



Public Health (Scotland) Act 1897

1897 CHAPTER 38 60 and 61 Vict

PART XII

SAVING CLAUSES AND REPEALS

Saving Clauses

189 Act not to affect navigation of rivers or canals, or irrigation of lands.

Nothing in this Act contained shall prejudice or affect, or shall enable any local authority or other person to injuriously affect—

- (1) The irrigation of lands in a rural district, or the supply of water used for such irrigation;
- (2) Any supply of water which has been conducted to and is being used for any house or building used in connexion with such house or occupied for agricultural purposes;
- (3) The supply of water required for the purposes of any waterworks established by or under the provisions of any Act of Parliament, or of the compensation water required to be given by the owners of such waterworks, unless the local authority shall have previously obtained the consent of such owners;
- (4) The navigation on or use of any river, canal, dock, harbour, lock, reservoir, or basin, in respect of which any persons are by virtue of any Act of Parliament entitled to take tolls or dues, or the supply of water to the same, or any bridges crossing the same, or any towing path thereon;
- (5) The purification of any river or stream in respect of which any persons are by virtue of any Act of Parliament authorised to exercise jurisdiction, or the rights, powers, jurisdictions, and authorities conferred by such Act.

Provided always, that it shall not be lawful for the local authority to execute any works in, through, or under any wharves, quays, docks, harbours, locks, reservoirs, or basins without the consent in writing in every case of the persons entitled by virtue of any Act of Parliament to take tolls or dues in respect thereof, and such persons may at their own expense, and on substituting other sewers, drains, culverts, and pipes equally

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effectual, and certified as such by the inspector to the local authority, take up, divert, or alter the level of any sewers and drains, culverts or pipes, constructed by any local authority, and passing under or interfering with such rivers, canals, docks, harbours, reservoirs, or basins, or the towing-paths thereof, and do all such matters and things as may be necessary for carrying into effect such taking up, diversion, or alteration.

190 Saving of certain Acts.

Except in so far as expressly provided, nothing in this Act shall prejudice or affect the provisions of the Local Government (Scotland) Acts, . . . ^{F1} or of the ^{M1}Burgh Police (Scotland) Act 1892, as amended, or of the ^{M2}Public Health (Scotland) Amendment Act 1891, or of the Anatomy Acts 1832 and 1871.

Textual Amendments

F1 Words repealed by [Local Government \(Scotland\) Act 1947 \(c. 43\), s. 381, Sch. 14](#)

Marginal Citations

M1 1892 c. 55.
M2 1891 c. 52.

191, ^{F2}
192.

Textual Amendments

F2 Ss. 191, 192 repealed by [Local Government \(Scotland\) Act 1973 \(c. 65\), Sch. 29](#)

193 Reference to Public Health Acts.

Where, in any public general, or local Act the Public Health Acts or any sections thereof are referred to, such reference shall be deemed to mean and include a reference to this Act or the corresponding sections of this Act and any amendments thereof; and the expression “public health rate” in any such Act shall mean, and a reference to any of the assessments mentioned in section ninety-five of the ^{M3}Public Health (Scotland) Act 1867 shall be deemed to be a reference to, the public health general assessment under this Act.

Marginal Citations

M3 1867 c. 101.

194 Exemption of Government property from building regulations.

Without prejudice to any existing right of the Crown, there shall be exempted from so much of the provisions of this Act as relates to buildings and structures, every building, structure, or work vested in, or in the occupation of, Her Majesty, her heirs and successors, either beneficially or as part of the hereditary revenues of the Crown, or in trust for the public service or for public services; also any building, structure, or

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work vested in, or in the occupation of, any department of Her Majesty’s Government for public purposes or for the public service.

Modifications etc. (not altering text)

C1 [S. 194](#) extended by [S.I. 1965/1536](#), [Sch. 3](#)

195 ^{F3}

Textual Amendments

F3 [S. 195](#) repealed by [Aberdeen Corporation \(Administration Finance &c.\) Order Confirmation Act 1940](#) (c. iii), s. 244, [Sch. 20](#)

Repeal of Acts

196 Repeal of Acts.

- (1) . . . ^{F4} so much of any public general Act as is inconsistent with this Act is . . . ^{F4} hereby repealed.
- (2) The repeal of the said Acts shall not annul or in any wise prejudice or affect any purchase, sale, conveyance, grant, lease, bond, security, act, matter, or thing, heretofore made, done, executed, commenced, or instituted, under or by virtue or in pursuance of the said Acts; but all such purchases, sales, conveyances, grants, leases, bonds, securities, acts, matters, and things shall have priority and be as good, valid, and effectual to all intents and purposes as if the said Acts had not been repealed.

Textual Amendments

F4 Words repealed by [Statute Law Revision Act 1908](#) (c. 49)

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