



CHAPTER lxx.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire Electricity and Refuse Destruction. A.D. 1903.

[30th June 1903.]

WHEREAS His Majesty's Secretary for Scotland has after inquiry held before Commissioners 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. Confirma-
tion of Order
in schedule.
2. This Act may be cited as the Lanarkshire Electricity and Refuse Destruction Order Confirmation Act 1903. Short title.

A.D. 1903.

S C H E D U L E.

LANARKSHIRE ELECTRICITY AND REFUSE
DESTRUCTION.

Provisional Order to make provisions with regard to the Supply of Electricity and the Destruction of Refuse in Special Lighting and Scavenging Districts in the county of Lanark to increase the Special District Rates and for other purposes.

WHEREAS the county of Lanark is in pursuance of the Local Government (Scotland) Act 1889 divided into three districts known as the Upper Middle and Lower wards of the county and district committees of the County Council of Lanark (herein-after called "the district committees" and "the County Council" respectively) have under that Act been constituted for each of such wards :

And whereas by section 44 of the Local Government (Scotland) Act 1894 the district committees are authorised to form special districts for the purpose (inter alia) of lighting and scavenging and it is provided by such section that the expenditure attending the carrying out within any such special districts of the purposes of the section shall be paid out of an assessment to be imposed by the County Council within the special district and to be called the special district rate and to be levied as therein mentioned but such rate is restricted to ninepence in the pound on the annual value of the lands and heritages within the special district :

And whereas the special lighting and scavenging districts mentioned in the schedule to this Order have been formed in the county and other special districts may from time to time be established therein :

And whereas the district committees are the local authorities in such special districts and are charged with the duties connected with the public lighting and scavenging of such districts :

And whereas by the Electric Lighting (Scotland) Act 1890 the County Council is the local authority for the whole county (excluding the burghs and police burghs therein) under and for the purposes of that Act and the Electric Lighting Acts 1882 and 1888 the Electric Lighting (Clauses) Act 1899 and the Electric Lighting (Scotland) Act 1902 and is the only local authority to whom Provisional Orders can under those Acts be granted by the Board of Trade in respect of the county :

And whereas under the Electric Lighting Acts any expenses that may be incurred by the County Council in putting those Acts into force in the county and any money borrowed under those Acts are made chargeable upon the consolidated county rates which comprise the whole of the county rates leviable by the County Council some of which are leviable over the whole county but others only in the several divisions and districts of the county for purposes solely connected with such divisions and districts : A.D. 1903.

And whereas a supply of electricity for the county as a whole many parts of which are entirely rural in character and sparsely populated is not at present required but a demand for such a supply has arisen in the populated area forming the Cambuslang Special Lighting District and similar demands may arise in connexion with other populous parts of the county which have been or may be formed into special lighting districts :

And whereas the County Council as the local authority for the county under the Electric Lighting Acts is making application to the Board of Trade for a Provisional Order to authorise the supply of electricity within the Special Lighting District of Cambuslang and the County Council may from time to time as the same may be required apply for similar Orders applicable to other special lighting districts in the county :

And whereas it is expedient that provision should be made whereby any expenditure incurred in supplying electricity in such special districts should be charged exclusively to such special districts respectively and that for the more effective administration of such special districts the County Council should be authorised to delegate any powers granted to them as regards the supply of electricity in such special districts to the district committees as the public lighting authorities having jurisdiction in such special districts respectively :

And whereas it would in certain instances conduce to the economical performance of the duties imposed upon the district committees as regards the lighting and scavenging of special districts if combined works for the production of electrical energy and the destruction of street and other refuse were established in connexion with such special districts and it is expedient that the provisions hereinafter contained should be made for that purpose :

And whereas the special district rate of ninepence in the pound fixed by the said Act of 1894 is insufficient to meet the expenditure necessarily incurred in some of the special lighting and scavenging districts in the county in connexion with the

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Destruction Order Confirmation Act, 1903.

A.D. 1903. — lighting and scavenging of such districts and it is expedient for the efficient carrying out of the duties of the district committees in such districts that the special district rate in such special districts should be authorised to be increased as provided in this Order :

And whereas it is expedient that the other provisions contained in this Order should be made in relation to the matters aforesaid :

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 :—

Short title.

1. This Order may be cited as the Lanarkshire Electricity and Refuse Destruction Order 1903.

Interpretation.

2. In this Order unless there is something in the subject or context repugnant to such construction—

The expression “the county” means the county of Lanark ;

The expression “the County Council” means the County Council of the county ;

The expression “district committee” means the district committee of the Upper Middle or Lower ward of the county as the case may be ;

The expression “the Act of 1894” means the Local Government (Scotland) Act 1894 as amended by any subsequent Act ;

The expression “the Electric Lighting Acts” means the Electric Lighting Acts 1882 and 1888 the Electric Lighting (Scotland) Act 1890 the Electric Lighting (Clauses) Act 1899 and the Electric Lighting (Scotland) Act 1902 ;

The expression “special lighting district” or “special scavenging district” means a special lighting district or a special scavenging district formed or to be hereafter formed in the county under the Act of 1894 ;

The expression “Electric Lighting Order” means an Order granted to the County Council by the Board of Trade under the Electric Lighting Acts.

Expenses of electric lighting to be charged on special district.

3. In the event of any Electric Lighting Order applicable within the limits of the special lighting district of Cambuslang or within the limits of any other special lighting district in the county being at any time before or after the passing of the Act confirming this Order obtained by the County Council from the Board of Trade

the expenses incurred under and for the purposes of any such Order shall be defrayed out of that part of the consolidated county rates of the county known as the general purposes rate and such rate may be levied by the County Council at such amount as may be necessary for the purposes of any such Order but so far as levied for defraying such expenses shall be imposed only upon the lands and heritages within the special lighting district to which the Order applies and shall be shown separately on the demand notes issued by the County Council Provided that the amount of the general purposes rate which may be appropriated for the purposes of any such Order shall not in any year exceed sixpence in the pound on the annual value of such last-mentioned lands and heritages except with the consent of the Secretary for Scotland.

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4. In the event of any such Electric Lighting Order being obtained by the County Council as mentioned in the last preceding section the County Council may by resolution at any general or special meeting of the Council and notwithstanding anything in section 11 of the Electric Lighting Act 1882 to the contrary delegate to the district committee having jurisdiction in the special lighting district to which the Order applies upon such terms and conditions and for such period as the County Council shall determine all or any of the powers conferred upon the County Council by such Electric Lighting Order excepting the powers of acquiring or holding land of levying rates or assessments and of borrowing money and thereupon such district committee may subject to the terms and conditions of the delegation exercise the powers so delegated as if they had been named in the Electric Lighting Order instead of the County Council Provided that in the event of the County Council exercising the powers of delegation conferred upon them by this section they shall in every such case forthwith intimate the same to the Board of Trade.

County Council may delegate powers of Electric Lighting Orders.

5. A district committee to which any such powers conferred by an Electric Lighting Order may be delegated by the County Council or which may be supplied with electrical energy by the County Council under any Electric Lighting Order shall be deemed to be authorised to use within the special lighting district to which such Order applies electrical energy for the purposes and within the meaning of section 99 of the Burgh Police (Scotland) Act 1892 so far as applicable to such district.

Power to district committee to use electrical energy supplied to them.

6. In any case where the powers of any Electric Lighting Order granted to the County Council are delegated to a district committee under this Order the County Council shall exercise the

Powers reserved to County Council to

A.D. 1903. powers of acquiring or holding land of levying rates or assessments and of borrowing money and other powers reserved to them upon such delegation so far as necessary for enabling the district committee to carry into effect the powers of such Electric Lighting Order.

be exercised by them.

Application of revenue in case of delegation.

7. In the event of the powers of any Electric Lighting Order being delegated to a district committee under this Order all moneys received by the district committee as revenue arising from the supply of electrical energy under or otherwise accruing from the exercise of the powers so delegated including any sums which the County Council on the requisition of the district committee may pay to them out of the rate authorised to be imposed by the section of this Order of which the marginal note is "Expenses of electric lighting to be charged on special district" shall be applied by them in payment of the working and establishment expenses and costs of maintenance of the electric lighting undertaking the powers of which are so delegated including all costs expenses penalties and damages incurred or payable consequent upon any proceedings by or against the district committee their officers or servants in relation to the undertaking and any balance of such revenue including as aforesaid after providing for such expenses and costs shall be paid over by the district committee to the County Council to be applied by them to the purposes to which the revenue of the undertaking would be applicable by the County Council if such powers had not been so delegated and as if the special lighting district to which the Electric Lighting Order is applicable were the district and the part of the county consolidated rates herein-before made liable for the expenses of the undertaking were the local rate respectively referred to in section 7 of the Electric Lighting (Clauses) Act 1899.

Power to contract for supply of electrical energy.

8. Where the County Council have obtained an Electric Lighting Order from the Board of Trade applicable within the limits of any special lighting district in the county they or any district committee to whom they may have delegated their powers under the provisions of this Order may if they see fit subject to the approval of the Board of Trade enter into agreements with any corporation company or person authorised to supply electrical energy for the supply by such corporation company or person on such terms as may be agreed upon of electrical energy in bulk or otherwise and that either in place of the County Council or any such committee producing electrical energy themselves or in supplement to any supply produced from works belonging to or worked by them.

9. Where the County Council have obtained from the Board of Trade an Electric Lighting Order applicable within the limits of any special lighting district in the county which is either co-extensive with or forms part of a special scavenging district in which the district committee may be desirous of erecting under the powers of the Act of 1894 or any other powers vested in them for the purpose a destructor or other apparatus or plant for the destruction or treatment of the street and other refuse of the special scavenging district the County Council and the district committee may enter into and carry into effect agreements and arrangements for the erection by the district committee of such destructor apparatus or plant and the working and using of the same in connexion with and as part of any works for the production and supply of electrical energy Provided that nothing in this Order shall exonerate the County Council or the district committee from any action or other proceedings for nuisance in the event of any nuisance being caused or permitted by them at such works.

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Agreements as to works for destruction of refuse in connexion with works for electrical energy.

10. Subject to any agreement or arrangement entered into between them the County Council and the district committee may contract with any local authority for the disposal at such works of street or other refuse from the district of such local authority and shall apply any sums recovered from such authority in respect of the disposal of such refuse towards the cost of the erection maintenance and working of such works.

Contracts with local authorities for disposal of refuse.

11. If at any time after the passing of the Act confirming this Order it is shown to the Secretary for Scotland that the special district rate authorised by section 44 of the Act of 1894 to be levied in any special lighting or scavenging district in the county is insufficient to carry out the purposes for which such special district may have been formed it shall be lawful for the County Council to increase such rate beyond the ninepence in the pound mentioned in the said section to any extent which may be approved by the Secretary for Scotland.

Increase of special district rates.

12. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the County Council out of the Public Health Rates or out of any other moneys which the County Council may legally apply to such purpose.

Costs of Order.

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SCHEDULE referred to in the foregoing Order.

SPECIAL LIGHTING AND SCAVENGING DISTRICTS.

UPPER WARD.

LIGHTING DISTRICTS.	SCAVENGING DISTRICTS.
*1. Carluke.	1. Carluke.
*2. Douglas.	2. Douglas.
3. Lesmahagow.	

MIDDLE WARD.

4. Ballieston.	
5. Bellshill and Mossend.	3. Bellshill and Mossend.
6. Blantyre.	
*7. Bothwell.	4. Bothwell.
8. Busby.	
9. Calderbank.	
*10. Cambuslang.	5. Cambuslang.
11. Carmyle.	
12. East Kilbride.	
13. Holytown and New Stevenston.	
14. Larkhall.	
15. Stonehouse.	
*16. Strathaven.	6. Strathaven.
*17. Uddingston.	7. Uddingston.

LOWER WARD.

18. Bishopbriggs.	8. Bishopbriggs and Auchinairn.
	9. Chryston and Muirhead.
19. Linthouse.	
20. Shettleston and Tollcross.	10. Shettleston and Tollcross.
*21. South Lenzie.	11. South Lenzie.

In the cases marked thus * the lighting and scavenging districts are co-extensive.

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