Order.

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.

Short title.

2. This Act may be cited as "The Public Health (Scotland) Supplemental Act, 1872."

SCHEDULE referred to in this Act.

BRECHIN.

"*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 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 "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 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 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 magistrates and council of the burgh of Brechin, in the county of Forfar (which burgh contains less than ten thousand inhabitants), as commissioners of police of the said burgh under "The General Police and Improvement (Scotland) Act, 1862," are the local authority within the said burgh under the "Public Health (Scotland) Act, 1867," and "The Public Health (Scotland) Amendment Act, 1871:"

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 magistrates and council as commissioners of police of the said burgh, setting forth that the present supply of water to the said burgh is insufficient, and it would be of great advantage to the inhabitants of the said burgh if the petitioners were authorised to obtain an additional supply of water under the provisions of "The General Police and Improvement (Scotland) Act, 1862," and the "Public Health (Scotland) Act, 1867;" and that the petitioners proposed to take and acquire, under the powers and 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," for the purpose of supplying water for the domestic use of the inhabitants of the said burgh and for trading and manufacturing and other purposes, the stream called the Mooran which rises in the Hill of Wirran, and the springs and water supplying or flowing into that stream, and the lands required for the purposes of the proposed works; and that the petitioners had published the advertisements and served the notices required by the ninetieth section of the first-recited Act; and the said petition prayed that a Provisional Order might be made empowering the petitioners to put in force with reference to the lands and streams and water before mentioned the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement:

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 waterworks to be constructed, and the lands, streams, and springs 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 lands, streams, and springs, have been signed by me with reference to this Order, and have been deposited with the sheriff clerk of the county of Forfar at his office in Forfar:

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 magistrates and council of Brechin as commissioners of police of the said burgh of Brechin and as such the local authority within the said burgh to put in force, with reference to the lands, streams, and springs described on the said plan 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.

A.D. 1872.

2. The expression "the special Act" in the Lands Clauses Acts shall mean and include this Order; and the expression "the promoters of the undertaking" in the Lands Clauses Acts shall, with reference to this Order, mean the magistrates and council of Brechin as commissioners of police of the said burgh and as such the local authority within the said burgh under the "Public Health (Scotland) Act, 1867," and "The Public Health (Scotland) Amendment Act, 1871;" 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.

Given under my hand and seal at Whitehall, this Eighth day of May One thousand eight hundred and seventy-two.

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

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