CHAPTER cxliii.

An Act to empower the District Committee of the first or upper district of the county of Renfrew to construct and maintain waterworks and to supply water within their district to authorise the County Council of the county of Renfrew to acquire the undertaking of the Busby Water Company and other lands and servitudes for the purposes of such water supply to authorise and require the said County Council to levy assessments and to borrow money for such waterworks undertaking and supply to authorise the County Council to acquire land for sewage purification works and for other purposes. [21st August 1907.] A.D. 1907.

WHEREAS the County Council of the county of Renfrew (herein-after called "the County Council") are the local authority for the said county in the execution of the Public Health Acts as herein-after defined with respect to acquiring and holding land rating and borrowing:

And whereas the county of Renfrew has for the purposes of the administration therein of the Public Health Acts been divided into districts in accordance with the provisions of the Local Government (Scotland) Act 1889 (herein-after called "the Act of 1889") one of which districts is called the first or upper district:

And whereas the District Committee of the first or upper district (herein-after called "the District Committee") are the local authority for the execution within the said first or upper

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district of the Public Health Acts except with respect to acquiring or holding land rating and borrowing:

And whereas it is expedient in the interest of the inhabitants of the portion of the said first or upper district in this Act defined that the District Committee should be authorised and empowered to construct waterworks and to supply water as in this Act provided and to exercise such other powers in that behalf as are in this Act contained:

And whereas the Busby Water Company incorporated by the Busby Water Act 1875 have under the powers contained in that Act and the Busby Water Act 1882 constructed waterworks and have given a water supply in a portion of the water supply area in this Act described and herein-after referred to as "the water supply area":

And whereas it is expedient that the County Council should for the purposes of the said water supply to be given by the District Committee be authorised and empowered to acquire the undertaking of the Busby Water Company and to acquire and hold lands for the purpose of the construction thereon by the District Committee of waterworks and for the other purposes of their supply:

And whereas the District Committee have under the provisions of the Public Health Acts formed a portion of the said first or upper district situated within the water supply area into a special water supply district under the name of the Malletsheugh special water supply district and it is expedient that the same should cease to be a separate water supply area and should be merged into the water supply area authorised by this Act:

And whereas it is expedient that the County Council should be authorised and required to levy assessments and charges in respect of the lands waterworks and water supply by this Act authorised to be acquired and provided:

And whereas it is expedient that the County Council should be authorised to borrow on the security of assessments leviable by them such moneys as may be necessary for the purposes of this Act:

And whereas it is expedient in the interests of the public health that the County Council should be authorised to acquire and hold certain lands in the parishes of Eastwood and Paisley within the said first or upper district and in the parish of Neilston

and burgh of Barrhead for the purpose of the construction thereon by the District Committee of works for the purification of the sewage of certain lands situated respectively at Giffnock in the parish of Eastwood and at or near Cross-stobs in the parish of Paisley with access thereto and to borrow such sums of money as may be necessary for the acquisition of such lands:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands streams and other property required or which may be taken for the purposes or under the powers of this Act have been deposited with the principal sheriff-clerk of the county of Renfrew in his office at Paisley and are herein-after respectively referred to as "the deposited plans sections and book of reference":

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Renfrewshire Upper District (Eastwood and Mearns) Water Act 1907.

Incorporation of Acts.

2. 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 this Act) are hereby incorporated with and form part of this Act:—

The Lands Clauses Acts:

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the communication pipes to be laid by the undertakers and 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 44 thereof "with the consent in writing of the "owner or reputed owner of any such house or of the "agent of such owner" and also with the exception of clauses 68 70 71 and 72:

The Waterworks Clauses Act 1863:

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The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith In construing such clauses and provisions "the centre of the railway" means any part of the works by this Act authorised Provided that such clauses and provisions so far as regards the temporary occupation of lands shall not apply to works 6 7 10 and 11 by this Act authorised.

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health Acts or the Act of 1889 have the same respective meanings unless there be something in the subject or context repugnant to such construction In this Act and in the Acts wholly or partially incorporated with this Act—

The expression "the county" means the county of Renfrew;

The expression "the sheriff" means the sheriff of Renfrew and Bute or any of his substitutes;

The expression "the County Council" means the county council of the county;

The expression "the District Committee" means the District Committee of the first or upper district of the county;

The expression "the water supply area" and the expression "the limits of supply" respectively mean and include the area described in the First Schedule to this Act as delineated and coloured blue on the plan signed in triplicate by the Right Honourable the Earl of Camperdown the Chairman of the Select Committee of the House of Lords to whom the Bill for this Act was referred one copy whereof is deposited in the Office of the Clerk of the Parliaments another copy in the office at Paisley of the principal sheriff-clerk of the county and another copy in the office at Glasgow of the principal sheriff-clerk of the county of Lanark;

The expression "the Public Health Acts" means the Public Health (Scotland) Act 1897 and any Act amending the same;

The expression "the Act of 1889" means the Local Government (Scotland) Act 1889 and includes any Act amending the same;

The expression "the standing joint committee" means the standing joint committee of the County Council and the commissioners of supply of the county appointed in pursuance of the Act of 1889;

The expression "clerk" means the clerk of the District Committee and the expressions "treasurer" and "collector" mean respectively the treasurer and collector for the time being of the County Council;

The expressions "valuation roll" or "valuation rolls" mean the valuation rolls for the counties of Renfrew and Lanark as the case may be made up in terms of the Lands Valuation (Scotland) Act 1854 or any Act amending the same;

The expressions "land" "premises" and "street" shall have the same respective meanings as in the Public Health Acts;

The expression "the special Act" means this Act;

The expressions "the company" "the undertakers" "the promoters of the undertaking" mean respectively the District Committee and the County Council as the case may be;

The expression "the water company" means the Busby Water Company;

The expression "the Busby Acts" means the Busby Water Act 1875 and the Busby Water Act 1882;

The expression "the water undertaking" shall comprehend the lands and works authorised to be acquired or constructed by the County Council and the District Committee under this Act and the rights powers and privileges conferred on the County Council and the District Committee or acquired by them under this Act so far as the same relates to water supply:

And in the Waterworks Clauses Act 1847 the expression "the waterworks" means the waterworks by this Act authorised to be acquired or constructed.

Power to construct works.

4. Subject to the provisions of this Act the District Committee may on the lands to be acquired by the County Council as herein-after provided make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described together with all necessary and proper

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embankments dams overflows by-washes weirs bridges roads approaches ways wells tanks basins gauges filter-beds stand-pipes sluices outlets outfalls drains discharge-pipes adits shafts tunnels aqueducts culverts cuts channels conduits mains pipes junctions valves air-valves engines buildings apparatus and other conveniences in connexion with or incidental to the said works or any of them or necessary or convenient for diverting impounding appropriating taking collecting storing conducting distributing and regulating the supply of water for the purposes herein-after mentioned and for compensating all persons whose supply of water may be affected by or in consequence of the works authorised by this Act or the other powers of this Act and for inspecting altering cleansing managing and using those several works.

Description of works.

5. The works herein-before referred to and authorised by this Act are situated in the county of Renfrew and are the following (that is to say):—

(1) A reservoir (work No. 1) wholly situate in the parish of Eaglesham and county of Renfrew embracing the existing reservoir or dam known as Bennan Loch commencing at a point in the centre of the small stream entering the southern end of said loch one thousand six hundred and thirty-five yards or thereby in a south-south-westerly direction and terminating by an embankment (work No. 2) across the line of the discharge culvert or stream from said loch at a point in the centre of said discharge culvert or stream six hundred and thirty yards or thereby in a south-westerly direction both measured from the south-west corner of the steading of houses known as West Lochcraig:

(2) An embankment (work No. 2) wholly situate in the parish of Eaglesham and county of Renfrew commencing at a point one hundred and seventy-three yards or thereby in an east-south-easterly direction and terminating at a point one hundred and fourteen yards or thereby in a west-north-westerly direction both measured from the point of termination of the intended reservoir (work No. 1):

(3) An embankment (work No. 3) wholly situate in the parish of Eaglesham and county of Renfrew commencing at

a point four hundred and sixty-five yards or thereby measured in a north-north-westerly direction from the point of commencement of the intended reservoir (work No. 1) and terminating at a point two hundred and seven yards or thereby measured in a northerly direction from the point of commencement of said embankment:

(4) A reservoir (work No. 4) wholly situate in the parish of Eaglesham and county of Renfrew on the line of the stream known as Lochcraig Burn commencing at a point on said burn in field or enclosure No. 490 on the Ordnance Survey map of said parish (25-inch scale) marked "second edition 1897" eight hundred and eighty-five yards or thereby measured in an easterly direction from the north-eastern corner of the steading of houses known as West Lochcraig and terminating by an embankment (work No. 5) to be formed across the said Lochcraig Burn at a point in the centre of that stream one hundred and ten yards or thereby measured in a northerly direction from the north-western corner of said steading of houses known as West Lochcraig:

(5) An embankment (work No. 5) wholly situate in the parish of Eaglesham and county of Renfrew commencing at a point seventy-two yards or thereby in a southerly direction and terminating at a point forty-eight yards or thereby in a northerly direction both measured from the point of termination of the intended reservoir (work No. 4):

(6) A conduit or line of pipes (work No. 6) wholly situate in the parish of Eaglesham and county of Renfrew commencing at a point in the intended reservoir (work No. 4) thirty yards or thereby measured in an easterly direction from the point of termination of said intended reservoir and terminating in the field or inclosure numbered 519 on the said Ordnance Survey map at a point fifty-five yards or thereby measured in a southerly direction from the southmost corner of the farm-steading of South Moorhouse:

(7) A conduit or line of pipes (work No. 7) wholly situate in the parish of Eaglesham and county of Renfrew

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commencing at a point in the intended reservoir (work No. 1) forty-five yards or thereby measured in a south-westerly direction from the point of termination of said intended reservoir and terminating by a junction with the conduit or line of pipes (work No. 6) at a point two hundred and forty-five yards or thereby measured in a southerly direction from the southmost corner of the farm-steading of South Moorhouse:

(8) A filter or filters and a clear water tank or tanks (work No. 8) wholly situate in the parish of Eaglesham and county of Renfrew in the field or inclosure numbered 519 on the said Ordnance Survey map:

(9) A road of access (work No. 9) to the said intended reservoirs (works Nos. 1 and 4) wholly situate in the parish of Eaglesham and county of Renfrew commencing at a point twenty-five yards or thereby measured in a north-easterly direction from the point of termination of the intended reservoir (work No. 1) and terminating by a junction with the Langlee Road at a point two hundred and eighty yards or thereby measured in a north-easterly direction from the south-east corner of the farm-steading of Langlee:

(10) A conduit or line of pipes (work No. 10) commencing in the parish of Eaglesham in the field or inclosure numbered 519 on the said Ordnance Survey map at a point seventy yards or thereby measured in a westerly direction from the southmost corner of the farm-steading of South Moorhouse passing through the parish of Mearns and terminating in the parish of Eastwood all in the county of Renfrew at a point in the highway between Newton-Mearns and Giffnock four hundred and twenty yards or thereby measured in a northerly direction from the centre of said highway where it is crossed by the line of the boundary between the parishes of Eastwood and Mearns:

(11) A conduit or line of pipes (work No. 11) commencing in the parish of Mearns by a junction with the conduit or line of pipes (work No. 10) at a point four hundred yards or thereby measured in a north-westerly direction from the northmost corner of the

farm-steading of Muirshield passing through said parish and terminating in the parish of Cathcart all in the county of Renfrew at a point in the centre of the highway between Eaglesham and Sheddens two hundred yards or thereby northwards from the point where the centre line of said highway is crossed by the line of the boundary between the parishes of Mearns and Cathcart.

Power to acquire lands for water supply.

6. Subject to the provisions of this Act the County Council may purchase acquire hold enter upon appropriate take and use such of the lands shown on the deposited plans and described in the deposited book of reference as may be required for the purposes of the works herein-before described.

Power to take servitudes &c. by agreement.

7. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Act grant to the County Council any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu-duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Power to acquire servitudes only for lines of pipes.

8. The County Council may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes by this Act authorised acquire such servitudes and rights in or over such lands as they may require for the purpose of making extending enlarging altering renewing maintaining cleansing and repairing the same and affording access to any of the works by this Act authorised and may give notice to treat in respect of such servitudes and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts inclusive of those with regard to limited owners and to arbitration and the summoning of a jury shall apply to such servitudes and rights as fully as if the same were lands within the meaning of such Acts Provided that nothing herein contained shall authorise the County Council to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the County Council to acquire the lands in respect of which they have given notice to treat for the acquisition of a

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servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this proviso Provided that as regards any lands taken or used by the County Council for the purpose only of making such conduits or lines of pipes the County Council shall not (unless they acquire such lands and not merely servitudes therein) be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the County Council.

Power to acquire additional lands by agreement.

9. In addition to the lands which the County Council are by this Act authorised to purchase compulsorily and any other lands which they may acquire and hold for the protection of their water works they may from time to time by agreement purchase any additional quantity of land not exceeding in the whole ten acres provided that neither the County Council nor the District Committee shall upon any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with their waterworks.

Limiting powers of County Council to abstract water.

10. The County Council or the District Committee shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them after the passing of this Act unless the works and the lands upon which the same are to be constructed are specified in this or some other Act of Parliament.

Power to hold lands needful to prevent fouling and to protect water.

11. The County Council may hold any lands to be acquired by them under the powers of this Act and may by agreement purchase or acquire and hold any other lands rights or servitudes or restrictions over any lands which the District Committee may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or obviating danger of contamination of the water in the gathering grounds of any of their reservoirs or for the protection of their waterworks against nuisance contamination encroachment or injury and so long as such lands shall be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts but the District Committee shall not create or permit a nuisance and shall not erect any buildings on

such lands while so held except offices and dwellings for persons in their employ and such buildings and works as may be incident to or connected with their waterworks.

Restriction on taking houses of labouring class.

12.—(1) The County Council shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

(2) If the County Council acquire or appropriate any house or houses in contravention of the foregoing provision they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Secretary for Scotland by action in the Court of Session and shall be carried to and form part of the consolidated fund of the United Kingdom Provided that the court may if they think fit reduce such penalty.

(3) For the purposes of this section the expression "labouring class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income does not exceed an average of thirty shillings per week and the families of any of such persons who may be residing with them The expression "house" means any house or part of a house occupied as a separate dwelling.

Period for compulsory purchase of lands.

13. The powers of the County Council for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years after the passing of this Act.

Transfer of undertaking of water company.

14. On the twenty-eighth day of May one thousand nine hundred and eight (herein-after called "the date of transfer") the undertaking of the water company including therein all lands reservoirs waterworks mains pipes buildings plant machinery tools books plans documents and other property of the water company as the same respectively shall stand at the date of transfer and the whole rights powers and privileges vested in or belonging to or conferred on the water company under the

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provisions of the Busby Acts in so far as they are not repealed by this Act or otherwise shall under and by virtue of this Act be and is transferred to and validly and completely vested in the County Council free from all loans and debts upon or affecting the same and this Act shall without the necessity of any further writ or procedure be a complete title to the County Council in and to the undertaking of the water company.

Consideration for transfer of undertaking.

15. As the consideration for the vesting of the undertaking of the water company in the County Council the County Council shall pay to the water company at the date of transfer—

(1) The sum of twenty-nine thousand seven hundred and sixty-three pounds seventeen shillings and twopence with interest from the said date until payment at the rate of five pounds per centum per annum;

(2) Such sum as shall represent the value of the stores of the water company in hand at that date;

(3) The cost of any new works and additions to any existing works including pipe-laying which shall have been constructed by the water company between the twenty-eighth day of May one thousand nine hundred and six and the date of transfer:

Provided that in case the water company shall desire to expend a larger sum on such new works and additions to any existing works than six hundred and fifty pounds the County Council shall only be bound to pay the water company the expenditure in excess of six hundred and fifty pounds if the approval of an engineer to be appointed by the District Committee shall have been obtained to such excess expenditure or failing such approval being given if such excess expenditure shall in the opinion of the arbiter after appointed have been reasonably incurred.

The amount of such two last-mentioned sums shall be determined failing agreement by an arbiter to be mutually chosen or failing agreement to be appointed by the sheriff on the application of either party.

A receipt for the consideration payable by the County Council to the water company signed by two directors and the secretary or the liquidator thereof shall be conclusive evidence of the payment of the said consideration and the County Council shall not be bound to see to the application thereof or be accountable for the loss misapplication or non-application thereof.

Byelaws to remain in force.

16. All byelaws rules and regulations in force at the date of transfer relating to the undertaking of the water company shall continue in force until other byelaws rules and regulations made by the County Council or the District Committee under this Act come into force or until the expiration of one year after the date of transfer whichever event shall first happen.

Application of Busby Acts to the County Council.

17.—(1) On and after the date of the dissolution of the water company as in this Act provided the Busby Acts except the sections thereof set forth in the Second Schedule to this Act are hereby repealed.

(2) On and after the date of transfer the sections of the Busby Acts set forth in the Second Schedule to this Act shall extend and apply to the undertaking of the water company transferred to the County Council in pursuance of the provisions of this Act and shall be read and have effect as if the County Council and the District Committee for their respective rights duties and obligations under this Act had been mentioned therein instead of the water company.

Water company to pay outgoings and be entitled to receipts till transfer.

18.—(1) The water company shall bear all feu duties taxes rates insurance premiums and other outgoings and liabilities of every kind properly chargeable to revenue or proportions thereof applicable to the undertaking up to the date of transfer and the County Council shall bear the same or proportions thereof after the date of transfer.

(2) The water company shall be entitled to all receipts from the undertaking due prior to the date of transfer provided that the water company shall not be entitled to retain for their own benefit so much of any water rates or rents or other payments paid or payable in advance as shall be attributable to any period after the date of transfer but such rates rents or other payments shall be apportioned and so much thereof as is attributable to any period after the date of transfer shall be paid over by the water company to the County Council.

Actions &c. not to abate.

19. If at the date of transfer any action arbitration or other proceeding or any cause of action arbitration or proceeding is pending or existing by against or in favour of the water company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the transfer authorised by this Act but the same may be continued prosecuted and enforced by against or in favour of the County Council as and when it might have

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been continued prosecuted and enforced by against or in favour of the water company if this Act had not been passed Provided that any action arbitration or proceeding in dependence at the date of transfer and any action arbitration or proceeding raised after that date in respect of any damage done or loss or injury sustained before the said date shall be continued prosecuted or enforced by against or in favour of the water company and not the County Council.

Maintenance of undertaking by water company till transfer.

20. Until the date of transfer the undertaking of the water company shall be maintained and carried on by the water company as heretofore in the ordinary course of business but the water company shall not without the previous consent of the District Committee make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the completion renewal or maintenance of the waterworks and the proper conduct of the undertaking Provided that such consent shall not be unreasonably withheld and in case of difference such difference shall be determined by an arbiter to be mutually chosen or failing agreement to be appointed by the sheriff on the application of either party From the date of transfer the County Council shall free and relieve the water company of all claims which may be made against the water company in respect of the non-fulfilment by the water company after the date of transfer of any contract or agreement however constituted made or entered into by the water company prior to the date of transfer.

Saving existing agreements with water company.

21. Nothing in this Act contained shall prejudice or affect the right of any person entitled or who may become entitled under any contract or agreement entered into or made with or by the water company and subsisting at the date of transfer to obtain a supply of water at a maximum rate of one shilling and sixpence in the pound (inclusive of both the owners and occupiers proportions of the public and domestic water rates by this Act authorised) and any such contract or agreement shall be as binding and of as full force and effect against or in favour of the County Council and may be enforced as fully and effectually as if the County Council had been a party thereto instead of the water company :

Provided always that the provisions of this section shall not apply to any such contract or agreement existing at the date of transfer between the water company and the Lanarkshire and Ayrshire Railway Company either solely or in conjunction with

other parties and the provisions of any such contract or agreement shall cease to be binding so far as regards the Lanarkshire and Ayrshire Railway Company.

Purposes for which water company to be continued incorporated.

22. From and after the date of transfer the water company shall subsist only for the purposes of recovering and enforcing payment of the rents rates and charges and other revenues due or owing to the water company previous to the date of transfer and of receiving and recovering the sums payable by the County Council to the water company as provided by this Act and paying all debts and liabilities which may be due by the water company and distributing the balance of their funds and effects after deducting such payments and all the expenses of and incident thereto among their shareholders and for winding up the affairs of the water company and for carrying into effect the provisions of this Act so far as relating to the water company and the directors of the water company who are in office at the date of transfer and the survivors and survivor of them shall continue without re-election to hold the office of directors of the water company and they or a majority of them shall have full power and authority to take all necessary proceedings for carrying into effect the several purposes herein-before mentioned.

Dissolution of water company.

23. Upon the purposes specified in the immediately preceding section being fulfilled the directors of the water company or a majority of the directors shall grant a certificate to that effect which certificate shall be published once in the Edinburgh Gazette and thereupon the water company shall ipso facto be dissolved.

Books &c. to be evidence.

24. All books and documents relating to the undertaking of the water company which if this Act had not been passed would have been received in evidence shall be received in evidence as if this Act had not been passed.

Exclusion of Glasgow Corporation from supplying water within water supply area.

25. The corporation of the city of Glasgow shall not be entitled to supply water within any part of the limits of supply and the Glasgow Corporation Waterworks Acts 1855 to 1905 in so far as the same authorise such supply are hereby repealed.

For protection of Lanark County Council and middle and lower ward

26.—(1) In the event of the county council of the county of Lanark (in this section called "the Lanark council") either solely or in conjunction with the district committees of the middle and lower wards of that county (in this section called

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district committees.

"the middle ward committee" and "the lower ward committee") or either of them making application to the Secretary for Scotland under the Private Legislation Procedure (Scotland) Act 1899 for a provisional order to authorise the Lanark council and the middle ward committee and the lower ward committee or any one or more of those bodies to supply water within that part of the limits of supply under this Act which is situate within the county of Lanark (herein-after referred to as "the Lanarkshire area") and to provide for the cesser of the powers and duties by this Act conferred and imposed on the County Council and the District Committee with regard to the supply of water within the Lanarkshire area and for the transfer to and vesting in the Lanark council and the middle ward committee and the lower ward committee or any one or more of those bodies of the pipes plant apparatus and property of the County Council and the District Committee or either of them situate within the Lanarkshire area and used or which are capable of being used exclusively for the supply of water within that area or for any one or more of such purposes neither the County Council nor the District Committee shall oppose any such application or any Bill that may be promoted in Parliament in substitution for any such provisional order except for the purpose of securing that the provisions of this section are given effect to and in so far as may be necessary in order to secure the insertion in such provisional order or Bill of clauses to protect their interests with respect to the said transfer.

(2) The said provisional order or Bill shall provide that the price to be paid by the Lanark council or the middle ward committee or the lower ward committee as the case may be to the County Council or the District Committee for the pipes plant apparatus and property so transferred as aforesaid shall be determined by agreement or failing agreement by the arbitration of an engineer to be appointed by the Board of Trade on the application of either party concerned.

(3) The said provisional order or Bill shall in the event of the same providing for the cesser of the powers and duties of the County Council and the District Committee under this Act within the Lanarkshire area further provide for payment by the Lanark council or the middle ward committee or the lower ward committee or all or some of those bodies as the case may be to the County Council or the District Committee of the sum

of three thousand pounds by way of compensation for and in full settlement of all claims in respect of the loss of the rateable value for water purposes of the Lanarkshire area including a provision for payment of interest at the rate of four per centum per annum on the said sum if remaining unpaid for a space of one month after the date fixed for the coming into operation of the order or Act.

Dissolution of Malletsheugh special water supply district.

27. The special water supply district of Malletsheugh in the parish of Mearns shall subject to the proviso herein-after contained from and after the fifteenth day of May one thousand nine hundred and eight cease to be a special water supply district and shall cease to be assessed for the purposes of water supply separately from the other parts of the water supply area and shall thenceforth be for such purposes part of the water supply area and the waterworks now supplying such special district in so far as belonging to the County Council or District Committee shall be part of the water undertaking as if the same had been constructed under this Act Provided always that such special district shall continue to exist and be assessed and rated separately from the water supply area for the purposes of paying the expenses of maintaining and distributing the supply of water under the existing arrangements until the fifteenth day of May first occurring after the supply of water for domestic purposes from the works authorised by this Act shall come into operation if such supply is not in operation on or before the fifteenth day of May one thousand nine hundred and eight Provided also that payment of the debt affecting the said special district and the rights and powers of the creditors who before the passing of this Act have advanced money to the local authority connected with the water supply to such special district shall not be in any way prejudiced by this Act but such debt shall form a charge upon the assessments authorised by this Act and payment may be recovered out of such assessments in the same manner as out of the assesments of the special district.

Limits of lateral and vertical deviation.

28. Subject to the provisions of this Act the District Committee may in the construction of the works by this Act authorised deviate from the lines thereof as shown or referred to on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of reservoirs five feet upwards and any extent

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downwards and not exceeding five feet downwards or upwards as regards the other works by this Act authorised Provided that the District Committee shall not in the exercise of the powers of deviation hereby conferred construct any embankment or retaining wall of any reservoir so that the height thereof above the general surface of the ground shall be more than three feet greater than the height of the corresponding embankment or retaining wall above the general surface of the ground shown on the deposited sections and shall not raise over the surface of the ground any part of the pipes except so far only as is shown on the deposited sections Provided also that where the line of any work is shown on the deposited plans as passing along any public highway or private road the limits of deviation if not otherwise laid down shall be the boundaries of such highway or road.

Power to alter roads sewers &c. temporarily.

29. For the purposes and during the execution of the several works which the District Committee are by this Act authorised to make and in maintaining the same and subject to the provisions of this Act the District Committee may break up alter divert or cross over or under or stop up temporarily any roads streets lanes paths bridges tramways sewers drains watercourses telegraphic telephonic and other mains pipes wires posts and other works in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient to interfere with the District Committee doing as little damage as possible and providing when possible temporary substitutes before interrupting the flow of water gas sewage or electricity or telephonic communication in any such sewer drain watercourse pipe or apparatus and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall authorise any interference with telegraphic or telephonic mains pipes wires posts and other works or property of His Majesty's Postmaster-General Provided also that nothing in this section shall extend to authorise any interference with the works of the Clyde Valley Electrical Power Company or the Strathclyde Electricity Supply Company Limited otherwise than in accordance with the provisions of section 62 of the Clyde Valley Electrical Power Act 1901 or with the works of any other undertakers within the meaning of the Electric Lighting Acts 1882 to 1890 otherwise than in accordance with the provisions of section 15 of the Electric Lighting Act 1882.

New portions of road to be subject to same provisions as existing roads.

30. Where in the construction of the works by this Act authorised any diverted or altered portion of road is formed in lieu of any existing road such diverted or altered portion shall as respects management and maintenance and in all other respects but subject to the provisions of this Act be held as part of and be subject to the same provisions as any existing road so diverted or altered.

Power to divert and impound water.

31. Subject to the provisions of this Act the District Committee may by means of the waterworks authorised by this Act collect impound take use and divert the waters of the stream known as Lochcraig Burn and of the Bennan Loch and the tributaries and affluents thereof and all such other springs streams and waters as may or can be intercepted by the said waterworks or any of them.

For protection of reservoirs &c. from pollution.

32. The District Committee may on any lands which the County Council may acquire under the powers of this Act or otherwise construct all such drains channels and other works as they may think necessary or desirable for preventing sewage or polluting liquids or contaminated or impure water from entering or polluting any of the reservoirs conduits or watercourses of the District Committee or any waters flowing into the same.

Reservation of water rights on sale.

33. The County Council on selling any lands acquired for or in connexion with the purposes of this Act and not required to be retained for those purposes may reserve to themselves or the District Committee all or any part of the water rights belonging thereto and may make the sale subject to such reservation accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter or otherwise as they may think fit.

Power to agree as to drainage of lands.

34. The County Council or the District Committee may make and carry into effect agreements with the owners lessees or occupiers of any lands within the drainage area of the reservoirs by this Act authorised with reference to the execution by the District Committee or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters by this Act authorised to be

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impounded and taken by the District Committee flowing to upon or from such lands directly or derivatively into such reservoirs.

Byelaws for preventing pollution of water.

35.—(1) The District Committee may make byelaws for preventing the pollution fouling or contamination of the water which they are authorised to impound and take under this Act and may by such byelaws prescribe the construction maintenance and use of proper drains sewers and works and make provision for the prevention of any act or thing tending to pollution of the water.

(2) The byelaws made under this section shall be in force within the area from or through which the said waters flow or within so much of such area as may be defined in the byelaws.

(3) The provisions as to byelaws to be made by a local authority contained in sections 183 to 188 of the Public Health (Scotland) Act 1897 shall apply to byelaws made by the District Committee under this section.

(4) The District Committee shall pay compensation to the owners of and other persons interested in any lands in respect of which byelaws shall be made under the provisions of this section whose legal rights shall be injuriously affected by the restrictions imposed by such byelaws and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

Power to discharge water into streams.

36. The District Committee may for the purpose of the repairing or cleansing of their works discharge water from any of their waterworks into any available stream or watercourse or into any stream or watercourse with which any of their waterworks may communicate In the exercise of the powers conferred by this section the District Committee shall do as little damage as may be and shall make full compensation for all damage caused by reason or in consequence of the exercise of such powers and such compensation shall be settled in default of agreement by arbitration in accordance with the provisions of the Lands Clauses Acts.

Compensation water.

37. The District Committee shall as soon as the reservoirs (works Nos. 1 and 4) by this Act authorised are respectively completed out of the water to be diverted and collected therein respectively during every day of twenty-four hours discharge or allow to flow down the Bennan Burn as a preferential supply of compensation water in a regular and continuous stream the

following quantities viz. From said reservoir (work No. 1) not less than one hundred and sixty-eight thousand six hundred and sixty-six gallons and from said reservoir (work No. 4) not less than two hundred and ninety-one thousand three hundred and thirty-four gallons which quantities shall be deemed to be full compensation to all riparian proprietors tenants and occupiers millowners and all other persons interested in the waters intercepted and appropriated by means of the works authorised by this Act Provided that so soon as both reservoirs shall have been completed the District Committee shall give the total amount of four hundred and sixty thousand gallons of compensation water from the said reservoirs in such proportions as they may deem expedient or from one of such reservoirs only as they may from time to time see fit.

Gauges to be provided &c.

38.—(1) The District Committee shall construct and maintain suitable measuring gauges over or through which the said respective quantities of compensation water shall flow or be delivered If any difference should arise as to the point where such measuring gauges should be placed the same shall be determined by an engineer to be appointed by the sheriff on the application of the District Committee or of any person interested whose decision shall be final.

(2) The said gauges shall be at all times open to inspection and examination by all persons having an interest in the water to flow or be delivered through or over the same or of a qualified person or persons deputed by them or any of them.

(3) If at any time the said gauges be out of repair or in an unfit condition for the purposes for which they are intended the District Committee shall forthwith put the same into fit repair and condition and if they fail to do so within seven days after notice in writing to that effect given to them or their clerk on their behalf by or on behalf of any persons having an interest or any one or more of them then any such person or persons may cause the same to be put in fit repair and condition and may recover the reasonable cost of so doing with full costs of suit in any court of competent jurisdiction.

(4) If any dispute shall arise as to the fulfilment by the District Committee of any obligation imposed upon them by this or the immediately preceding section the same shall be determined by the sheriff whose decision shall be final and not subject to review and

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the sheriff may before judgment appoint some competent person to report to him as to the facts out of or concerning which such dispute has arisen.

Period for completion of works.

39. If the works authorised by this Act are not completed within ten years from the date of the passing of this Act then on the expiration of such period the powers by this Act granted to the District Committee for executing the said works or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the District Committee from extending enlarging altering or renewing any of their engines machinery weirs tanks pipes and other works from time to time as occasion requires for supplying water within the limits of this Act or beyond the said limits as authorised by this Act.

Constant supply and pressure.

40. The water to be supplied by the District Committee need not be constantly laid on under pressure and the District Committee shall not be required to supply water in any case at a pressure greater than that to be afforded by gravitation from the service reservoirs already existing or by this Act authorised.

District Committee may alter or increase number and size of filters and other works.

41. The District Committee may subject to the provisions of this Act make lay down maintain use extend alter renew relay replace enlarge and increase the number and size of the works drains watercourses filters pure water basins mains pipes and other conveniences from time to time in use or required for preventing the pollution of and for filtering storing conveying and distributing water under the powers of this Act Provided always that such making laying down extension enlargement or increase of works of the District Committee shall be executed only on lands or property for the time being belonging to the County Council or which the District Committee are by the Waterworks Clauses Acts 1847 and 1863 entitled to open and break up for such purposes or over which the County Council have acquired servitudes for that purpose by agreement or under the powers of this Act and the Acts incorporated herewith.

Power to lay pipes in streets not dedicated to public use.

42. The District Committee may subject to the provisions of this Act upon the application of the owner or occupier of any premises abutting on or being erected in any street or road laid out or made but not dedicated to public use supply such premises with water and may lay in across or along such street or road such pipes as may be requisite or proper for the furnishing such

supply and the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to and for the purposes of this section.

Supply of water for domestic use within limits of supply.

43. The District Committee shall so far as not already laid cause pipes to be laid and water to be brought through all streets or portions of streets along which houses are built within the limits of supply and shall as soon as conveniently may be after the completion of the reservoirs and other works by this Act authorised to be constructed at the request of the owner or occupier of any house or part of a house occupied as a separate dwelling in any such street as aforesaid situated within the limits of supply or any person entitled to demand a supply of water under the provisions of this Act furnish to such person by means of service or communication pipes and other necessary and proper apparatus to be provided and laid down (so far as not already provided and laid down) and maintained by and at the cost of such person unless otherwise agreed between him and the District Committee a sufficient supply of water for domestic purposes in any such house or dwelling including the office houses yards and other pertinents of the same Provided that no person shall be entitled to demand such supply of water or to require the District Committee to lay down pipes or fire plugs unless some pipe of the District Committee shall have been laid within one hundred yards of the premises in respect of which such supply of water or pipes or fire plugs is demanded or unless the District Committee shall have 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 yards of such premises Provided further that such agreement shall be for ten successive years at least.

Owners to provide and maintain service pipes.

44. For the purpose of providing for the better distribution of the water supply among the inhabitants the District Committee in addition to the powers conferred by the Public Health Acts in force for the time may require the owner of any dwelling-house or tenement of dwelling-houses not properly supplied with water in any street within the limits of supply in which the pipes of the District Committee are laid within one hundred yards from such dwelling-house or tenement of dwelling-houses to take a supply of water for such house or tenement by connecting a service

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or communication pipe with the main pipe of the District Committee in any such street (such connexion to be made by the District Committee or some person to be employed by them at the expense of the owner) and to provide lay and maintain in good and sufficient repair such service or communication pipes stand-pipes or taps cisterns and other means and apparatus and in such positions as shall appear to the District Committee to be necessary for that purpose and in the event of refusal or delay on the part of such owner to comply with such requisition within one month after the date on which such requisition is given it shall be lawful for the District Committee or persons employed by them after twenty-four hours notice in writing to enter such house or tenement and premises connected therewith between the hours of nine in the morning and four in the afternoon and to provide lay and maintain such service or communication pipes stand-pipes or taps cisterns and other means and apparatus in such positions as aforesaid and to recover the expense thereof from such owner in the same manner as rates or charges are recoverable by the District Committee under this Act and the Waterworks Clauses Acts 1847 and 1863 Provided always that in the case of houses not exceeding five pounds of yearly rent or value such owner shall not be required to introduce water into each house if such means of supply has been provided for each tenement of houses as the District Committee may reasonably deem necessary Provided also that in case of any question or difference arising between the District Committee and such owner with respect to the necessity for such supply being provided for any such house or tenement or with respect to the number or description of service or communication pipes stand-pipes or taps cisterns or other means and apparatus necessary for the purpose aforesaid the same shall be determined and fixed by the sheriff on summary application by either of the parties and the decision of the sheriff shall be final and not subject to review.

District Committee not bound to supply several tenements of houses by one pipe.

45. The District Committee shall not be bound to supply more than one tenement of houses by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each tenement of houses supplied by them with water.

Where several houses supplied by one pipe each to pay.

46. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be

liable to the payment of the same assessments or rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the District Committee by a distinct pipe.

Supply of water to tenements in a row.

47. Where there are two or more tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the District Committee to any other of such tenements unless such tenant or occupier be in respect of the tenement so occupied by him assessed or rated for a supply of water.

Power to supply water by agreement

48. Subject to the provisions of this Act the District Committee may if they see fit from time to time enter iuto and carry into effect such contracts and arrangements with any local authority company body or person outside the limits of supply with respect to the supply of water or for the laying or acquisition of mains pipes or other works outside the limits of supply as the District Committee may think fit and every such contract and arrangement may be for such period and on such terms (pecuniary or otherwise) and conditions as the District Committee may think fit:

Provided that nothing in this section contained shall authorise the District Committee in any place beyond the limits of supply to furnish a supply of water to any person unless the District Committee previously obtain the consent in writing of the local authority of the place in which the supply is proposed to be given and of any water company or authority at the time authorised by Parliament to supply such place with water.

District Committee may supply water for other than domestic purposes.

49. The District Committee may furnish to any person within the limits of supply a supply of water for other than domestic purposes at such rates and charges and upon such terms and conditions as shall from time to time be fixed by the District Committee and published by being exhibited in the office of the clerk of the District Committee at Glasgow or wherever such office may be situated Provided that so far as possible and in so far as extra expenditure is not involved in giving a supply the rate for such supply of water shall be uniform to all persons in the same circumstances and requiring the same extent of supply and the charges for such supply shall be recoverable in the same manner as any other water rates or charges may be recovered under the authority of this Act and the Acts incorporated herewith.

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In the event of there being any dispute at any time as to the ability of the District Committee to give a supply for purposes other than domestic purposes under this section or as to the rates terms or conditions on which such supply is to be given the same shall subject to the provisions of this Act be referred to the sheriff upon summary application by either of the parties and the decision of the sheriff on the question so referred shall be final and not subject to review.

Supply of water for other than domestic purposes not to affect domestic supply.

50. The supply of water beyond the limits of supply shall not prejudicially affect or restrict the supply of water from time to time required for domestic use or trade purposes within the limits of supply and the supply of water for other than domestic purposes within the limits of supply shall not prejudicially affect or restrict the supply of water from time to time required for domestic use within the limits of supply.

As to supply of water by meter and by agreement.

51. The District Committee shall not be bound to supply any dwelling-house with water otherwise than by meter or by special agreement when any part of such dwelling-house is used for any trade or business purpose for which water is required.

Water supplied for domestic purposes not to be used for other purposes.

52. In addition to and without prejudice to the provisions contained in this Act or in the Acts incorporated herewith with regard to the misuse of water supplied by the District Committee no person supplied by the District Committee with water for domestic purposes shall use such water or suffer the same to be used for the purposes of affording or generating power or in connexion with any machinery or apparatus whatsoever and every person offending against this enactment shall forfeit and pay to the District Committee a penalty not exceeding five pounds for each day on which such offence shall have taken place.

Penalty for taking water from public fountains &c. except for domestic use.

53. Every person who takes water from any public fountain or stand-pipe belonging to the District Committee for any purpose other than domestic use or for drinking unless under written agreement with the District Committee shall for every such offence be liable to a penalty not exceeding five pounds.

Water to be supplied by measure if required in certain cases.

54. The District Committee may require any person supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any such person shall subject to the provisions of this Act supply him with water by measure for other than domestic purposes In every such case a

meter for ascertaining the quantity consumed shall be provided by the District Committee at a reasonable rate for the same Provided that when water is supplied for other than domestic purposes it shall not be lawful for the District Committee to charge the person so supplied both with the domestic water rate herein-after mentioned applicable to the buildings or premises so supplied and also for the supply of water obtained for other than domestic purposes to those buildings or premises but the District Committee may either charge the said rate leviable on such buildings or premises or charge for the supply of water furnished to the same as they may think fit Provided that when any such buildings or premises are separately owned and occupied the District Committee if they think fit may charge the owner with his proportion of the domestic water rate leviable on such buildings or premises and may in lieu of the occupier's proportion thereof charge such occupier for the supply of water furnished to him Provided always that when water is supplied to any buildings or premises for domestic purposes but a further supply is given for purposes other than domestic the District Committee may charge the rate leviable for domestic supply and in addition may make such charges for the additional supplies as may from time to time be fixed by the District Committee.

Power to sell or let meters.

55. The District Committee may sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they may think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meters and fittings and for securing safe access to and the safety and return to the District Committee of such meters and fittings as may from time to time be agreed upon between the hirer and the District Committee.

Register of meter to be primâ facie evidence.

56. When water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

Power to District Committee to supply materials.

57. The District Committee may if they see fit and if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters waterclosets apparatus and receptacles as are required

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or permitted by regulations made or to be made by the District Committee and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the District Committee in providing such materials and executing such work shall be paid by the person requiring the same.

Meters not to be connected or disconnected without notice to District Committee.

58. No person shall connect any meter with any pipe through which any water is supplied by the District Committee to such meter or disconnect any meter from any such pipe unless he shall have given to the clerk to the District Committee not less than seven days notice in writing of his intention so to do and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and be performed under the superintendence of an officer or person authorised by the District Committee or if the District Committee in any case so elect may be done by the District Committee and the cost thereof recovered from the person requiring the same or on whose behalf the same were performed and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Fraudulently injuring meters &c.

59. Any person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or fitting belonging to the District Committee or fraudulently alters the index to any meter or fraudulently prevents any such meter from duly registering the quantity of water supplied or who without due authority from the District Committee in any way interferes with any valve pipe lock cock or other apparatus or works of the District Committee or with any meter used for registering the quantity of water supplied by the District Committee to the injury of the District Committee shall (without prejudice to any other right or remedy for the protection of the District Committee or the punishment of the offender) for every such offence be liable to a penalty not exceeding five pounds and the District Committee may in addition thereto recover the amount of any damages sustained by them and the District Committee may also discontinue the supply of water to the person so offending until the injury is remedied and the amount of the damages is paid notwithstanding any contract previously existing and the existence of artificial means for causing such alteration or prevention when such pipe meter fitting valve lock cock or other apparatus is under the custody or control of the consumer shall be primâ facie evidence that the same has been fraudulently caused by the consumer using such apparatus provided that the

District Committee shall not under the powers of this section discontinue any supply of water for domestic purposes within the limits of supply.

Tube or hose not to be affixed to mains or pipes without consent of District Committee.

60. It shall not be lawful for the owner or occupier of any house or premises supplied with water by the District Committee without their written consent to affix or permit or suffer to be affixed any tube or hose to any of the mains or pipes of the District Committee or to any service pipe or apparatus of such owner or any other owner or occupier for the purpose of washing horses carriages or other vehicles windows houses or buildings or for watering gardens or washing pavements or footpaths of roads or for any other purpose and the District Committee may prohibit and interdict the same and without prejudice thereto any person who contravenes this enactment shall be guilty of an offence and shall for each such offence forfeit and pay to the District Committee a penalty not exceeding forty shillings.

Water may be supplied for cleansing streets &c.

61. The District Committee may if they see fit furnish a supply of water for the purposes of watering or cleansing streets or sale yards for the disposal of stock or of flushing or cleansing sewers or drains or for public baths or wash-houses or for public fountains either gratuitously or at such charge or reduced charge and upon such terms and conditions as they shall think proper.

Byelaws for preventing waste &c. of water.

62.—(1) The District Committee may subject to the provisions of sections 183 to 188 of the Public Health (Scotland) Act 1897 as modified by this Act make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water belonging to or supplied by them and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination and such byelaws may provide for such penalties for breaches of such byelaws not exceeding forty shillings for each offence as may be considered expedient.

(2) Such byelaws shall apply only in the case of premises to which the District Committee are bound to afford and do in fact afford or are prepared on demand to afford a constant supply.

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(3) In case of failure of any person to observe such byelaws as are for the time being in force the District Committee may if they think fit after twenty-four hours notice in writing enter upon any premises and by or under the direction of any duly authorised officer or person repair replace or alter any water fittings not in accordance with the requirements of such byelaws and belonging to or used by any person failing as aforesaid and the expense of every such repair replacement or alteration shall be recoverable by the District Committee as the water rates or charges in respect of the premises are recoverable.

Penalty for interfering with apparatus or works of District Committee.

63. Every person who shall wilfully carelessly or without due authority from the District Committee in any way interfere with any valve pipe lock cock or other apparatus or works of the District Committee or with any meter used for registering the quantity of water supplied by the District Committee to the injury of the District Committee shall without prejudice to any other right or remedy competent to the District Committee for the punishment of such offender be liable to a penalty not exceeding five pounds for every such offence and a further penalty not exceeding forty shillings for each day or part of a day after the first during which such offence shall continue.

Form of service of notices by District Committee.

64. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the clerk to the District Committee or if it be a notice to pay a rate or charge in respect of the supply of water by the name of the county collector or the collector of the District Committee being affixed thereto in print or in writing or by a stamp and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to any inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Notice of discontinuance.

65. A notice to the District Committee from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office for the time being of the clerk to the District Committee.

District Committee to estimate annual sums required.

66. The District Committee shall and they are hereby authorised and required once in every year on or before the second Tuesday of September to lodge with the clerk to the County Council an estimate of the expenses incurred or to be incurred for the purposes of the water undertaking and water supply under this Act and of the water revenues other than assessments for and during the year next ensuing the fifteenth day of May then last past including the sums necessary for payment of interest on and repayment of principal of any money borrowed for providing such supply.

County Council to assess and levy domestic water rate.

67. The estimate to be made up in manner before provided shall be submitted to the finance committee of the County Council who shall revise the same and submit the estimate so revised to the County Council at their meeting in the month of October in each year and the County Council may and they are hereby authorised and required annually to impose and levy an assessment to be called the domestic water rate upon all lands and heritages within the limits of supply at such rate in the pound as shall be sufficient when supplemented by the public water rate (if any) after mentioned and the other water revenues received under the powers of this Act to defray the expenses referred to in the immediately preceding section Provided that as regards all persons who shall be the owners or occupiers of any dwelling-houses railway stations or other buildings (other than buildings situated in a private close or place) they shall not be liable to be assessed in respect thereof for the domestic water rate unless such dwelling-houses railway stations or other buildings shall have been actually supplied with water under this Act or unless some pipe of the District Committee or through which the District Committee is entitled to give a supply to such premises shall be laid down within one hundred yards of the same measuring from the outer wall of such dwelling-houses railway stations or other buildings or of any domestic offices in contact with and occupied as appurtenances of such dwelling-houses railway stations or other buildings and that as regards the owners or occupiers of dwelling-houses or other buildings situated in a private close or place they shall not be liable to be assessed in respect of such tenements for the said domestic water rate unless such tenements shall have been actually supplied with water under this Act or unless some pipe of the District Committee or through which the District Committee is entitled to give a supply to such premises shall be laid down

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within one hundred yards of some part of such close or place Provided also that no agricultural lands shall be assessed for the domestic water rate unless some pipe of the District Committee shall be laid down within one hundred yards measuring from the nearest part of some dwelling-house or dwelling-houses or enclosures or pertinents occupied in connexion therewith upon the said lands and then only in respect of the annual lettable value of such dwelling-house or dwelling-houses inclosures and pertinents if the same were let separately from the agricultural lands connected therewith and without regard to the proportion which the area of such premises bears to the whole extent of such agricultural lands and in any case in which the annual value of such dwelling-house or dwelling-houses inclosures and pertinents if let as aforesaid is not entered in the valuation roll separately from that of the remainder of the subject of which it or they form part or pertinent the County Council shall subject to a right of appeal to the sheriff by any person aggrieved determine the annual value as aforesaid for the purposes of the said domestic water rate and for the purpose of assisting them in making any such determination the County Council may employ any surveyor or other skilled person All such determinations shall on or before the twenty-fifth day of October annually be intimated by the County Council through their clerk to the party or parties liable for the domestic water rate and such party or parties in the event of his or their appealing to the sheriff against such apportionment shall lodge such appeal and shall give to the clerk of the County Council notice thereof on or before the fifth day of November following and the appeal (unless the same is withdrawn) shall be prosecuted and the sheriff's decision thereon obtained as soon as possible thereafter which decision shall be final But any supply of water obtained for such dwelling-houses and pertinents shall be used for domestic purposes only and in the event of a supply being required for farming or dairy or homestead or agricultural purposes or any purposes other than domestic the same shall be furnished in respect of assessment of the agricultural lands included in the tenancy at the same rate as the domestic water rate or on such other terms and conditions as the District Committee may agree.

In this section "agricultural lands" means any lands and heritages used for agricultural or pastoral purposes only or as

market gardens orchards allotments woodlands parks gardens or pleasure grounds. A.D. 1907.

Public water rate to be levied.

68. The County Council may if they shall think fit annually impose and levy an assessment (to be called the public water rate) upon all lands and heritages within the limits of supply but such assessment shall not exceed threepence in the pound and may be such less amount as the County Council may from time to time determine.

For protection of Newton Mearns district.

69. The following provisions shall have effect for the protection of the Newton Mearns water supply undertaking:—

(1) The County Council shall not impose and levy the public or domestic water rates by this Act authorised or any other water rates or assessments upon any lands and heritages within any portion of the Newton Mearns special drainage district (herein-after called "the Newton Mearns district") unless and until the County Council or District Committee have acquired by agreement from the Newton Mearns water supply committee the water undertaking provided and managed by that committee for the proprietors and inhabitants of Newton Mearns and unless and until the County Council have so acquired such undertaking the District Committee shall not be bound to lay down pipes or supply water within any portion of such district Provided that if any owner within the Newton Mearns district shall make application to the District Committee for a supply of water to property belonging to him within the Newton Mearns district the District Committee shall be entitled to supply water to the property of the owner so applying and to lay down the necessary pipes for such purpose and thereupon such owner and the occupier of the property so supplied shall be rated under the provisions of this Act in the same manner and to the same extent as other owners and occupiers of lands and heritages included within the limits of supply:

(2) The County Council or the District Committee on the one hand and the said water supply committee on the other hand may enter into and carry into effect agreements for the transfer to the County Council or

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the District Committee of the Newton Mearns water undertaking on such terms and conditions as may be mutually agreed.

Minimum water rate.

70. The District Committee shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year.

As to mode of levying and recovering assessments.

71. The assessments or rates by this Act authorised shall be deemed to be assessments authorised by the Public Health Acts and shall not without the consent of the Local Government Board for Scotland exceed the rates in the pound set forth in section 137 of the Public Health (Scotland) Act 1897 as applicable to special sewer and water assessments and the said assessments or rates 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 said Acts.

Application of rates and charges.

72. The County Council shall after making provision for—

(1) The expenses of collection;

(2) The payment of interest on the money borrowed by them under this Act;

(3) The repayment by instalments or otherwise of money from time to time borrowed or the setting apart of the sinking fund in accordance with the provisions of the Act of 1889 and this Act;

pay over the balance of the several assessments or rates levied and other revenue (if any) received by them under the authority of this Act to the District Committee as the District Committee may from time to time require and the District Committee shall apply the same for the purposes of the water supply under this Act.

Power to borrow in anticipation of current year's revenues.

73. If the County Council shall find it necessary in any financial year to make payments in connexion with the current annual expenditure for the purposes of this Act in anticipation of the rates under this Act applicable to the expenditure of such year they may without any consent borrow from any incorporated or joint stock bank or other company or person on such terms and conditions and in such form as may be agreed on between the parties money on the security of the rates levied or to be levied for the financial year then current in so far as payment of the same has not been received but not to an amount greater than one-half of the total aggregate sum levied for the preceding year and when any money has been so borrowed on the security

of the rates of any financial year it shall not be competent to borrow on the security of the rates of any other year until the money borrowed as aforesaid shall have been paid off the provisions of this section however being without prejudice and in addition to the powers of borrowing conferred by or referred to in the sections of this Act the marginal notes whereof are respectively "County Council may pay interest and instalments of debt and "charge same against domestic water rate when leviable" and "Power to County Council to borrow."

Application of penalties.

74. All payments penalties and forfeitures exigible under the provisions of this Act and of the Acts wholly or partially incorporated herewith (excepting any penalties which may be imposed upon the District Committee) shall under deduction of any expenses of prosecution incurred and not otherwise recovered be paid over to the District Committee and applied for the purposes of this Act.

County Council may pay interest and instalments of debt and charge same against domestic water rate when leviable.

75. Until the District Committee are supplying water for domestic purposes from the works authorised by this Act the County Council shall from time to time pay all interest and instalments of principal as the same respectively may become due and require to be paid or set aside in respect of the moneys borrowed under this Act in respect of such works and shall accumulate such payments with interest at such rate as the County Council may determine not exceeding four per cent. and shall subject to the provisions of this Act charge the same against the rates leviable by them under this Act and when and so soon as the domestic water rate authorised by this Act shall become leviable the County Council may and they are hereby authorised and required from time to time subject as aforesaid to levy that rate to such an increased annual amount as when supplemented by the public water rate (if any) may be required to repay any moneys so accumulated by them as aforesaid within such period from the date of borrowing as they may determine not exceeding the number of years specified in the next succeeding section hereof and the moneys so accumulated shall be deemed to be capital expenditure for the purposes of this Act.

Power to County Council to borrow.

76. The County Council may in addition to the powers of borrowing money conferred by the Public Health Acts borrow money:—

(1) For the purpose of paying the several sums which under this Act are payable by them to the water company; and

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(2) On the requisition of the District Committee and with the consent of the standing joint committee for defraying the costs of and incident to the works authorised by this Act and other purposes of this Act to which capital is properly applicable other than the acquisition of land for sewage purification works ;

on the security of the assessments by this Act authorised and may assign the said assessments and the general assessments which may be imposed under the said Acts or any of them in security of the money so borrowed and the provisions of section 67 subsections (3) (5) and (6) of the Act of 1889 shall so far as applicable apply to any moneys borrowed under the authority of this Act in the same manner as if such moneys had been borrowed under the provisions of the Act of 1889 Provided always that any loan under this section shall be repaid within such period not exceeding fifty years as the County Council with the consent of the standing joint committee may determine in each case.

Application of moneys borrowed.

77. The sums borrowed by the County Council under the authority of this Act shall be paid to the District Committee as the District Committee may from time to time require and the sums borrowed under the immediately preceding section shall be applied by the District Committee only to purposes to which capital is properly applicable.

Prosecution of offences.

78. All offences against the provisions of this Act or of any of the Acts incorporated with the same respectively or against any of the byelaws of the District Committee may be prosecuted and all penalties and forfeitures in respect of offences against any of such provisions or byelaws may be recovered by and in the name of the District Committee under the Summary Jurisdiction Acts.

Form of mortgage.

79. All mortgages to be granted by the County Council for the purposes of this Act and transferences or assignations and discharges thereof may be in the forms contained in the Second Schedule to the Public Health (Scotland) Act 1897 with such modifications as may be required to suit the circumstances of the case.

Manner in which mortgages to be executed.

80. Every mortgage to be granted by the County Council for the purposes of this Act shall in addition to being sealed be signed by two of the members of the County Council and the

county clerk Provided always that no county councillor or official holding office under the County Council shall by his subscription of any such mortgage be or be held to have rendered himself individually or personally liable for the payment of any money so borrowed or any interest thereon or of any sums whatsoever in respect thereof.

Transfer of mortgages.

81. Any person entitled to any such mortgage may transfer his right and interest therein to any other person and every such transfer shall be by deed or by indorsation on the mortgage duly stamped wherein the consideration shall be truly stated.

Transfer of mortgages in case of bankruptcy.

82. If any such mortgage be transmitted by reason of the bankruptcy of the person entitled thereto there shall be produced to the County Council official evidence of such bankruptcy and of the vesting of the bankrupt estate in the trustee official assignee or other person to whom such estate shall be transferred.

Mortgages of rates to be personal estate.

83. All mortgages and all moneys advanced and lent on the security of the assessments rates rents and charges under this Act shall be movable or personal estate and transmissible as such and shall not be of the nature of heritable or real estate.

Discharge of mortgages.

84. Any person entitled to any mortgage granted by the County Council under the authority of this Act may discharge the same and his right and interest therein in favour of the County Council and every such discharge may be written on the mortgage and such discharge when signed by the person entitled to such mortgage shall be valid and effectual to all intents and purposes.

Protection of lender from inquiry.

85. No person lending money to the County Council shall be bound to inquire as to the observance by the County Council of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof.

Audit of accounts.

86. Sections 68 69 and 70 of the Act of 1889 relating to accounts and audit shall apply to the accounts of the County Council (including those of the District Committee) under the provisions of this Act and to the audit of such accounts.

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County Council and District Committee to be deemed to act as local authorities.

87. In carrying out the provisions of this Act the County Council and the District Committee respectively shall be deemed to be acting as the local authorities under the Public Health Acts and they shall possess all the powers and be subject to all the restrictions of the Public Health Acts with respect to water supply except in so far as the same are varied by the provisions of this Act.

Saving for County Council and standing joint committee.

88. Except in so far as expressly provided nothing in this Act shall prejudice or affect the powers rights and liabilities of the County Council and the standing joint committee with regard to capital works rating and borrowing.

Power to acquire lands for sewage purification works.

89. The County Council may acquire compulsorily or by agreement for the purposes of sewage purification and the County Council or the District Committee may use for such purposes the following lands shown on the deposited plans and described in the book of reference or parts of said lands (that is to say):—

(1) A piece of land situate in the parish of Eastwood and county of Renfrew comprising or forming part of the properties numbered 283 284 285 639 640 641 642 643 and 662 on the Ordnance Survey map for that parish (25-inch scale) marked "Second edition 1897" and lying within the following boundary namely Beginning at a point in the southern boundary fence of the Busby branch railway forty yards or thereby west-north-westward from the eastmost corner of the field numbered 285 on said map thence due south a distance of three hundred and seventy-five yards or thereby thence due east a distance of three hundred and thirty yards or thereby thence due north a distance of one hundred and forty yards or thereby thence north-westward along the line and prolongation of the line of the fence separating the properties numbered 282 and 641 on said map to the western side of the road numbered 662 on said map a distance of two hundred and thirty yards or thereby thence northward along the western side of said road to the southern boundary of the Busby branch railway a distance of seventy-three yards or thereby thence westward along the southern boundary of said railway to the point first described a distance of one hundred and sixty-five yards or thereby Provided always that nothing

in this section contained shall be deemed to authorise the County Council to stop up or discontinue the road numbered 662 on said map:

(2) A piece of land situate in the parish of Paisley and county of Renfrew forming part of the property numbered 790 on the Ordnance Survey map for that parish (25-inch scale) marked "Second edition 1896" and lying within the following boundary namely Beginning at the eastmost corner of said property and extending in a south-westerly direction along the south-eastern boundary thereof for a distance of seventy-two yards or thereby thence north-westward for a distance of one hundred and thirty-eight yards or thereby thence north-eastward for a distance of eighty yards or thereby along the north-western side of said property to its northmost corner thence south-eastward a distance of one hundred and thirty-eight yards or thereby along the north-eastern side of said property to the point first described together with that piece of land situated in the parishes of Neilston and Paisley and county of Renfrew consisting of the road in the parish of Neilston and burgh of Barrhead numbered 1830 on the Ordnance Survey map of the parish of Neilston (25-inch scale) marked "Second edition 1896" and the continuation thereof in the parish of Paisley in a north-easterly direction of a width of twenty-five feet or thereby along the north-western boundary and forming part of the properties numbered 753 and 790 on the said Ordnance Survey map of the parish of Paisley to the south-western boundary of the ground last described:

Provided always that the piece of land last above described consisting of the road numbered 1830 on the said map of the parish of Neilston and the continuation thereof in the parish of Paisley forming part of the properties numbered 753 and 790 on the said map of the parish of Paisley shall be used as a road of access only and that no sewage purification works shall be constructed thereon.

Power to borrow for sewage purification works.

90. The expense which may be incurred by the County Council and District Committee of and incident to the acquisition of the lands specified in the immediately preceding section shall be deemed to form part of the expenditure in connexion with

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the Giffnock special drainage district and the Cross-stobs special drainage district respectively situated within the county in so far as affecting each respective district and the provisions of the Public Health Acts as to borrowing and assessments to meet capital expenditure in such special districts and repayment of same shall apply accordingly.

Costs of Act.

91. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the County Council out of the public health general assessment leviable within the first or upper district of the county and the general purposes assessment in such proportions as the County Council may determine or out of the moneys to be borrowed under the authority of this Act or out of any other moneys which the County Council may legally apply to such purpose but in the event of such costs being paid out of borrowed money the same shall be repaid within five years from the passing of this Act.

The SCHEDULES referred to in the foregoing Act. A.D. 1907.

FIRST SCHEDULE.

Description of the Water Supply Area.

The parish of Mearns and those portions of the parishes of Eastwood and Cathcart all in the county of Renfrew and those portions of the parishes of East Kilbride and Carmunnock in the county of Lanark which are within the area bounded by a line commencing in the centre of White Cart Water at the point where it is joined by Earn Water and following the boundary of said parish of Mearns in a south-westerly north-westerly and north-easterly direction to the point in Waukmill Glen reservoir where it meets the boundary of the parish of Eastwood thence in a northerly direction along the boundary of the parish of Eastwood to a point in the centre of Brock Burn five hundred yards or thereby northwards from the point where said burn enters Littleton reservoir thence in an easterly direction to the north-west corner of the tanks numbered 576 on the Ordnance Survey map of Eastwood parish (25-inch scale) marked "Second edition 1897" thence in an easterly direction along the northern edge of said tanks to the north-east corner thereof thence eastward in a straight line to the south-west corner of the plantation numbered 557 on said map thence eastward along the line of the fence forming the southern boundary of said plantation and prolongation thereof to the north-western side of the turnpike road leading from Stewarton to Glasgow thence north-eastwards along the north-western side of said road to a point fifty-seven yards or thereby north-eastwards from the southmost corner of the field numbered 730 on said map thence in an easterly direction in a straight line to the northern end of the reservoir numbered 740 on said map and prolongation of said line to the fence forming the western side of the field or inclosure numbered 743 thence north-eastward in a straight line to a point on the northern boundary of said field or inclosure numbered 743 in line with the boundary fence between the inclosures 721 and 722 on said map thence northward to the south-east corner of the inclosure numbered 722 and northward along the fence forming the western boundary of the inclosures numbered 721 693 and 695 to the south-east corner of the field or inclosure numbered 691 on said map thence westward and

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northward along the southern and western boundaries of said field or inclosure numbered 691 and along the western boundary of the plantation numbered 666 on said map to the northmost corner thereof thence in a northerly direction to a point in the north boundary of the field numbered 668 on said map one hundred yards or thereby westward from the north-east corner thereof thence northward to a point in the field numbered 635 on said map one hundred and thirty yards or thereby due west from the northmost corner of the plantation numbered 665 on said map thence north-eastward to a point in the boundary fence between the fields numbered 635 and 636 on said map one hundred and thirty-three yards or thereby from the northmost corner of the said plantation numbered 665 on said map thence northward along said fence to the northmost corner of said field numbered 636 thence northward in a straight line to the southmost corner of field or inclosure numbered 286 on said map thence in a north-easterly direction along the line of the fence forming the south-eastern side of said field or inclosure numbered 286 and prolongation of said line to the northern boundary fence of the Busby branch railway thence eastward along said boundary fence to the fence forming the west boundary of the road numbered 662 on said map thence northward along said fence to a point in line with the northern side of the public road numbered 650 on said map thence eastward and south-eastward along the northern and north-eastern side of said road numbered 650 to the southmost corner of the field numbered 239 on said map thence north-eastwards along the fence forming the south-east boundaries of the fields or inclosures numbered 239 and 235 on said map to the eastmost corner of said field numbered 235 thence in a north-easterly direction along the line of the small stream passing through the field numbered 261 on said map till said stream joins the boundary between the parishes of Eastwood and Cathcart thence eastward along said boundary to the eastmost corner of the field or inclosure numbered 274 on said map of the parish of Eastwood thence south-eastward in a straight line to the northmost corner of the field numbered 162 on the Ordnance Survey map of Cathcart parish (25-inch scale) marked "Second edition 1898" thence in a southerly direction forty yards or thereby along the western boundary of said field thence eastward in a straight line to a point in the eastmost boundary of the field numbered 163 on said map eighty-three yards or thereby from the north-east corner of said field thence eastward to a point in the centre of the public road from Clarkston to Cathcart opposite the centre of the entrance gateway to Bogton House thence in a straight line in a north-easterly direction to a point in the fence forming the north-east boundary of the field numbered 167 on said map one hundred and ten yards or thereby from the northmost corner of said field and prolongation of said straight line into Cathcart Cemetery for a distance of two hundred and ninety yards or thereby

thence southward in a straight line to the north-west corner of the plantation numbered 171 on said map thence in an easterly direction along the southern brink of White Cart Water to a point two hundred and seventy-eight yards or thereby measured in a straight line from the north-west corner of said plantation numbered 171 on said map thence in a north-easterly direction in a straight line to a point in the centre of the road leading from Carmunnock to Glasgow seventy-five yards or thereby northward from the south-east corner of the field numbered 225 on said map thence northward along the centre of said road to a point in line with the fence forming the eastern boundary of the field numbered 217 on said map thence northward along said fence to the north-east corner of said field numbered 217 on said map thence eastward along the north side of an occupation road extending from said field numbered 217 to the field numbered 209 on said map thence eastward along the fence forming the northern boundary of said field numbered 209 and the fence forming the northern boundary of field numbered 208 to the boundary between the counties of Renfrew and Lanark thence first eastward then southward and then westward along said boundary to the point where it crosses the centre of the turnpike road from Carmunnock to Glasgow thence southward along the centre line of said road to a point in line with the southern side of Laigh Netherton farm-steading thence in a south-easterly direction in a straight line to a point in the centre of the public road from Carmunnock to Cathkin three hundred and ten yards or thereby south-westward from the south corner of Muirside farm-steading thence southward in a straight line to a point in the north-east boundary of the limits of compulsory supply under the Busby Water Act 1875 distant five hundred and thirty-three yards or thereby north-westward from the point where said boundary joins the centre of Highflat Burn thence following said boundary in a south-easterly direction to the centre of Highflat Burn thence south-westward along the centre of Highflat Burn for a distance of eighty yards thence south-westward along the south-eastern boundary of the lands of Waterbank to where that boundary joins the Kittoch Burn at a point eighty yards south-eastward from the junction of the Highflat Burn with the Kittoch Burn thence westward along the Kittoch Burn to the point where it is crossed by the centre line of the public road numbered 2589 on the Ordnance Survey map of the parish of East Kilbride (25-inch scale) marked "Second edition 1896" thence southward along the centre of said public road numbered 2589 to the centre of the highway leading from East Kilbride to Busby thence westward along the centre of said highway to the point where the boundary of that portion of the parish of East Kilbride which is united *quoad sacra* to the parish of Carmunnock and the remaining portion of the parish of East Kilbride crosses the said highway thence south-westward along the said boundary between the said respective portions of the parish of East

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Kilbride to the point where the said boundary joins the old boundary between the parish of East Kilbride and what was formerly the detached portion of Cathcart parish in the county of Lanark thence westward along said old parish boundary to the point where the said boundary joins the White Cart Water thence in a south-westerly direction along the centre of the White Cart Water to the point of commencement first described.

SECOND SCHEDULE.

Sections of Busby Water Acts referred to in the Section of this Act whereof the Marginal Note is "Application of Busby Acts to the County Council."

Part I.

Sections of the Busby Water Act 1875.

Short title.

1. This Act may be cited as the Busby Water Act 1875.

Provisions of certain general Acts incorporated.

2. * * * * * The Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 and the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and with respect to the crossing of roads or other interference therewith and the Waterworks Clauses Acts 1847 and 1863 are except where expressly varied by this Act incorporated with and shall apply to and form part of this Act.

Interpretation of terms.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction In this Act and in the Acts incorporated with this Act the expression "the Company" means the Company by this Act incorporated the expressions "the waterworks" and "the undertaking" mean respectively the works and the undertaking by this Act authorised the expression "the sheriff" means the sheriff of the county of Lanark or of the county of Renfrew as the case may require and includes the sheriffs-substitute of those counties respectively In the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 as applied to this Act the expression "the special Act" means this Act.

Power to make works.

6. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described with all

proper embankments dams weirs channels conduits pipes culverts cuts sluices gauges drains approaches buildings and other works and conveniences connected therewith and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose The works herein-before referred to and authorised by this Act are—

(1) A reservoir (herein-after called "Reservoir No. 1") situate upon the farm of Muir on the estate of Castlemilk and the farm and lands of Bellcraig commencing at a point upon the stream called or known as Highflat Burn about five hundred and seventy yards (measured in a straight line) eastward from the point where the said stream crosses the occupation road leading from the statute labour road between Carmunnock and Cathkin to Highflat farm-steading and about two hundred and ninety yards southward from the south-eastern corner of Muir farm-steading and terminating at the embankment next herein-after described:

(2) An embankment (herein-after called "Embankment No. 1") across the said stream at and adjoining a point in the centre of that stream about three hundred and twenty-three yards (measured in a straight line) eastward from the said point where the said stream crosses the said occupation road and about three hundred and sixty-five yards south-westward from the south-western corner of Muir farm-steading which embankment will commence at a point about forty-five feet south-eastward from the said point in the centre of the said stream and will terminate at a point about one hundred and ten feet north-eastward from the said point in the centre of the said stream:

(3) A conduit or pipe (herein-after called "Pipe No. 1") commencing at a point in Reservoir No. 1 about twenty-five yards north-eastward from the said point in the centre of the said stream where Embankment No. 1 will cross that stream and passing thence to the filtering tank and thence to the clear water tank both herein-after described and thence to and terminating at or near the point where the statute labour road leading from Carmunnock to Busby joins the turnpike road leading from Busby to East Kilbride near the Carmunnock Free Church in Busby:

(4) A filtering tank on the farm of Gallowhill on the estate of Castlemilk about thirty-six yards south-eastward from the said point where the said stream crosses the said occupation road and a clear-water tank on the north-western side of the said filtering tank and about ten yards distant therefrom:

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(5) A conduit or pipe (herein-after called "Pipe No. 2") commencing by a junction with Pipe No. 1 at a point about thirty-three yards south-eastward from the said point where the said stream crosses the said occupation road and terminating by a junction with Pipe No. 1 at a point about twenty-seven yards south-westward from the said point where the said stream crosses the said occupation road:

(6) A reservoir (herein-after called "Reservoir No. 2") situate upon the said farm of Muir commencing at a point upon the said stream about one hundred and seventy-eight yards (measured in a straight line) south-eastward from the said point where the said stream crosses the said occupation road and terminating at the embankment next herein-after described:

(7) An embankment (herein-after called "Embankment No. 2") across the said stream at and adjoining a point in the centre of the said stream about fifty-three yards (measured in a straight line) eastward from the said point where the said stream crosses the said occupation road which embankment will commence at a point about eighty-three yards south-eastward from the last-mentioned point in the centre of the said stream and will terminate at a point about forty-six yards north-westward from the said last-mentioned point in the centre of the said stream:

(8) A conduit or pipe (herein-after called "Pipe No. 3") commencing by a junction with Pipe No. 1 at a point about two hundred yards south-westward from the point of commencement of Pipe No. 1 and terminating at a point in Reservoir No. 2 about twenty yards south-westward from the herein-before described point of commencement of that reservoir:

(9) A conduit or pipe (herein-after called "Pipe No. 4") commencing at a point in Reservoir No. 2 about twenty-five yards eastward from the said point in the centre of the said stream where Embankment No. 2 will cross that stream and terminating by a junction with Pipe No. 1 at or near the point herein-before described as the point of commencement of Pipe No. 2.

Power to take water.

7. Subject to the provisions of this Act the Company may divert impound take appropriate use and distribute for the purposes of this Act the waters of the stream called or known as Highflat Burn and all other streams springs and waters flowing into the said stream and into or through the sites of the reservoirs and other works by this Act authorised above the line of Embankment No. 2.

Lands for extraordinary purposes.

25. The Company may from time to time purchase by agreement and hold for the purposes of this Act any quantity of land not exceeding

three acres in addition to the land which they are by this Act authorised to take by compulsion.

Limits of lateral and vertical deviation.

27. Subject to the provisions of this Act in constructing the works by this Act authorised the Company may deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation defined on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet as respects the reservoirs and embankments and not exceeding five feet as respects the other works Provided always that the Company shall not under the powers of lateral deviation hereby conferred construct the said embankments so that the extreme heights thereof respectively above the bottom of the stream called the Highflat Burn at the respective points where the said embankments are carried across that stream shall be more than three feet greater than the extreme heights of the said embankments respectively above the bottom of the said stream as shown on the deposited sections.

Temporary occupation of lands.

28. The provisions with respect to the temporary occupation of lands of the Railways Clauses Consolidation (Scotland) Act 1845 as applied to this Act shall apply only to the reservoirs authorised by this Act and the works immediately connected therewith and for the purposes of this Act those provisions shall be read as if the reservoirs and works were therein mentioned instead of "the railway" and the boundaries of the reservoir and works instead of "the centre of the railway" and the prescribed limits shall be two hundred yards from such boundaries.

Power to take servitudes by agreement.

29. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or dispose of land may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any servitude right or privilege (not being a servitude of water excepting waters which the Company are by this Act empowered to take) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

Supply to Parklea farmsteading.

30. The Company shall at all times after they shall have constructed both or either of the said reservoirs and filled the same with water supply by means of a pipe to be laid by them from Pipe No. 1 to the existing steading on Parklea Farm a sufficient quantity of water for farm homestead purposes and for watering cattle at the said steading or any other steading which may hereafter be built on the same site or on the same or a lower level on the said farm in lieu of the existing steading without making any charge in respect thereof.

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Compensation water to mill-owners and others.

32. The Company shall cause or allow to flow as compensation water in a continuous and uniform stream down the said Highflat Burn below the said reservoirs such a quantity of water as shall be equal to one-half of what shall be taken by the Company from day to day under the powers of this Act but in no case shall such compensation water be less than eight cubic feet and ninety-one one-hundredth parts of a cubic foot per minute in each period of twenty-four hours and it shall not be lawful for the Company to store water in either of the reservoirs to be constructed under the authority of this Act or to supply water for any of the purposes of this Act excepting at such times as they shall be sending down the said compensation water Provided always that the compensation water daily to be discharged as aforesaid shall be full compensation for the water taken by the Company under the authority of this Act to the owners and occupiers of lands mills and manufactories and other persons interested in the Highflat Burn below the said reservoirs and in the Kittoch Burn below the junction of the Highflat Burn therewith and in the River Cart below the junction of the Kittoch Burn therewith but without prejudice to any claims of compensation for land taken or damaged by the making of the said reservoirs embankments conduits or pipes and works connected therewith Provided also that without prejudice to any other competent remedy in the event of the said reservoirs proving inadequate to afford the supply of compensation water herein-before mentioned the said owners occupiers or other persons interested as aforesaid or any of them shall be entitled to apply to the sheriff who may ordain the said Highflat Burn to be turned into its original channel and to continue to flow therein for the use of the said lands mills and manufactories so long as a deficient supply shall continue to exist and that in lieu of the aforesaid compensation water provided as aforesaid to the said owners occupiers and other parties interested.

Measuring gauges to be provided by company.

33. The Company shall at their own cost make construct and for ever maintain proper and sufficient measuring gauges over or through which the quantity of water to be taken or supplied by the Company for the purposes of this Act and also the said compensation water shall flow or be discharged and such gauges shall be open at all times to the inspection and examination of the said parties interested as aforesaid and of such persons as may be authorised by them to examine and test the sufficiency of such gauges and the expense of testing such gauges at all reasonable times when required by the said parties interested or any of them shall be wholly borne by the Company and if and whenever any such gauges are found to be in any respect out of repair inaccurate or insufficient and if the Company shall fail to repair and make good the same within ten days after notice in writing of such disrepair inaccuracy or insufficiency shall have been given to the Company by the parties interested or any of them then the said

parties or any of them may repair and make good such gauges or provide other and sufficient gauges in lieu thereof at the expense of the Company and may recover such expense from the Company in any court of competent jurisdiction.

Period for completion of works.

34. If the works herein-before described and authorised are not completed within seven years from the passing of this Act then on the expiration of that period the powers by this Act granted to the Company for making and completing those works or otherwise in relation thereto shall cease to be exercised except as to so much thereof as is then completed Provided nevertheless that this enactment shall not preclude the Company at any time from altering at the request or with the consent of the owner for the time being of any lands in which Pipe No. 1 shall be placed the position of that pipe and from replacing and maintaining the same in such other position within the lands of such owner and of any other owner consenting thereto as shall be or shall have been agreed upon between the Company and such owner.

Part II.

Sections of the Busby Water Act 1882.

Short title.

1. This Act may be cited as the Busby Water Act 1882.

Incorporation of Acts.

2. The Lands Clauses Consolidation (Scotland) Act 1845 the Lands Clauses Consolidation Acts Amendment Act 1860 the Waterworks Clauses Acts 1847 and 1863 the provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof * * * .

Interpretation.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction In this Act and in the Acts wholly or partially incorporated with this Act the expression "the Company" means the Busby Water Company the expression "the waterworks" means the works by this Act authorised the expression "the sheriff" means the sheriff of the county of Lanark or of the county of Renfrew as the case may require and includes the sheriffs-substitute of those counties respectively and the expression "the special Act" means this Act.

Power to make works.

8. Subject to the provisions of this Act the Company may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works herein-after described with all proper embankments dams weirs channels conduits pipes culverts cuts sluices filtering tanks gauges drains approaches buildings and other works and conveniences connected therewith and may enter upon take

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and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose.

The works herein-before referred to and authorised by this Act are situate in the parishes of Carmunnock and East Kilbride in the county of Lanark and are—

(1) A reservoir situate upon the south farm of Cathkin the farm of East Rogerton and the farm of West Rogerton commencing at a point upon the stream called or known as the Highflat Burn about one hundred and four yards (measured in a straight line) westward from the point where the said stream crosses the occupation road leading from the statute labour road between East Kilbride and Carmunnock by Rogerton to the steadings of the said south farm and west hills of Cathkin and terminating at the embankment next herein-after described:

(2) An embankment across the said stream called or known as the Highflat Burn at and adjoining a point in the centre of that stream about five hundred and seven yards (measured in a straight line) westward from the said point where the said stream crosses the said occupation road which embankment will commence at a point about one hundred and fifty yards southward from the said point in the centre of the said stream and will terminate at a point about one hundred and twenty-eight yards north-eastward from the said point in the centre of the said stream:

(3) A conduit or pipe commencing at a point in the reservoir herein-before described about fifty-seven yards eastward from the said point in the centre of the said stream called or known as the Highflat Burn where the said embankment will cross that stream and terminating by a junction with the main pipe through the embankment of the Company's existing upper reservoir at the tail of the slope of the last-mentioned embankment.

Power to take water.

9. Subject to the provisions of this Act the Company may divert impound take appropriate store use and distribute for the purposes of the Act of 1875 and of this Act the waters of the stream called or known as the Highflat Burn and all other streams springs and waters flowing into the said stream above the line of the embankment of the Company's existing lower reservoir.

Compensation water to mill-owners and others.

10. In addition to the compensation water which they are required by the Act of 1875 to cause or allow to flow down the said Highflat Burn the Company shall cause or allow to flow as compensation water down the same stream below the reservoirs of the Company in the manner required by the Act of 1875 in respect to the compensation

water thereby provided such a further quantity of water as shall be necessary to make the total quantity of water so caused or allowed to flow down the said stream in pursuance of the Act of 1875 and of this Act equal to one-half of the total amount of water which shall be taken by the Company from day to day under the powers of the same Acts or either of them Provided always that the compensation water daily to be discharged as aforesaid shall be full compensation for the water taken by the Company under the authority of this Act to the owners and occupiers of lands mills and manufactories and other persons interested in the Highflat Burn below the reservoir to be constructed under the authority of this Act and in the Kittoch Burn below the junction of the Highflat Burn therewith and in the River Cart below the junction of the Kittoch Burn therewith but without prejudice to any claims of compensation for land taken or damaged by the making of the said reservoir embankment conduit or pipe and works connected therewith by this Act authorised Provided also that the provisions of the Act of 1875 relating to the remedy of such owners occupiers and other persons interested as aforesaid in the event of the reservoirs proving inadequate to afford the supply of compensation water and relating to the construction maintenance inspection examination and testing of measuring gauges shall apply mutatis mutandis to the compensation water required to be provided and to the reservoir authorised to be constructed by this Act.

Lands for extraordinary purposes.

11. The Company may from time to time purchase by agreement and hold for the purposes of this Act any quantity of land not exceeding three acres in addition to the land which they are by this Act authorised to take by compulsion but no building shall be erected on the said land except in connexion with the water undertaking of the Company.

Limits of lateral and vertical deviation.

13. Subject to the provisions of this Act the Company may in constructing the works by this Act authorised deviate laterally from the lines thereof shown on the deposited plans to any extent not exceeding the limits of lateral deviation defined on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding three feet as respects the reservoir and embankment and not exceeding five feet as respects the other works Provided always that the Company shall not under the powers of lateral deviation hereby conferred construct the said embankment so that the extreme height thereof above the bottom of the stream called the Highflat Burn at the point where the said embankment is carried across that stream shall be more than three feet greater than the extreme height of the said embankment above the bottom of the said stream as shown on the deposited sections.

Temporary occupation of lands.

14. The provisions with respect to the temporary occupation of lands of the Railways Clauses Consolidation (Scotland) Act 1845 as applied to

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this Act shall apply only to the reservoir authorised by this Act and the works immediately connected therewith and for the purposes of this Act those provisions shall be read as if the reservoir and works were therein mentioned instead of "the railway" and the boundaries of the reservoir and works instead of "the centre of the railway" and the prescribed limits shall be two hundred yards from such boundaries.

Power to take servitudes by agreement.

15. Persons empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or dispose of lands may if they think fit subject to the provisions of that Act and of the Lands Clauses Consolidation Acts Amendment Act 1860 and of this Act grant to the Company any servitude right or privilege (not being a servitude of water excepting waters which the Company are by this Act empowered to take) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual feu duties or ground annuals so far as the same are applicable in this behalf shall extend and apply to such grants and to such servitudes rights and privileges as aforesaid respectively.

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