



# Public Health (Scotland) Act 1897

## 1897 CHAPTER 38

### PART VI

#### SEWERS, DRAINS, AND WATER SUPPLY.

##### *Sewers and Drains.*

#### **101 Sewers to be vested in local authority, &c.**

All sewers existing within a district and not being private property, or not being and continuing Under the management of persons appointed by the Crown or by or in pursuance of any Act of Parliament or provisional order, together with all manways, lampholes, ventilating shafts, cesspools, surface gratings and their connections, sluices, and all appliances pertaining thereto, shall be vested in the local authority : Provided always, that nothing in this Act contained shall affect the rights of any person or persons to the property or management of any sewers in virtue of any existing local or general police statute.

#### **102 Power to purchase sewers.**

The local authority may, in terms of sections one hundred and forty-four and one hundred and forty-five of this Act, acquire the rights and powers vested in any person to make sewers or to use any sewer, with or without the buildings and other things thereto pertaining. Provided that they shall make compensation for the rights so acquired, and shall also make compensation to the proprietors and occupiers of any lands and heritages which may be damaged by reason of the exercise of the powers hereby conferred, in terms of this Act.

#### **103 Power to make sewers. Sewers to be cleansed.**

The local authority shall have power to construct within their district, and also when necessary for the purpose of outfall or distribution or disposal or treatment of sewage, without their district, such sewers as they may think necessary for keeping their district

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properly cleansed and drained, and may carry such sewers through, across, or under any public or other road, or any street or place, or under any cellar or vault which may be under the foot pavement or carriageway of any street or road, and after reasonable notice in writing (if upon the report of a surveyor it should appear to be necessary), into, through, or under any lands whatsoever, and from time to time to enlarge, lessen, alter, arch over or otherwise; improve, or to close up or destroy, all sewers vested in them, provided no nuisance is created by such operations ; and if any person is thereby deprived of the lawful use of any sewer, the local authority shall provide another sufficiently effectual for his use. The local authority shall cause their sewers to be so constructed, maintained, kept, and cleansed as not to be a nuisance, and for the purpose of cleansing and emptying them may construct and place, either above or under ground, such reservoirs, sluices, engines, or other works as may be necessary, and may, subject to the provisions of the Rivers Pollution Prevention Acts, cause such sewers to communicate with and be emptied into such places as may be fit and necessary either within their district, or, if necessary for the purpose of outfall or distribution or disposal or treatment of sewage, without their district, and to cause the sewage and refuse therefrom to be collected for sale or for any purpose whatsoever, but so as not to create a nuisance.

**104 Notice to be given before commencing sewage works without district.**

A local authority shall, three months at least before commencing under the provisions of this Act the construction of any sewer or other work for sewage purposes without their district, give notice of the intended work by advertisement in one or more newspapers circulating in the district, or by the posting of handbills throughout the district where the work is to be made. Such notice shall describe the nature of the intended work, and shall state the intended termini thereof, and the names of the parishes and the public roads and streets and other lands (if any) through, across, under, or on which the work is to be made, and shall name a place where a plan of the intended work is open for inspection at all reasonable hours; and a copy of such notice shall be served on the owners or reputed owners, tenants or reputed tenants, and occupiers of the said lands, and on the local authority and county council where such district is situate.

**105 In case of objection, work not to be commenced without sanction of Board.**

If any such owner, tenant, or occupier, or any such local authority or county council, or any other owner, tenant, or occupier who would be affected by the intended work, objects to such work and serves notice in writing of such objection on the local authority at any time within the said three months, the intended work shall not be commenced without the sanction of the Board after such inquiry as herein-after mentioned, unless such objection is withdrawn.

**106 Inspector to hold inquiry and report to Board.**

The Board may, on application of the local authority desirous of constructing said work, appoint an inspector to make inquiry on the spot into the propriety of the intended work and into the objections thereto, and to report to the Board on the matters with respect to which such inquiry was directed, and on receiving the report of such inspector the Board may make an order disallowing or allowing, with such modifications (if any) as they may deem necessary, the intended work.

### **107 Protection for railways, canals, &c.**

Where any sewer shall pass under or across, or in any way affect any railway or canal, or any bridge, tunnel, or other work in connection therewith, the following provisions for the protection of such railway or canal, or bridge, tunnel, or other-work, shall apply and have effect:—

- (1) The whole works connected with such sewer, so far as affecting any railway or canal, or bridge, tunnel, or other work, shall be executed and thereafter maintained under the superintendence and to the reasonable satisfaction of the engineer of the railway or canal company, and according to plans and specifications to be previously submitted to such engineer and approved by him in writing. Provided that if such engineer shall not have expressed his approval or disapproval of such plans and specifications within fourteen days after the same shall have been submitted to him, he shall be deemed to have approved thereof ;
- (2) Such works, and any alteration which it may at any time be necessary to make in such works, may be executed either by the local authority or by the railway or canal company at the option of the engineer of the railway or canal company ;
- (3) In the event of the local authority and the engineer of the railway or canal company differing in opinion in regard to any works affecting the railway, or canal, or bridge, tunnel, or other work, or as to the mode of carrying out such works, or otherwise in relation thereto, such difference shall, on the application of the local authority, or of the railway or canal company, be referred to an engineer to be appointed by the sheriff, and shall be decided by the sheriff upon the report of such engineer, and such decision shall be final.

### **108 Powers of utilizing sewage.**

The local authority may from time to time, for the purpose of utilizing sewage, agree with any person as to the supply of such sewage or the distribution or disposal or treatment thereof over land, and as to the works to be made for the purpose of such supply or distribution or disposal, or treatment, and as to the parties to execute the same and to bear the costs thereof, and as to the sums of money, if any, to be paid for that supply; provided that no contract shall be made for the supply of sewage for a period exceeding five years, unless with the authority of the Board, and not for any period exceeding twenty-five years ; and the local authority may, in terms of the provisions of sections one hundred and forty-four and one hundred and forty-five of this Act, contract for, purchase, or take on lease any lands, buildings, engines, materials, or apparatus for the purpose of receiving, storing, disinfecting, distributing, or disposing of or treating sewage.

### **109 Power of entry.**

In case it shall become necessary to enter, examine, or lay open any lands or premises for the purpose of making plans, surveying, measuring, taking levels, examining works, ascertaining the course of sewers or drains, making or repairing, altering or enlarging sewers or drains, or other purposes ancillary to the powers herein given as to sewers and drains, and the owner or occupier of premises refuses or withholds access and leave to perform the said operations, the local authority may, after written notice to such owner and occupier, apply to the sheriff, who, if no sufficient cause be shown to the contrary, shall grant warrant to the local authority, their officers and

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others thereby authorised, to enter and do all or any of the works or operations foresaid at all reasonable times in the daytime.

**110 Power to drain into sewers of local authority.**

Any owner or occupier of premises within the district of a local authority liable for the public health general assessment or special sewer assessment shall be entitled to cause his drains to empty into the sewers of such local authority on condition of his giving twenty days previous notice of his intention so to do to the local authority, and of complying with their regulations in respect of the mode in which the communications between such drains and sewers are to be made, and subject to the control of any person who may be appointed by the local authority to superintend the making of such communications. Provided always that the sewage so emptied or discharged into the sewers is not of a nature to cause damage to the structure of the sewer or, by admixture with other sewage therein, to cause a nuisance.

**111 Use of sewers by persons beyond district.**

Any owner or occupier of premises beyond the limits of the district of a local authority or within said limits who is not liable for public health general assessment or special sewer assessment may cause any sewer or drain from such premises to communicate with any sewer of the local authority; provided always, that such sewer of the local authority and any works connected therewith are of sufficient capacity and otherwise suitable for receiving such additional drainage ; and that upon such terms and conditions as may be agreed upon between such owner or occupier and such local authority, and any dispute which may arise under this section shall be determined summarily by the sheriff. Provided always that the additional sewage so to be emptied or discharged into the sewers is not of a nature to cause damage to the structure of the sewer or, by admixture with other sewage therein, to cause a nuisance.

**112 Penalty for making unauthorised drains.**

Every person, not being authorised by the local authority, who shall make any drain into any sewer vested in the local authority shall be liable in a penalty not exceeding five pounds; and the local authority may close any communication between a drain and sewer made in contravention of this section, and may recover in a summary manner from the person so offending any expenses incurred by them.

**113 Estimates for work.**

Before entering into any contract for executing any such work as herein-before or after mentioned, falling under this part of this Act, or connected with sewage or drainage, if the expense thereof may exceed thirty pounds, the local authority shall procure from a surveyor an estimate of the probable expense of constructing the same in a substantial manner, and of the yearly expense of maintaining the same in repair ; and such surveyor shall accompany such estimate with a report as to the most advantageous mode of constructing such work, whether under a contract for constructing the same merely, or a contract for constructing the same and maintaining it in repair during a given term of years.

**114 Not to build over sewers, &c.**

Unless with consent of the local authority, no building shall be erected over any sewer belonging to the local authority, and no vault, arch, or cellar, or subway, or other structure shall be made, and no pipes of any kind shall be laid so as to interfere with any such sewer.

**115 Sewers to be trapped.**

All sewers and drains, whether public or private, shall be sufficiently trapped and ventilated by the persons to whom they severally belong to the satisfaction of the local authority.

**116 Distilleries, &c. to deposit refuse.**

The owners or occupiers of distilleries, manufactories, and other works shall be compelled, where possible, to dig, make, and construct pools or reservoirs within their own ground, or as near their works as possible, for receiving and depositing the refuse of such works so far as offensive or injurious or dangerous to the health of those living in the vicinity thereof, or to use the best practicable means for rendering the same inoffensive or innoxious before discharging it into any river, stream, ditch, sewer, or other channel.

**117 Prohibition against interrupting free flow of sewage.**

- (1) It shall not be lawful for any person to throw or suffer to be thrown or to pass into any sewer of a local authority, or any drain communicating therewith, any matter or substance by which the free flow of the sewage or surface or storm water may be interfered with, or by which any such sewer or drain maybe injured.
- (2) Every person offending against this enactment shall be liable to a penalty not exceeding ten pounds, and to a daily penalty not exceeding twenty shillings.

**118 Placing carcases in running water, &c.**

It shall not be lawful for any person to throw, or suffer to be thrown into any running water, spring, well, lake, pool, reservoir, drain, or ditch, the carcase of any animal or part thereof, and any person offending against this section shall be liable to a penalty not exceeding ten pounds.

**119 Drain discharging below low-water mark.**

If the local authority shall consider it necessary for public health that any drain should discharge itself below low-water mark, they shall be entitled, with the consent of the Board of Trade and of the Commissioners of Woods and Forests (without prejudice to any question as to the right to the foreshores), to construct the requisite works for that purpose.

**120 As to drainage of houses.**

If a house, distillery, manufactory, or other work, within the district of a local authority, is without a drain, or without such drain as is sufficient for effectual drainage, the local

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authority may, by notice, require the owner of such house, distillery, manufactory, or work, within a reasonable time therein specified, to make a sufficient drain emptying into any sewer which the local authority are entitled to use, and with which the owner is entitled to make a communication, so that such sewer be not more than one hundred yards from the site of the said premises of such owner; but if no such means of drainage are within that distance, then emptying into such covered cesspool or other place, not being under any house, as the local authority may direct; and if the person on "whom such notice is served fails to comply with the same, the local authority may, at the expiration of the time specified in the notice, do the work required, and the expenses incurred by them in so doing may be recovered from such owner in a summary

Provided that where in the opinion of the local authority greater expense would be incurred in causing the drains of two or more houses to empty into an existing sewer pursuant to this section than in constructing a new sewer and causing such drains to empty therein, the local authority may construct such sewer and require the owners of such houses to cause their drains to empty therein, and may apportion as they deem just the expenses of construction of such sewer among the owners of the several houses, and recover in a summary manner the sums apportioned from such owners, or in case of dispute the matter shall be determined summarily by the sheriff.

#### **121 Local authorities may combine as to sewerage.**

Two or more local authorities may, with the sanction of the Board, combine together for the purpose of executing, or acquiring an interest in or maintaining any works by this Act or any other Act authorised in regard to sewerage or drainage that, may be for the benefit of their respective districts; and all moneys which they may agree to: contribute for the execution or acquisition or maintenance of such common works shall, in the case of each local authority, be deemed to be expenses incurred by them in the execution, acquisition, or maintenance of works within their district.

#### **122 Special drainage districts.**

- (1) Upon requisition to that effect made in writing by a parish council or by not fewer than ten ratepayers within the district of a local authority not being the local authority of a burgh, the local authority shall be bound to meet, after twenty-one days notice, or, if the local authority itself so resolve, it may meet after twenty-one days notice, and shall, whether sewers or drains have been already constructed or not, consider the propriety of—
- (a) forming part of their district into a special drainage district; or
  - (b) enlarging or limiting the boundaries of a special drainage district; or
  - (c) combining a special drainage district with another special drainage district; or
  - (d) enlarging or limiting the boundaries of both or either of such special drainage districts and combining the same or parts thereof; or
  - (e) determining that any special drainage district shall cease to exist as a special drainage district, or that any such combination shall cease;

and the resolution of the local authority shall determine all questions regarding the payment of any debt which may affect any district or special drainage district, and the right to impose and the obligation to pay any assessment affected by such determination, and shall fix the date at which such determination shall take effect; and such resolution shall be published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district, and a copy of said resolution shall be forthwith transmitted to the Board, and, where the local authority is a district

committee, to the county council; and the production of such newspaper or handbill, or a certificate under the hand of the clerk of the local authority (whose signature need not be proved), shall be sufficient evidence of such resolution; and within twenty-one days after the date of the first publication of such resolution it shall be competent for any person interested to appeal against the resolution, whatever its terms may be, to the sheriff, and the sheriff, not being a sheriff substitute resident within the district, may either approve or disapprove of such resolution, and if he disapproves thereof he may either find that no special drainage district should be formed, or may enlarge or limit the special district as defined by the resolution of the local authority, or may find that a special drainage district should be formed and may define the limits thereof, or may find that such special drainage district or part thereof shall be combined as prayed, or that such combination shall cease, or that such special drainage district or districts shall, as such, cease to exist; and the decision of the sheriff shall be binding, and shall be final, except where it is pronounced by a sheriff substitute, in which case it may be appealed to the sheriff.

- (2) The order of the sheriff shall determine all questions regarding the payment of any debt which may affect any district or special drainage district, and the right to impose, and the obligation to pay, any assessment affected by his determination, and shall fix the date at which such determination shall take effect, and a copy of any order pronounced by the sheriff shall be forthwith published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district, and transmitted to the Board and to the county council.
- (3) Where a district committee is the local authority, notwithstanding the provisions of section seventeen, sub-section two, sub-head (c) of the Local Government (Scotland) Act, 1889, it shall not be competent to appeal to the county council against any resolution of the district committee under this section.
- (4) Where a special drainage district has been formed, or may hereafter be formed under the provisions of this Act, the district committee of the district in which such special drainage district is or may be situated, or the county council where a county is not divided into districts, shall in their discretion have power to provide for the drainage of the highways and footpaths under their management and control within such special drainage district, or to pay or contribute out of the assessments raised under the Roads and Bridges (Scotland) Act, 1878, a proportion of the cost of providing and maintaining sewers sufficient for the drainage of such highways and footpaths.
- (5) Nothing contained in this Act shall prejudice the provisions of sub-sections one and two of section eighty-one of the Local Government (Scotland) Act, 1889, as amended by section forty-four of the Local Government (Scotland) Act, 1894.

### **123 Works of distribution of sewage to be deemed a land improvement.**

The making of works of distribution and service for the supply of sewage to lands for agricultural purposes shall be deemed an improvement of land authorised by the Improvement of Land Act, 1864, and the provisions of that Act shall apply accordingly.

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

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### *Water Supply.*

#### **124 Supply of water for burghs.**

With respect to burghs subject to the provisions of the Burgh Police (Scotland) Act, 1892, or having a local Act for police or other purposes nothing contained in this Act shall prejudice the provisions of any of the said Acts in regard to the provision of a supply of water for the domestic use of the inhabitants and for sanitary and other purposes. Provided that in the Burgh Police (Scotland) Act, 1892, and in the Lands Clauses Acts, so far as incorporated therewith, or authorised thereby to be put in force the term " land " shall include water and any right or servitude to or over land or water.

#### **125 Local authority to require water to be supplied to houses in certain cases.**

If any occupied house within the district of any local authority other than the local authority of a burgh is without a proper supply of wholesome water at or reasonably near the same, the local authority shall require the owner to obtain such supply and to do all such works as may be necessary for that purpose, and failing his doing so, within twelve months after due notice, the local authority may themselves obtain such supply and for that purpose may use their powers of acquiring land by agreement or otherwise under this Act; and may, for the purpose of obtaining such supply, enter upon the premises and execute all such works as may be necessary; and the local authority may recover in a summary manner from the owner the whole or a reasonable part of the expenses incurred by them under this section : Provided that where the owners of two or more houses have failed to comply with the requirements of the notice served on them, under this section, and the local authority might under this Act execute the necessary works for providing a water supply for each house, the local authority may, if it appears to them desirable and no greater-expense would be occasioned thereby, execute works for the joint supply of water to those houses, and apportion the expenses as shall be just, and further provided that if any question shall arise under this section it shall be determined summarily by the sheriff who shall have regard to all the circumstances of the case, and whose decision shall be final. Provided that nothing in this section shall relieve the local authority from the duty of providing their district or any part thereof with a supply of water, where a general scheme for such supply is required, and can be carried out at a reasonable cost.

#### **126 Supply of water for districts other than burghs.**

With respect to districts other than burghs the following provisions shall have effect:—

- (1) The local authority, if they think it expedient so to do, may acquire and provide or arrange for a supply of water for the domestic use of the inhabitants and for sanitary and other purposes, and for that purpose may acquire and conduct water from any lake, river, spring, or stream, may dig wells, make and maintain reservoirs, may purchase, take upon lease, hire, construct, lay down, and maintain such waterworks, pipes, and premises, and do and execute all such works, matters, and things as shall be necessary and proper for the aforesaid purpose, and may themselves furnish a supply of water, or contract or arrange with any other person to furnish the same; and for the purposes aforesaid the local authority shall be held to have all the powers and rights given to and be subject to all the obligations imposed on the promoters of undertakings by the Lands Clauses Acts as amended by this Act: Provided also, that it shall not be lawful for the local authority to provide or supply water within any area which any local authority or any company, established by Act of Parliament or empowered by or



authorised by Provisional Order, is authorised to supply with water, unless the local authority shall previously have purchased or acquired the undertaking of such local authority or company.

- (2) The local authority, if they have any surplus water after fully supplying what is required for domestic and sanitary purposes, may supply water from such surplus to any public baths and wash-houses, or for trading or manufacturing and all other than domestic purposes, on such terms and conditions as may be agreed on between the local authority and the persons desirous of being so supplied. Provided that when water is thus supplied from such surplus it shall not be lawful for the local authority to charge the persons so supplied both with the portion of the special water assessment applicable to the buildings or premises supplied, and also for the supply of water obtained; but the local authority may either charge the said assessment leviable on such buildings or premises, or charge for the supply of water furnished to the same as they shall think fit, and the local authority shall have the same remedies and powers of recovering payment of such water rents or payments as are herein-after provided with regard to the special water assessment.
- (3) The local authority may cause all existing public cisterns, pumps, wells, reservoirs, conduits, aqueducts, and works used for the gratuitous supply of water to the inhabitants to be continued, maintained, and plentifully supplied with water, or may substitute, maintain, and plentifully supply with water other such works equally convenient; and may, if they shall think fit, provide and gratuitously supply water for any public baths or wash-houses established otherwise than for private profit or supported out of any rates.
- (4) The local authority shall have the same powers and be subject to the same restrictions for carrying water mains within their district as they have and are subject to for carrying sewers within their district by the law for the time being in force.

#### **127 Penalty for causing water to be corrupted by gas washings, &c.**

Any person engaged in the manufacture of gas, naphtha, vitriol, paraffin, or dye stuffs, or any other deleterious substance, or in any trade in which the refuse produced in any such manufacture is used, who shall at any time cause or suffer to be brought or to flow into any stream, reservoir, aqueduct, well, or pond, or place for water, constructed or Used for the supply of water for domestic purposes, or into any pipe or drain communicating therewith, any product, washing, or other substance produced in any such manufacture, or shall wilfully do any act connected with any such manufacture, whereby the water in any such stream, reservoir, aqueduct, well, pond, or place for water shall be fouled, and any person who shall wilfully do or permit to be done any act whereby the water in any stream, reservoir, aqueduct, well, pond, or place constructed or used for the supply of water for drinking or other domestic purposes shall be fouled, shall forfeit for every such offence a sum not exceeding fifty pounds.

#### **128 Penalties to be sued for within six months.**

Such penalty may be recovered, with expenses, by the person into whose, water such product, washing, or other substance shall be conveyed or shall flow, or whose water shall be fouled by any such act as aforesaid, or in default of proceedings by such person, after notice to him from the local; authority of their intention to proceed for such penalty, or if there be no such person, by the local authority; but such penalty

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shall not be recoverable unless it be sued for during the continuance of the offence, or within six months after it shall have ceased.

**129 Daily penalty during continuance of offence.**

In addition to the said penalty (and whether such penalty shall have been recovered or not), the person so offending shall forfeit a sum not exceeding five pounds (to be recovered in the like manner) for each day during which such product, washing, or other substance shall be brought or shall flow as aforesaid, or during which the act by which such water shall be fouled shall continue, after the expiration of twenty-four hours from the time when notice of the offence shall have been served on such person by the local authority, or by the person into whose water such product, washing, or other substance shall be brought or flow, or whose water shall be fouled thereby, and such penalty shall be paid to the local authority or person from whom such notice shall proceed; and all moneys recovered by the local authority under this or the preceding section shall, after payment of any damage caused by the act for which the penalty is imposed, be applied towards defraying the expenses of executing this Act.

**130 Local authorities may combine as to water supply.**

Two or more local authorities may, with the sanction of the Board, combine together for the purpose of executing or acquiring an interest in or maintaining any works by this Act or any other Act authorised in regard to water supply that may be for the benefit of their respective districts; and all moneys which they may agree to contribute for the execution or acquisition or maintenance of such common works shall, in the case of each local authority, be deemed to be expenses incurred by them in the execution, acquisition, or maintenance of works within their district.

**131 Special water supply districts.**

- (1) Upon requisition to that effect made in writing by a parish council or by not fewer than ten ratepayers within the district, the local authority, not being the local authority of a burgh, shall be bound to meet, after twenty-one days notice, or, if the local authority itself so resolve, it may meet after twenty-one days notice, and shall, whether water supply has been already provided or not, consider the propriety of—
- (a) forming part of their district into a special water supply district ; or
  - (b) enlarging or limiting the boundaries of a special water supply district; or
  - (c) combining a special' water supply district with another special water supply district; or
  - (d) enlarging or limiting the boundaries of both or either of such special water supply districts, and combining the same or parts thereof; or
  - (e) determining that any special water supply district, shall cease to exist as a special water supply district, or that any such combination shall cease:

and the resolution of the local authority shall determine all questions regarding the payment of any debt which may affect any district or special water supply district, and the right to impose and the obligation to pay any assessment affected by such determination, and shall fix the date at which such determination shall take effect; and such resolution shall be published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district, and a copy of said resolution shall be forthwith transmitted to the Board, and where the local authority is a district committee to the county council; and the production of such newspaper or handbill,

or a certificate under the hand of the clerk of the local authority (whose signature need not be proved), shall be sufficient evidence of such resolution; and within twenty-one days after the date of the first publication of such resolution it shall be competent for any person interested to appeal against the resolution (whatever its terms may be) to the sheriff; and the sheriff, not being a sheriff substitute resident within the district, may either approve or disapprove of such resolution; and if he disapproves thereof he may either find that no special water supply district should be formed, or may enlarge or limit the special district as defined by the resolution of the local authority, or may find that a special water supply district should be formed, and may define the limits thereof, or may find that such special water-supply district or part thereof shall be combined as prayed, or that such combination shall cease, or that such special water supply district or districts shall, as such, cease to exist; and the decision of the sheriff shall be binding, and shall be final, except where it is pronounced by a sheriff substitute, in which case it may be appealed to the sheriff.

- (2) The order of the sheriff shall determine all questions regarding the payment of any debt which may affect any district or special water supply district, and the right to impose and the obligation to pay any assessments affected by his determination, and shall fix the date at which such determination shall take effect; and a copy of said order shall be forthwith published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district and transmitted to the Board and to the county council.
- (3) Notwithstanding the provisions of section seventeen, subsection two, sub-head (c) of the Local Government (Scotland) Act, 1889, it shall not be competent to appeal to the county council against any resolution of a district committee under this section.
- (4) Nothing contained in this Act shall prejudice the provisions of sub-sections one and two of section eighty-one of the last-mentioned Act as amended by section forty-four of the Local Government (Scotland) Act, 1894.

### **132 Incorporation of Waterworks Clauses Acts.**

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 this Act:—

The Waterworks Clauses Act, 1847, except the provisions 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 forty-four thereof, " with the consent in writing " of the owner or reputed owner of any such house or of the agent " of such owner " :

The Waterworks Clauses Act, 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, but such last-mentioned provisions shall apply only in the case of any reservoir, filter, or distributing tank, which the local authority may be authorised to construct, and the works immediately connected therewith, and for the purposes of this Act those provisions shall be read as if such reservoir, filter, or tank, and works, were therein mentioned instead of " the railway," and the boundaries of such reservoir, filter, or tank, and works, instead of " the centre of the railway," and the prescribed limits shall be two hundred yards from such boundaries :

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Provided always that—

- (a) the local authority shall not be obliged to furnish a supply of water to any person for any less sum than five shillings in any one year;
- (b) no person shall be entitled to demand such supply of water, or to require the local authority to lay down communication pipes, unless some pipe of the local authority shall have been laid within one hundred feet of the house or other premises in respect of which such supply or communication pipes are demanded, or unless the local authority shall become bound by virtue of a requisition and agreement made and executed 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 feet of such house or other premises;
- (c) The water to be supplied by the local authority need not be constantly laid on under pressure.