



# Public Health (Scotland) Act 1897

## 1897 CHAPTER 38

### 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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*Status: This is the original version (as it was originally enacted).*

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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, or of the Local Authorities Loans- (Scotland) Act, 189), as amended, or of the Burgh Police (Scotland) Act, 1892, as amended, or of the Public Health (Scotland) Amendment Act, 1891, or of the Anatomy Acts, 1832 and 1871.

**191 Saving for county councils and standing joint committees.**

Except in so far as expressly provided, nothing in this Act shall prejudice or affect the powers, rights, and liabilities of county councils and standing joint committees with respect to capital works, rating, borrowing, or acquiring and holding land.

**192 Saving of local Acts.**

- (1) Nothing in this Act shall supersede, prejudice, or affect the provisions of any local Act applicable to any burgh or the forms of prosecutions and procedure in use therein, but the provisions of this Act shall operate to confer additional powers on the local authorities of such burghs, and the before-mentioned forms and procedure may be used therein in all prosecutions under this Act.
- (2) Nothing contained in this Act shall prejudice or affect the provisions of any local Act under which any authority is constituted for supplying water within any district or limits created by such Act.

For the purposes of this and the immediately succeeding section the expression " local Act " includes a Provisional Order and the Act confirming such Order.

**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 Public Health (Scotland) Act, 1867, shall be deemed to be a reference to, the public health general assessment under this Act.

**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

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

**195 Application of Act to city of Aberdeen.**

With respect to the city and Royal burgh of Aberdeen, all charges and expenses incurred by the local authority in executing this Act, or any of the Acts hereby repealed, shall, notwithstanding anything contained in section thirty-nine of the Aberdeen Corporation Act, 1891, be included under the sixth head of the estimate directed by that section to be made up, and the rate or assessment to be imposed in respect of such charges and expenses shall be payable, one-half by the owners and one-half by the occupiers of all lands and heritages within the district of the local authority.