



### CHAPTER lxxiii.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Clydebank and District Water. [3rd August 1910.] A.D. 1910.

**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 Clydebank and District Water Order Confirmation Act 1910. Short title.

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SCHEDULE.

CLYDEBANK AND DISTRICT WATER.

*Provisional Order to authorise the Clydebank and District Water Trustees to construct additional Works to abandon parts of authorised Works to acquire additional lands and for other purposes.*

WHEREAS by the Clydebank and District Water and Burgh Extension Order 1906 (in this Order referred to as "the Order of 1906") the Clydebank and District Water Trustees (in this Order called "the Trustees") were incorporated for the purpose of supplying water within the burgh of Clydebank and the district therein defined and were authorised to acquire lands and construct the works therein described:

And whereas by the Clydebank and District Water Order 1909 (in this Order referred to as "the Order of 1909") the Trustees were authorised to construct additional works to abandon certain authorised works and to acquire further lands for the purpose of their water undertaking and the time for the purchase of lands and the completion of works authorised by the Order of 1906 was extended:

And whereas it is expedient that the Trustees should be authorised to make a diversion (Work No. 2) of the road of access authorised by the Order of 1906 and to construct additional works and to abandon certain works authorised by the Order of 1906 and to relinquish the lands authorised to be acquired for the purposes of the same:

And whereas in consequence of the abandonment of the works authorised by this Order to be abandoned it is expedient to repeal the provisions with respect to compensation water of the Order of 1906 and to make other provision for the same:

And whereas the estimates prepared by the Trustees for the construction and completion of the additional works authorised

by this Order are less than the estimate for the works authorised to be abandoned by this Order by the sum of fourteen thousand two hundred pounds: A.D. 1910.

And whereas the estimate prepared by the Trustees for the purchase of the lands for the additional works authorised by this Order exceeds the estimate for the purchase of the lands for the works authorised to be abandoned by this Order by the sum of four thousand and seventy pounds:

And whereas it is expedient that the Trustees should for the purposes of the works authorised by this Order and for the purchase of lands be authorised to apply the rates authorised to be levied and the money authorised to be borrowed under the Order of 1906 and the Order of 1909:

And whereas it is expedient that the other powers in this Order contained should be conferred on the Trustees:

And whereas plans and sections showing the lines situations and levels of the several works authorised by this Order and also a book of reference thereto containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of the lands and other property required or which may be taken for the several purposes or under the powers of this Order were duly deposited with the principal sheriff clerks of the counties of Dumbarton and Stirling respectively and are in this Order referred to as the deposited plans sections and book of reference:

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:

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 for all purposes as the Clydebank and District Water Order 1910 and may together with the Order of 1906 and the Order of 1909 be cited as the Clydebank and District Water Orders 1906 to 1910. Short titles.

2. This Order shall commence and have effect on and from the date of the passing of the Act confirming the same which date is herein-after referred to as “the commencement of this Order.” Commence-  
ment of  
Order.

3. In this Order the several words and expressions to which meanings are assigned in the Order of 1906 and the Order of 1909 and in any Acts wholly or partially incorporated with those Interpreta-  
tion.

A.D. 1910. Orders shall have the meanings attached to them in the said Orders and Acts unless there be something in the subject or context repugnant to such construction.

Incorporation of Acts.

4. The following Acts and parts of Acts so far as the same respectively are applicable for the purposes and are not inconsistent with or varied by the provisions of this Order are hereby incorporated with and form part of this Order:—

The Lands Clauses Acts :

The Waterworks Clauses Acts 1847 and 1863 with the exceptions specified in the Order of 1906 :

The Commissioners Clauses Act 1847 with the exceptions specified in the Order of 1906 :

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 in construing the said clauses and provisions "the Company" means the Trustees "the Railway" means the reservoir and embankment authorised by the Order of 1906 and by this Order and the works immediately connected therewith and also the catch-water conduit or aqueduct (Work No. 3) and the road of access (Work No. 4) authorised by this Order and expressions referring to the centre of the railway mean in the case of the said reservoir and embankment and the works immediately connected therewith the boundaries thereof respectively and in the case of the said Works No. 3 and No. 4 the centre lines thereof respectively and for the purposes of section 27 of that Act the prescribed limits shall be fifty yards in respect of the said reservoir and ten yards in respect of other works.

This Order shall be deemed a special Act within the meaning of the provisions of the said Acts wholly or partly incorporated herewith.

Works.

5. The Trustees may subject to the provisions of this Order make and maintain in the lines and according to the levels shown on the deposited plans and sections the additional works herein-after described or some part or parts thereof The works herein-before referred to are the following:—

(1) The enlarging of Burn Crooks Reservoir (Work No. 1) by the raising of the top water level and the embankment thereof the said reservoir being Work No. 5

authorised by the Order of 1906 situate partly in the parish of Killearn and county of Stirling and partly in the parish of Dumbarton and county of Dumbarton the enlarged reservoir commencing at a point on the Burn Crooks Burn nine hundred lineal yards or thereby measured in a south-westerly direction from the point marked east corner of Burn Crooks on the six-inch Ordnance Survey map marked second edition 1899 and terminating at the said embankment of the said reservoir now under construction at a point four hundred and sixty yards or thereby measured in a north-westerly direction from the said east corner of Burn Crooks :

- (2) A deviation or diversion (Work No. 2) of the road of access being the road of access Work No. 6 authorised by the Order of 1906 in the parish of Killearn and county of Stirling commencing the said deviation at the point of commencement of the road of access Work No. 6 of the Order of 1906 and terminating at a point five hundred and ten lineal yards or thereby east of the above-mentioned point of commencement :
- (3) A catch-water conduit or aqueduct (Work No. 3) partly open situate in the parish of Dumbarton and county of Dumbarton commencing in Spouts Burn at a point one thousand and sixty yards or thereby measured in a southerly direction from the confluence of the Spouts Burn with the Knockupple Burn and terminating at the south end of the raised embankment of Burn Crooks Reservoir :
- (4) A road of access (Work No. 4) in the parish of Dumbarton and county of Dumbarton commencing at the point of commencement of the said catch-water conduit or aqueduct last described and terminating at the point of termination of the said catch-water conduit or aqueduct :
- (5) A conduit or line of pipes (Work No. 5) situate partly in the parish of Killearn and county of Stirling and partly in the parish of Dumbarton and county of Dumbarton commencing at a point at the foot of the outer slope of the embankment of Burn Crooks Reservoir (Work No. 1) and terminating in the Gallangad Burn at a point seven hundred and thirty-

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five lineal yards or thereby measured in a south-easterly direction from its confluence with the Finland Burn.

Power to  
make sub-  
sidiary  
works.

6. The Trustees in addition to the waterworks authorised by this Order and in connection therewith may upon or in the lands which they are authorised by this Order to acquire compulsorily or upon or in the lands which they have already acquired for the construction of Burn Crooks Reservoir make erect and maintain all such embankments dams weirs intake weirs bywash channels bridges roads accesses approaches wells tanks gauges filter-beds sluices outlets drains aqueducts culverts channels cuts mains pipes engines machinery buildings telegraphs telephones posts wires and other works and conveniences as may be necessary or convenient in connexion with or subsidiary to the waterworks or any of them but nothing in this section shall exonerate the Trustees from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them. Provided that any telegraphs telephones posts wires and other works made erected or maintained by the Trustees shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

Power to  
deviate  
laterally and  
vertically.

7. In the construction of the works authorised by this Order the Trustees may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards. Except for the purposes of crossing over a stream no part of the pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections.

Abandon-  
ment of  
parts of  
authorised  
works.

8. The Trustees shall abandon the construction of the following works authorised by the Order of 1906 (that is to say) :—

Reservoir (Work No. 1) and the embankments (A) and (B);

Road of access (Work No. 2);

Reservoir (Work No. 3);

Catch-water conduit or aqueduct (Work No. 4);

Conduit or line of pipes (Work No. 7);

and may sell or relinquish all lands and property acquired under the Order of 1906 for the purposes of the said works but

excepting and reserving such portions of the said lands and property as may be required and taken for the execution of the works authorised by this Order : A.D. 1910.

Provided always that any lands and property which may be used or retained by the Trustees or sold by them shall be dedicated in all time coming to waterworks or other similar purposes and so long as such lands remain unfenced no charge of trespassing shall lie against the owner of the adjoining lands or his tenants and further Alexander Crum Ewing Esquire of Strathleven and his successors in the estate of Strathleven shall have the exclusive right and privilege of sporting shooting and fishing in and over the said lands and property.

9. The abandonment by the Trustees under the authority of this Order of any portion of any works shall not prejudice or affect the right of the owner or occupier of any land to receive compensation for any damage occasioned by the entry of the Trustees on such land for the purpose of surveying and taking levels or probing and boring to ascertain the nature of the soil or setting out of the works and shall not prejudice or affect the right of the owner or occupier of any land which has been temporarily occupied by the Trustees to receive compensation for such temporary occupation or for any loss damage or injury which has been sustained by such owner or occupier by reason thereof or of the exercise as regards such land of any of the powers contained in the Order of 1906 or the Acts therewith incorporated. Compensation for damage to land by entry &c. for purposes of works abandoned.

10. Section 31 of the Order of 1906 is hereby repealed and in lieu thereof the following provisions shall have effect:— Power to take water.

The Trustees may from and after the commencement of this Order and subject to the provisions thereof by means of the works authorised by this Order and the works authorised by the Order of 1906 as amended by the Order of 1909 and by this Order or some of them or some part or parts thereof (herein-after in this section referred to as "the said works") take impound appropriate divert and use all the waters of the Spouts Burn and Knockupple Burn together with all streams springs and waters running into the said burns or either of them and all other streams springs and water which may be intercepted by or flow into the said aqueduct (Work No. 3) or into any intakes or any subsidiary channels connected therewith

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and the head waters or tributaries of the Burn Crooks Burn and Carling Burn and all streams springs and waters which flow into or can be collected by the said works or by the existing works of the Trustees or any of them and from the said works and the existing works of the Trustees or from some of them the Trustees may supply water within the limits of compulsory supply as defined by the Order of 1906 and to such places beyond the same as are authorised by the said Order for the domestic and other purposes for which the Trustees are by the Water Acts as amended and extended by this Order authorised to supply water and also for providing the compensation water after mentioned.

Temporary  
supply of  
water.

11. Until the reservoir (Work No. 5) authorised by the Order of 1906 and as authorised to be enlarged by this Order is completed and in a position to discharge the compensation water after mentioned the Trustees shall not appropriate and take for the purposes of supply the waters of the stream called Burn Crooks Burn unless a flow of water at the rate of three hundred and fifty thousand gallons per day is passing down the said Burn Crooks Burn at the proposed point of abstraction of the said burn at the embankment of the said reservoir but in the event of such flow exceeding the said rate the Trustees may for the purposes of their supply appropriate take and divert into their conduits or works or any of them all or such part of the excess of the water flowing in the said stream as they may require Provided that the Trustees shall provide and maintain while and so long as the same shall be necessary a sufficient measuring gauge at or near the point of abstraction over or through which the quantity of three hundred and fifty thousand gallons shall be ascertained as flowing down the said Burn Crooks Burn at the said point.

Compensa-  
tion water.

12. Section 32 of the Order of 1906 is hereby repealed and in lieu thereof the following provisions shall have effect and shall be binding on the Trustees for the protection of all mill-owners and other persons interested in the waters flowing down the said streams known as Burn Crooks Burn Spouts Burn and Knockupple Burn and in the other waters and streams appropriated by this Order (that is to say):—

- (1) The Trustees shall as soon as the reservoir Work No. 5 of the Order of 1906 and the enlargement thereof (Work No. 1) authorised by this Order is



completed in accordance with the Order of 1906 and this Order and the waters of the streams authorised to be impounded in the said reservoir by this Order are impounded therein so as to be able to afford the supply of compensation water after mentioned discharge or allow to flow into Burn Crooks Burn as compensation water in a uniform and continuous flow the quantity of six hundred and twenty-four thousand two hundred gallons of water each day of twenty-four hours :

- (2) The Trustees shall further as soon as the catch-water conduit or aqueduct (Work No. 3) authorised by this Order is completed and the water thereof conveyed into the enlarged reservoir (Work No. 1) of this Order so as to be able to afford the additional compensation water herein-after mentioned discharge or allow to flow as compensation water (1) into Burn Crooks Burn in a uniform and continuous flow the quantity of one hundred thousand gallons of water in each day of twenty-four hours and (2) by means of the conduit (Work No. 5) authorised by this Order a quantity of two hundred and fifty thousand gallons into Gallangad Burn :
- (3) The Trustees shall not divert into their works the waters of Spouts Burn by the catch-water conduit or aqueduct (Work No. 3) by this Order authorised unless a flow of water at the rate of thirty-five thousand gallons per day is running down the Spouts Burn at the point of intake on that burn and shall not divert the waters of the Knockupple Burn unless a flow of water at the rate of thirty-five thousand gallons per day is running down the Knockupple Burn at the point of intake on that burn and the Trustees shall be entitled to take and divert into the said conduit or aqueduct (Work No. 3) at the respective points of intake the excess of the waters flowing down the said Spouts Burn and Knockupple Burn respectively :
- (4) The compensation water provided by this Order shall be deemed to be full compensation to all mill-owners riparian proprietors and other persons interested in the waters flowing down the said streams respectively for

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the water appropriated by and for the purposes of the Order of 1906 as amended by this Order and for the purposes of this Order:

(5) The Trustees shall for the purpose of ascertaining the amount of the compensation water to be daily discharged as aforesaid construct and maintain—

(A) Immediately below the foot of the outer slope of the embankment of the said reservoir Work No. 5 of the Order of 1906 as authorised to be enlarged by this Order (Work No. 1) a suitable and sufficient measuring gauge or other apparatus over or through which the said compensation water of six hundred and twenty-four thousand two hundred gallons and one hundred thousand gallons amounting together to seven hundred and twenty-four thousand two hundred gallons shall flow or be discharged;

(B) At a point on the conduit or line of pipes (Work No. 5 of this Order) at or near the outer slope of the aforesaid embankment a suitable and sufficient measuring gauge or other apparatus over or through which the said compensation water of two hundred and fifty thousand gallons shall be discharged by means of the said Work No. 5 into the Gallangad Burn;

(C) At a point on the intake of Spouts Burn a suitable and sufficient measuring gauge or other apparatus over or through which the said quantity of thirty-five thousand gallons shall be ascertained as flowing down the Spouts Burn;

(D) At a point in the Knockupple Burn a suitable and sufficient measuring gauge or other apparatus over or through which the said quantity of thirty-five thousand gallons shall be ascertained as flowing down the said Knockupple Burn;

(E) The gauges or other apparatus mentioned in this section or in the immediately preceding section of this Order shall be open to the inspection and examination of all persons having an interest in the said water or persons duly authorised by them on their behalf at all reasonable times;

(F) In case of any neglect on the part of the Trustees to maintain any gauge in a state of efficiency and in case of any other neglect by or in consequence of which the said respective quantities of water shall not so flow the Trustees shall for every day on which such neglect occurs forfeit and pay to each of the persons affected thereby (who may sue for and recover the same) the sum of five pounds and shall in addition make compensation for any loss damage or injury sustained by such persons or any of them ;

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(G) In the event of any dispute or difference arising between the Trustees and any person interested as to the true intent and meaning of the provisions of this section or as to the carrying out of the same such dispute or difference shall failing agreement be settled by an engineer to be agreed on and failing agreement to be named by the sheriff on the application of either party For the purpose of this section "sheriff" shall not include sheriff substitute.

13. The Trustees shall not sink any well upon or construct any works for taking or intercepting water from any lands acquired by them unless the well and works and the lands upon which the same are to be constructed are specified in this Order or in an Act of Parliament or Order confirmed by Parliament.

Sinking wells.

14. For the purposes and during the execution of the several works which the Trustees are by this Order authorised to make and in maintaining the same and subject to the provisions of this Order the Trustees may temporarily from time to time break up or cross over or under alter or stop up any streets highways roads lanes paths bridges passages drains watercourses and water pipes 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 for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such streets highways roads lanes paths bridges or passages or the flow of water in any such drain watercourse or pipe and making full compensation to all persons injuriously affected thereby Provided that nothing in this section shall extend to authorise any interference with electric telegraphic or telephonic apparatus or other property of His Majesty's Postmaster-General Provided also that nothing

Power to alter roads &c. temporarily.

A.D. 1910. in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the Electric Lighting Act 1882 apply.

Acquisition of lands.

15. The Trustees may subject to the provisions of this Order purchase take and acquire compulsorily or by agreement and may enter upon take hold use and appropriate the lands shown on the deposited plans and described in the book of reference or such part or parts thereof as the Trustees may require for or in connection with the construction of the works authorised by this Order.

Persons under disability may grant servitudes &c.

16. 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 Order grant to the Trustees 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 Order 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.

Trustees may acquire servitudes only in certain cases.

17.-- (1) The Trustees may in lieu of acquiring any lands for the purposes of the conduits or lines of pipes authorised by this Order where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes describing the nature thereof and the 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 and in respect of the acquisition of such servitudes as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Trustees have acquired servitudes only under the provisions of this section the Trustees shall not 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 subject to such servitudes have the same rights to use and cultivate the said lands at all times as if this Order had not been confirmed.

(3) Provided always that nothing in this section contained shall authorise the Trustees to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Trustees to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this provision. A.D. 1910.

18. The powers of the Trustees for the compulsory purchase of lands for the purposes of this Order shall cease after the expiration of three years from the commencement of this Order. Limit of time for purchase of lands.

19. If the works authorised to be constructed by this Order are not completed within seven years from the commencement of this Order then on the expiration of that period the powers by this Order granted to the Trustees for executing any of the said works not so completed shall cease except as to so much thereof as is then completed but nothing herein contained shall restrict the Trustees from maintaining using extending enlarging altering replacing relaying duplicating increasing adding to or removing any of their conduits aqueducts lines of pipes or filter-beds at any time and from time to time as occasion requires for the purpose of supplying water within the limits of the Order of 1906 and for the purposes of the Trustees' undertaking. Period for completion of works.

20. The estimate required to be made and the assessment and rates rents and charges authorised and required to be levied by the Trustees under and for the purposes of the Order of 1906 and the Order of 1909 shall be levied so that the same shall include and be sufficient with the other revenues of the Trustees not only for the purposes specified in the said Orders but also for the purposes of this Order. Estimate &c. by Trustees to include purposes of this Order.

21. The Trustees may at any time for the purpose of repairing or of cleansing any existing works of the Trustees or any of the conduits or other works authorised by this Order cause the water in any such conduits or other works to be temporarily discharged into any available drain stream or water-course. Powers for repair of aqueducts and temporary discharge of water into streams.

In the exercise of the power conferred by this section the Trustees shall do as little damage as may be and shall make full compensation to all persons for any damage sustained by them by reason or in consequence of the exercise of such power the amount of compensation to be settled in case of difference by arbitration.

[Ch. lxxiii.] *Clydebank and District Water Order* [10 EDW. 7 &  
*Confirmation Act, 1910.* 1 GEO. 5.]

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As to exist-  
ing borrow-  
ing powers.

22. The Trustees may apply any money which they have borrowed or may borrow under the Order of 1906 to the purposes of this Order as well as to the purposes of the Orders of 1906 and 1909 and may exercise the powers to borrow and raise money contained in the Order of 1906 and to grant security for such borrowed money for the purposes of this Order as well as for the purposes of the Order of 1906 and the Order of 1909 being in every case purposes to which capital is properly applicable Provided always that the prescribed periods for the repayment of any money to be borrowed for the purposes of this Order shall be as follows (that is to say):—

As to moneys to be borrowed for the purchase of land and for the construction of Work No. 1 by this Order authorised within fifty years from the date or dates of borrowing the same;

As to moneys to be borrowed for the construction of Work No. 3 by this Order authorised within forty years from the date or dates of borrowing the same;

As to moneys to be borrowed for the construction of Work No. 2 Work No. 4 and Work No. 5 within thirty years from the date or dates of borrowing the same.

Application  
of Orders of  
1906 and  
1909.

23. Subject to the provisions of this Order all the powers and provisions contained in the Order of 1906 and the Order of 1909 with reference to the undertaking of the Trustees shall be and the same are hereby in so far as applicable and not inconsistent with this Order extended and applied to the purposes of this Order.

Costs of  
Order.

24. All the costs charges and expenses of and incidental to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Trustees out of the rates to be levied by them or other revenue of the Trustees or from moneys borrowed and to be borrowed on the security of the same Provided that if the said costs charges and expenses be paid out of borrowed money the same shall be repaid within five years from the commencement of this Order.

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