



CHAPTER xxx.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to the Burgh of Hamilton. A.D. 1901.  
[2nd July 1901.]

**W**HEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Private Legislation Procedure (Scotland) Act 1899 and it is requisite that the said Order should be confirmed by Parliament: 62 & 63 Vict  
c. 47.

Be it therefore 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:—

**1.** The Provisional Order contained in the schedule hereunto annexed shall be and the same is hereby confirmed. Confirmation  
of Order in  
schedule.

**2.** This Act may be cited as the Hamilton Burgh Order Confirmation Act 1901. Short title.

A.D. 1901.

SCHEDULE.

HAMILTON BURGHS.

*Provisional Order to amend the Hamilton Burgh Act 1878 with regard to assessments and to the common good of the burgh and for other purposes.*

WHEREAS the burgh of Hamilton in the county of Lanark (in this Order called "the burgh") is a burgh which contributes to send a member to Parliament and the Burgh Police (Scotland) Act 1892 (in this Order called "the Burgh Police Act") is now in force within the burgh except in so far as in that Act provided :

41 & 42 Vict.  
c. cxxxvii.

And whereas by the Hamilton Burgh Act 1878 (herein-after called "the Act of 1878") the boundaries of the burgh were for municipal police and sanitary purposes extended and defined :

63 & 64 Vict.  
c. lxxxiv.

And whereas by the Hamilton Burgh Act 1900 the Act of 1878 was in divers respects amended :

And whereas by section 25 of the Act of 1878 it was provided that the common good belonging to the burgh as existing prior to the passing of that Act (in this Order called "the old burgh") should be vested in the provost magistrates and councillors of the burgh (in this Order called "the Corporation") and should be held by the Corporation except to the extent mentioned in the said section for the exclusive behoof and benefit of the old burgh :

17 & 18 Vict.  
c. xc.

And whereas it is expedient that the public water rate authorised by the Hamilton Water Acts 1854 to 1898 should be leviable on all lands and premises within the limits of the said Acts and that the application of section 42 of the Act of 1854 should be extended accordingly :

And whereas by section 86 of the Act of 1878 it is provided that for the purposes of the several assessments therein mentioned certain deductions should be made from the annual value of the several classes of property as therein set forth :

And whereas such deductions throw undue burden on the other property within the burgh and it is expedient that section 86 of the Act of 1878 should be repealed and that the basis of valuation for the purposes of the said assessments within the burgh should be altered in accordance with the basis of valuation provided by the Burgh Police Act :

And whereas it would tend to equalise the rates throughout the burgh if the Corporation were authorised to apply for the behoof and benefit of the burgh the free income arising from the common good of the burgh towards the purposes of the Burgh Police Act and of the Act of 1878 as in this Order provided and it is expedient that section 25 of the Act of 1878 should accordingly be repealed and that the common good should be vested in the Corporation for behoof of the burgh :

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*Act, 1901.*

And whereas the purposes aforesaid cannot be effected without an Order of the Secretary for Scotland confirmed by Parliament under the provisions of the Private Legislation Procedure (Scotland) Act 1899 : A.D. 1901.

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary for Scotland orders as follows :—

1. This Order may be cited as the Hamilton Burgh Order 1901 and the Hamilton Burgh Acts 1878 to 1900 and this Order may be cited together as the Hamilton Burgh Acts 1878 to 1901. Short title.

2. In this Order—

The expression “the Act of 1854” means the Hamilton Water Works Act 1854 ;

The expression “the Act of 1878” means the Hamilton Burgh Act 1878 ;

The expression “the Burgh Police Act” means the Burgh Police (Scotland) Act 1892 ;

The expression “the burgh” means the burgh of Hamilton as extended and defined by the Act of 1878 ;

The expression “the common good” means the common good of the burgh ;

The expression “the Corporation” means the provost magistrates and councillors of the burgh ;

The expression “the Hamilton Water Acts” means the Hamilton Water Acts 1854 to 1898 ;

The expression “lands and premises” has the same meaning as is assigned thereto in the Burgh Police Act.

Interpretation.

3. The annual value of the following lands and premises shall for the assessments under the Burgh Police Act be held to be one fourth of the annual value thereof entered in the valuation roll viz. :— Valuation of certain lands and premises.

(1) All lands and premises used exclusively as a canal or basin of a canal or towing-path for the same or as a railway or tramway constructed under the powers of any Act of Parliament for public conveyance excepting the stations depôts and/buildings which shall be assessable to the same extent as other lands and premises within the burgh and all bridges frontages and ferries not being private property ;

(2) All the underground gas and water pipes or underground works of any gas or water company local authority or corporation ;

(3) All woodland arable meadow or pasture ground or other ground used for nurseries market gardens or for agricultural purposes :

And in the event of any dispute arising as to the lands and premises falling under the above exceptions it shall be lawful for the owner or occupier of such lands and premises to present a petition to the sheriff praying to have the same declared for the time being liable to assessment upon the said proportion of their value only The judgment if by the sheriff substitute may be appealed to the sheriff whose decision shall be final Provided always that where such lands and premises as are in this section specified were prior to the passing of this Order liable to be assessed under any General or Local Police Act or under the Local Government (Scotland) Act 1889 or the Public Health

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A.D. 1901. (Scotland) Act 1897 on the annual value thereof entered in the valuation roll and moneys have been borrowed on the security of the assessments so authorised or some of them such lands and premises shall be liable to be assessed on the annual value thereof and in the same manner as heretofore until such borrowed moneys have been repaid.

Power to assess all lands and premises for public water rate.

4. Subject to the provisions of this Order the public water rate authorised under the Hamilton Water Acts shall be leviable on all lands and premises within the limits of the said Acts save as is provided in section 43 of the Act of 1854 and the application of section 42 of that Act shall be extended accordingly and the said public water rate shall be assessed levied and recovered in like manner and under the like powers as the special water assessment under the Public Health (Scotland) Act 1897.

Corporation may supply water by agreement.

5. The Corporation when there is a supply of water more than is required for domestic purposes within the burgh may enter into agreements with any person or persons within the burgh for the supply of water for other than domestic purposes upon such terms and conditions as may be agreed on or in the event of disagreement either as to the ability of the Corporation to give the supply or as to the rates terms and conditions on or in respect of which the supply is to be given the same shall be fixed by the sheriff of the county of Lanark upon summary application by either of the parties and the decision of the sheriff shall be final. Provided that when water is thus supplied from such surplus by measure it shall not be lawful for the Corporation to charge the parties obtaining the same both for the supply of water obtained by them by measure and with the domestic water rate and their proportion of the public water rate authorised by the Hamilton Water Acts but the Corporation may either charge the said water rates or either of them if exigible or charge for the supply of water furnished by measure as they shall think fit.

Assessments in respect of mines and minerals.

6. Notwithstanding anything in this Order contained the Corporation shall for a period of ten years after the passing of this Order levy in respect of mines and minerals within the area added to the burgh under the provisions of the Act of 1878 the same cumulo rates for the time being as are levied within the parish of Hamilton by the county council of Lanark on owners and occupiers and threepence halfpenny in the pound respectively in addition. Provided that the whole assessments to be so levied by the Corporation in any capacity during the said period of ten years shall not exceed in cumulo one shilling and fourpence in the pound on owners and occupiers respectively.

Vesting the property of the burgh in the Corporation for behoof of the burgh.

7. The common good including all property heritable or moveable and all moneys revenues and income of every description arising therefrom whether vested in the Corporation for behoof of the old burgh or of the burgh shall be and is hereby vested in the Corporation and shall be held by the Corporation for the behoof and benefit of the burgh and shall subject to the provisions of this Order be applied within the burgh to the same or similar purposes as heretofore.

Application of income of common good to purposes of Act of 1878.

8. The Corporation may after deduction therefrom of the interest of any debt from time to time owing by the Corporation chargeable on the common good and also of the necessary annual outgoings of the burgh payable out of

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such common good annually contribute out of the free income arising from the common good of the burgh for the behoof and benefit of the burgh such a reasonable proportion towards the purposes of the Burgh Police Act and of the Act of 1878 as the Corporation having due regard to the extinction of the capital of such debt (if any) shall think just. A.D. 1901.

9. Sections 25 and 86 of the Act of 1878 are hereby repealed.

Repeal of  
sections 25 and 86  
of Act of 1878.

10. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Order and of the Act confirming the same or otherwise in relation thereto shall be paid by the Corporation out of the free revenue of the common good or out of any of the rates to be levied by the Corporation in such proportion as the Corporation may determine.

Costs of Order.

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