



CHAPTER i.

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1899 relating to Lanarkshire County Council.

A.D. 1922.

[29th March 1922.]

WHEREAS 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 Lanarkshire County Council Order Confirmation Act 1922.

Short title.

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SCHEDULE.

LANARKSHIRE COUNTY COUNCIL.

Provisional Order to authorise the district committee of the Middle Ward of the county of Lanark to construct additional waterworks to extend the time for the completion of authorised works to amend the Lanarkshire (Middle Ward District) Water Acts 1892 to 1917 to enable the County Council of the said county to borrow additional money to provide for the purchase by the County Council of the undertaking of the Bothwell and Uddingston Gas Company Limited to amend the Lanarkshire Gas Orders 1914 and 1917 to apply to the said county certain provisions of the Burgh Police (Scotland) Acts 1892 and 1903 and for other purposes.

WHEREAS by the Acts and Orders set forth in the schedule to this Order (which Acts and Orders are in this Order hereinafter collectively referred to as "the Water Acts" and separately as the Act or Order of the year in which the same was passed or confirmed) powers have been conferred on the district committee of the district of the Middle Ward of the county of Lanark (hereinafter referred to as "the Middle Ward Committee" "the Middle Ward" and "the county" respectively) for the construction of waterworks and the supply of water within the Middle Ward (with the exception of certain areas therein which are within the water supply districts of other authorities) and within portions of the Lower Ward of the county and of the parishes of Cumbernauld and Kirkintilloch in the county of Dunbarton:

And whereas it is expedient to authorise the Middle Ward Committee to construct the additional waterworks described in this Order for improving the means of supply within their water limits:

And whereas it is expedient to extend the time for the completion of certain of the waterworks and other works authorised by the Order of 1913 and for the com-

pletion of the railway and certain of the waterworks authorised by the Order of 1917 : A.D. 1922.

And whereas by the Order of 1913 the Middle Ward Committee were authorised to construct (among other works) a reservoir (Work No. 1) on the Camps Water and the Grains Burn and to divert intercept impound appropriate store use and distribute for the purposes of the Water Acts the waters of those streams :

And whereas by section 17 of the Order of 1913 it was provided that until the date of the completion and first filling of the said reservoir the Middle Ward Committee might take from the Camps Water and the Grains Burn any water they might require subject to the condition that they should place a gauge weir across the Camps Water in the position mentioned in the said section through or over which two million five hundred thousand gallons of water should be allowed to pass and flow down the said Camps Water every day of twenty-four hours if and when and so long as the said stream should during the said twenty-four hours yield the said quantity and that on any day during such time as the flow of water in the said Camps Water at the gauge weir aforesaid should be less than at the rate of two million five hundred thousand gallons per day of twenty-four hours the Middle Ward Committee should not be entitled to draw any water therefrom but during such time as the flow was in excess of that quantity the Middle Ward Committee might take all or such part of such excess as they might require :

And whereas the construction of the said reservoir has been delayed and will be further delayed by circumstances and conditions produced by or arising out of the war :

And whereas pending the completion of the said reservoir it is expedient in the interests of public health that the minimum daily flow required to be allowed to pass down the said Camps Water before any part of the water of the said stream is taken by the Middle Ward Committee should be reduced to the extent provided in this Order :

And whereas it is expedient in view of the largely increased cost of carrying on the water undertaking of the Middle Ward Committee that the public water rate

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A.D. 1922. which the County Council of the county (hereinafter referred to as "the County Council") are authorised to impose and levy for the purposes of that undertaking should be increased:

And whereas it is expedient to amend the Water Acts in other respects as provided in this Order:

And whereas it is expedient that the County Council should be authorised to borrow money for the purposes of the works authorised by this Order and to borrow further money for the purpose of meeting the additional cost due to existing circumstances of executing the works authorised by the Order of 1913 and the Order of 1917 and for other purposes of the Water Acts including duplications and replacements of existing pipes and works:

And whereas estimates have been prepared for the purchase of the land for and for the execution of the works by this Order authorised and works connected therewith and such estimates are as follows:—

	£
Purchase of land and servitudes	2,000
Pumping station	10,000
Trunk conduits and mains	60,000
Subsidiary works	3,000

And whereas the said works are permanent works and it is expedient that the cost thereof should be spread over a term of years:

And whereas by the Lanarkshire Gas Orders 1914 and 1917 (hereinafter referred to as "the Gas Orders") the Burghs Gas Supply (Scotland) Act 1876 (hereinafter referred to as "the Burghs Gas Supply Act") was in relation to the county amended in various respects with a view to enabling the said Act to be adopted and carried into effect within the county as contemplated by section 44 of the Local Government (Scotland) Act 1894:

And whereas by the Bothwell and Uddingston Gas Order 1902 confirmed by the Gas Orders Confirmation (No. 1) Act 1902 the Bothwell and Uddingston Gas Company Limited (hereinafter called "the gas company") were authorised to maintain and continue their then existing gasworks and by means thereof to supply gas in that part of the parish of Bothwell in the Middle Ward which is described in section 5 of the said Order:

And whereas by virtue of section 20 of the Burghs Gas Supply Act and of the Gas Orders the County Council are empowered to purchase the undertaking of a gas company not incorporated by Act of Parliament or authorised by Provisional Order confirmed by Parliament supplying gas within any area of the county in which the said Act has been adopted but the said Act and Orders do not authorise the County Council to purchase the undertaking of a company so incorporated or authorised or to supply gas within any part of the area of supply of such company : A.D. 1922.

And whereas the gas company have agreed to sell to the County Council and the County Council have agreed to purchase from the gas company for the sum of two hundred and ten thousand pounds the undertaking of the gas company for the purposes of the Burghs Gas Supply Act as modified and applied in relation to the county by the Gas Orders and it is expedient that the provisions relating to the said purchase contained in this Order should receive effect :

And whereas it is expedient to empower a district committee of the County Council to purchase gas in bulk from the owners of other gas undertakings and to amend in certain other respects the provisions of the Gas Orders :

And whereas for the improvement of the health and sanitary conditions of the county it is expedient to provide for the application to the county of the provisions of the Burgh Police (Scotland) Act 1892 and of the Burgh Police (Scotland) Act 1903 specified in this Order :

And whereas it is expedient to authorise the County Council with the consent of the Scottish Board of Health to increase the public health general assessment leviable in the county under the Public Health (Scotland) Act 1897 :

And whereas plans and sections showing the lines and levels of the works authorised by this Order and also books of reference containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes of or under the powers of this Order have been deposited with the principal sheriff clerk of the county of Lanark in his offices at Glasgow Hamilton Lanark and

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A.D. 1922. Airdrie and are hereinafter referred to as the deposited plans sections and books 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 :—

Short titles.

1. This Order may be cited as the Lanarkshire County Council Order 1922.

This Order and the Water Acts may be cited together as the Lanarkshire (Middle Ward District) Water Acts 1892 to 1922.

This Order and the Lanarkshire Gas Orders 1914 and 1917 may be cited together as the Lanarkshire Gas Orders 1914 to 1922.

Commence-
ment of
Order.

2. This Order except where otherwise expressly provided shall commence and have effect on and from the date of the passing of the Act confirming this Order which date is hereinafter referred to as "the commencement of this Order."

Order
divided
into parts.

3. This Order is divided into parts as follows :—

Part I.—Preliminary.

Part II.—Water.

Part III.—Gas.

Part IV.—Public Health.

Part V.—Miscellaneous.

PART I.

PRELIMINARY.

Incorporation of Acts.

4. The following Acts and parts of Acts so far as the same are applicable for the purposes of and are not inconsistent with the provisions of this Order are hereby incorporated with this Order (namely) :—

(1) The Lands Clauses Acts :

(2) So far as regards the provisions of Part II. of this Order :

(A) The Waterworks Clauses Act 1847 with the exceptions mentioned in the Order of 1917 ;

(B) The Waterworks Clauses Act 1863 ; A.D. 1922.

(c) The provisions of sections 25 and 26 of the Railways Clauses Consolidation (Scotland) Act 1845 and for the purposes of this Order the expressions "the railway" and "the centre of the railway" in those sections shall be construed as meaning the waterworks authorised by this Order and any part of the said waterworks respectively :

This Order shall be deemed to be a special Act within the meaning of the Acts wholly or partially incorporated herewith.

5. In this Order unless there be something in the subject or context repugnant to such construction the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health (Scotland) Act 1897 or the Local Government (Scotland) Acts 1889 to 1908 have the same respective meanings and the following expressions shall have the meanings hereinafter assigned to them (namely) :-- Interpre-
tation.

The expression "the county" means the county of Lanark ;

The expression "the County Council" means the County Council of the county ;

The expression "the Middle Ward Committee" means the district committee of the district of the Middle Ward of the county ;

The expression "the waterworks" means the works authorised by Part II. of this Order ;

The expression "the Burghs Gas Supply Acts" means the Burghs Gas Supply (Scotland) Acts 1876 to 1918 ;

The expression "the Gas Orders" means the Lanarkshire Gas Orders 1914 and 1917 ;

The expression "the gas company" means the Bothwell and Uddingston Gas Company Limited ;

The expression "the sheriff" means the sheriff of the county and includes his substitutes ;

In the Acts wholly or partially incorporated with this Order "the undertakers" "the company" "the railway company" and "the promoters of

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the undertaking" mean respectively for the purposes of this Order and according to the context the County Council or the Middle Ward Committee as the case may be.

PART II.

WATER.

Power to
make water-
works.

6. Subject to the provisions of this Order the Middle Ward Committee may make and maintain in the lines and according to the levels shown on the deposited plans and sections the waterworks in the county hereinafter described and may enter upon take and use such of the lands delineated on the deposited plans and described in the deposited books of reference as may be required for those purposes (that is to say):—

- (1) An aqueduct conduit line or lines of pipes (Work No. 1) commencing by a junction with the proposed water pipe to be laid in the Motherwell Carfin and Newhouse Highway (being Work No. 2 authorised by the Order of 1917) at Newarthill and terminating by a junction with the existing water pipe in the Stirling and Carlisle Road at Riggend which aqueduct conduit line or lines of pipes will be situated in or pass through the parishes of Bothwell and New Monkland and the burgh of Airdrie:
- (2) A pumping station (Work No. 2) in the parish of Shotts to be situated in the enclosure numbered 1326 on the 25-inch Ordnance Survey Map of the parish of Shotts Edition 1912:
- (3) An aqueduct conduit line or lines of pipes (Work No. 3) commencing by a junction with the existing water pipe in the public road between Bowhousebog and Shotts at Curry Burn and terminating in the existing service reservoir of the Middle Ward Committee at Shotts which aqueduct line or lines of pipes will be wholly situated in the parish of Shotts.

Subsidiary
works in
connexion
with water-
works.

7. The Middle Ward Committee in addition to the foregoing waterworks may upon the lands delineated on the deposited plans and acquired by them make erect and maintain all such cuts channels catchwaters tunnels adits

pipes culverts conduits drains sluices byewashes shafts A.D. 1922.
wells bores water towers overflows waste water channels
gauges filters filter beds tanks banks walls bridges
embankments approaches machinery and appliances as
may be necessary or convenient in connexion with or
subsidiary to the waterworks but nothing in this section
shall exonerate the Middle Ward Committee from any
action or other proceeding for nuisance in the event of
any nuisance being caused or permitted by them.

8. Subject to the provisions of this part of this Order the Middle Ward Committee may in the construction of the waterworks deviate laterally from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits 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 Provided that except for the purpose of crossing over a stream bridge or culvert no part of any pipe shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections. Power to deviate.

9. For the purposes of and during the execution of the waterworks and in maintaining the same the Middle Ward Committee may temporarily break up alter divert or cross over or under or stop up any streets highways roads lanes paths bridges railways or tramways shown on the deposited plans and described in the deposited books of reference and any sewers drains watercourses gas pipes water pipes telegraphic telephonic electrical and other mains pipes wires posts and other works in on or under the same or in on or under any of the lands so shown and described which they may from time to time find it expedient for any of those purposes to interfere with the Middle Ward Committee doing as little damage as possible and providing when practicable a proper temporary substitute before interrupting the traffic on any such street highway road lane path bridge railway or tramway or the flow of sewage gas water or electricity or telephonic communication in or by means of any such sewer drain watercourse pipe main wire post or other work and making full compensation to all persons injuriously Power to alter roads &c. temporarily.

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A.D. 1922. — affected thereby Provided that nothing in this section shall extend to authorise any interference with any telegraphic line (as defined by the Telegraph Act 1878) or other property of His Majesty's Postmaster-General Provided also that nothing in this section shall authorise any interference with any works of any undertakers within the meaning of the Electricity Supply Acts 1882 to 1919 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with the provisions of that section.

Application
of section 10
of Order of
1913.

10. The powers conferred on the Middle Ward Committee by section 10 (District Committee may enlarge or increase number of pipes &c.) of the Order of 1913 may be exercised by the Middle Ward Committee in relation to the waterworks and the roads or streets which the Middle Ward Committee are by the Waterworks Clauses Act 1847 as incorporated with this part of this Order or by the Water Acts or by this part of this Order authorised to open and break up.

Application
of certain
provisions
of Order of
1908.

11. Subject to the provisions of this part of this Order the sections of the Order of 1908 hereinafter mentioned shall so far as the same are not inconsistent with the provisions of this Order extend and apply mutatis mutandis to the waterworks and to the lands which the Middle Ward Committee are by this part of this Order authorised to acquire and the powers conferred by those sections may be exercised by the Middle Ward Committee with reference to the waterworks and to such lands accordingly :—

Section 13 (Power to acquire servitudes only for lines of pipes) ;

Section 17 (Power to hold lands needful to prevent fouling and to protect water) ;

Section 18 (Acquisition of minerals by agreement) ;

Section 23 (Power to agree as to drainage of lands) ;

Section 24 (Byelaws for preventing pollution of water) ;

Section 25 (Power to discharge water into streams) ;

Section 26 (Laying mains in public roads).

12. 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 part of this Order grant to the Middle Ward Committee 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 part 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.

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Power to grant servitudes &c. by agreement.

13. All private rights of way over any lands which shall under the powers of this part of this Order be taken compulsorily shall as from the date of such acquisition be extinguished. Provided that the Middle Ward Committee shall make full compensation to all persons interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement.

As to private rights of way over lands taken compulsorily.

14. In addition to the lands which the Middle Ward Committee are by the Water Acts and this part of this Order authorised to purchase compulsorily and any other lands which they may acquire and hold for the protection of their water undertaking they may from time to time by agreement for the purposes of those Acts or this part of this Order purchase any additional quantity of land not exceeding in the whole ten acres. Provided that the Middle Ward Committee shall not create or permit a nuisance and shall not erect any buildings on such lands except offices and buildings for persons in their employ and such buildings as may be incident to or connected with the exercise of the powers conferred by the Water Acts and by this part of this Order in relation to the water undertaking.

Power to acquire lands by agreement.

15. The Middle Ward Committee shall not construct any works for taking or intercepting water from any lands acquired by them unless the works are authorised by and the lands upon which the same are to be constructed are specified in this part of this Order or in an Act of Parliament or Order confirmed by Parliament.

Limiting powers of Middle Ward Committee to abstract water.

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Period for
compulsory
purchase
of lands.

16. The powers for the compulsory purchase of lands for the purposes of this part of this Order shall cease after the expiration of three years from the commencement of this Order.

Period for
completion
of works.

17. If the waterworks are not completed within five years from the commencement of this Order then on the expiration of that period the powers granted to the Middle Ward Committee for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Power to
use lands
already
acquired.

18. The Middle Ward Committee may use for the purposes of this part of this Order any lands or property already acquired under the powers of the Water Acts and which are not required for the purposes for which the same were originally purchased.

Works to
form part of
water under-
taking of
Middle Ward
Committee.

19. The waterworks and the lands acquired under this part of this Order shall form part of the water undertaking of the Middle Ward Committee and the powers and provisions of the Water Acts shall so far as applicable extend and apply to the said works and lands.

For pro-
tection of
Airdrie and
Coatbridge
Tramways
Trustees.

20. For the protection of the Airdrie and Coatbridge Tramways Trustees (hereinafter in this section called "the trustees") the following provisions shall unless otherwise agreed between the Middle Ward Committee or the County Council respectively as the case may be (which Middle Ward Committee or County Council as the case may be are hereinafter in this section referred to as "the Authority") and the trustees apply and have effect (that is to say):—

- (1) The laying down construction execution alteration improvement enlargement extension maintenance repair or renewal of any aqueduct conduit line or lines of pipes or other works in the exercise of the powers contained in this part of this Order in or under any street or road in which any tramway of the trustees is laid shall be done under the superintendence (if the same be given) and to the reasonable satisfaction of the engineer of the trustees and only according to such plans and sections and in such manner as shall be submitted to and reasonably approved of by him in writing or in the case of difference

as may be determined by arbitration in manner hereinafter provided. Provided that if the said engineer shall not signify his approval or disapproval of any plans or proposals so submitted to him within fourteen days after the same are delivered to him he shall be deemed to have approved thereof: A.D. 1922.

- (2) All such works shall be done by and at the expense of the Authority who shall restore and make good to the reasonable satisfaction of the said engineer any portion of any street or road which the trustees are liable to maintain so far as the same may be disturbed or interfered with by or owing to any operations of the Authority. Provided always that if the trustees elect so to do where any works are required to be laid in or under the portion of any street or road repairable by the trustees they may themselves lay the same at the reasonable costs charges and expenses of the Authority but so nevertheless that any works so laid by the trustees shall be laid under the superintendence and to the reasonable satisfaction of the engineer of the Authority:
- (3) All such works shall be executed and maintained so as to cause as little injury as possible to the tramway works and as little interruption as possible to the conduct or passage of the trustees traffic thereon:
- (4) If any injury or interruption as aforesaid shall arise from or in any way be owing to any of the acts works operations and matters aforesaid or the bursting leakage or failure of any works of the Authority (only however so far as such bursting leakage or failure is attributable to acts or defaults of the Authority their contractors agents or workmen) the Authority shall make compensation to the trustees in respect thereof and the amount of such compensation in case of difference between the parties shall be determined by arbitration as hereinafter provided:
- (5) The Authority shall give fourteen days' notice in writing to the trustees before commencing any such works as aforesaid except in case of

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emergency when such notice as is reasonably practicable shall be given :

- (6) If any question or difference shall arise between the Authority and the trustees in respect of any matters in this section referred to such question or difference shall be referred to the decision of an arbiter to be named by the sheriff on the application of the Authority or the trustees.

For protec-
tion of burgh
of Airdrie.

21. In the exercise of the powers conferred by this part of this Order the following provisions for the protection of the provost magistrates and councillors (hereinafter in this section referred to as "the corporation") of the burgh of Airdrie (hereinafter in this section referred to as "the burgh") shall except so far as otherwise agreed upon in writing between the Middle Ward Committee (hereinafter in this section referred to as "the District Committee") and the corporation have effect (that is to say) :—

- (1)—(A) All mains pipes or works to be laid in or along any highway or in upon or across any bridge repairable by the corporation or the roadway over the same or approaches thereto shall be laid in such position in such highway bridge roadway or approaches or at the side thereof and at such depth as the corporation may direct ;

(B) In all cases where the District Committee propose to lay mains pipes and works in proximity to any mains sewers pipes or other works belonging to the corporation these shall be laid in such positions and at such levels in relation to the mains sewers pipes and works of the corporation as the corporation may direct :

- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to the provisions of this section extend and apply to all highways and bridges and the roadways over the same and the approaches thereto and to all other property of the corporation opened or broken up or interfered with by the District Committee in the exercise of the powers of this part of this Order Provided that the notice

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required by section 30 of that Act shall (except in cases of accidental leakage or burst as to which notice shall be given thereafter as soon as may be) be not less than in the case of a bridge or the approaches thereto one month and in all other cases fourteen days and with such notice there shall in every case (except as aforesaid) be sent a plan and section showing the proposed works :

- (3) Nothing in this part of this Order shall authorise the District Committee to interfere with the structural part of any bridge repairable by the corporation without the consent in writing of the corporation which consent shall not be unreasonably withheld and may be given upon such conditions as the corporation may determine :
- (4) No sewer gas or water pipe or other works or property of the corporation shall be in any way altered or interfered with except in accordance with plans sections and specifications previously submitted to and approved of by the corporation which approval shall not be unreasonably withheld and any such alteration or interference shall be made at the expense of the District Committee :
- (5) The corporation shall not be liable for or in respect of any damage or injury to any mains pipes or other works of the District Committee laid down or constructed under the powers of this part of this Order in or on any highway or bridge or the roadway over a bridge or the approaches thereto caused by the use of road rollers and other road plant and heavy traffic or resulting from the exercise by the corporation of the powers vested in them from time to time :
- (6) Nothing in this Order contained shall take away or abridge any power vested or to be vested in the corporation to construct build lay repair maintain open or break up alter enlarge improve divert or relay or reconstruct any highway road street bridge or any sewer drain main pipe channel or conduit or other works of the corporation and in the event of the corporation

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in the exercise of any such power finding it necessary to interfere with any pipes works or fittings of the District Committee the District Committee shall at their own cost alter relay or if necessary remove such pipes works or fittings temporarily or permanently as may be reasonably required to meet the new or changed conditions :

- (7) All works shall be so executed by the District Committee as not to stop the traffic and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any highway or over any bridge carrying any highway or the approaches thereto :
- (8) The District Committee in opening or breaking up the highways bridges or roadways under the jurisdiction of the corporation shall not without the consent of the corporation have more than one hundred lineal yards open or broken up at any one place at one time in any such highway bridge or roadway and the District Committee shall complete their operations and restore the said highway bridge or roadway and the surface thereof to the satisfaction of the corporation with all reasonable despatch and maintain the same for a period of twelve months from the date of a certificate by the corporation or their surveyor certifying that such highway bridge or roadway has been satisfactorily restored The restoration of highways or roadways under this section shall mean and include the causewaying or paving of roads which are causewayed or paved and the bottoming metalling rolling and completion of the tracks opened up with materials and in a manner reasonably approved of by the corporation :
- (9) The District Committee shall pay to the corporation the reasonable costs which they may incur in the repair and reinstatement of so much of any highway or of the roadway of any bridge carrying any highway or the approaches thereto in which the mains pipes and works of the District Committee are or may be laid as may

be damaged by reason of the traffic being concentrated thereon during the laying alteration renewal or repair of the said pipes : A.D. 1922.

- (10) Any extra expense which may be incurred by the corporation in carrying out any powers vested or which may be vested in them by any existing or future Act of Parliament or otherwise in consequence of the construction by the District Committee of the works by this part of this Order authorised shall be repaid to the corporation by the District Committee :
- (11) The District Committee shall pay to the corporation the costs or expenses they may reasonably incur or be put to in superintending the works authorised by this part of this Order or with reference to any of the matters contained in this section :
- (12) All notices to be given or plans to be submitted under the provision of this section shall be deemed to be sufficiently served on or submitted to the corporation if the same be sent to the town clerk of the burgh at his office in the burgh :
- (13) If any difference at any time arises between the corporation and the District Committee touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbiter to be agreed upon between them or failing such agreement to be appointed by the sheriff on the application of either party.

22.—(1) The period limited by the Order of 1913 for the completion of the waterworks authorised by section 5 of that Order and therein numbered (1) (2) (3) (4) (5) (6) (7) (8) (13) and (14) is hereby extended for ten years from the expiration of that period that is to say until the fifteenth day of August one thousand nine hundred and thirty-three and on the expiration of that period the powers by that Order granted for executing any work not so completed or in relation thereto shall cease except as to so much thereof as is then completed.

Extension of time for completion of water-works authorised by Orders of 1913 and 1917.

(2) The period limited by the Order of 1917 for the completion of the waterworks authorised by section 7 of that Order and therein numbered (1) (2) (3) (4) (5) (6)

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A.D. 1922. (7) (8) and (9) is hereby extended for a period of ten years from the tenth day of July one thousand nine hundred and twenty-two and on the expiration of that period the powers granted for executing any work not so completed or in relation thereto shall cease except as to so much thereof as is then completed :

Provided that nothing in this section shall restrict the Middle Ward Committee from maintaining using extending enlarging altering replacing relaying increasing adding to or removing any of their conduits aqueducts mains or pipes at any time and from time to time as occasion requires for the purpose of supplying water under the powers of the Water Acts.

Extension of
time for
completion
of railway
under Order
of 1917.

23. The period limited by the Order of 1917 for the completion of the railway authorised by section 6 of that Order is hereby extended for five years from the expiration of that period that is to say until the tenth day of July one thousand nine hundred and twenty-seven and on the expiration of that period the powers granted by the said Order for executing the said railway or in relation thereto shall cease except as to so much thereof as is then completed For the purposes of this section Part II. (Extension of Time) of the Railways Clauses Act 1863 is incorporated with this Order.

Amendment
of section 17
(As to com-
pensation
water) of
Order of
1913.

24.—(1) Subsection (1) of section 17 (As to compensation water) of the Order of 1913 shall be read and have effect as if the words "one million gallons" had been inserted therein instead of the words "two million five hundred thousand gallons" wherever those words occur in that subsection and the other provisions of the said section shall be construed and take effect as referring to the provisions of the said subsection as amended by this section.

(2) This section shall have effect from the commencement of this Order until the fifteenth day of August one thousand nine hundred and thirty-three and no longer.

Agreements
modifying
certain pro-
visions of
Act of 1892
relating to

25. The County Council on the one hand and any of the parties having an interest under section 13 (For the protection of the Duke of Hamilton) or section 14 (For the protection of Mrs. Elizabeth Gordon Miller) of the Act of 1892 on the other hand may enter into and carry

into effect an agreement or agreements for the temporary or permanent modification of the provisions for the protection of any such parties contained in either of the said sections of the Act of 1892. A.D. 1922.
 —
 compensa-
 tion water.

26. As from the fifteenth day of May one thousand nine hundred and twenty-one there shall be substituted for section 56 (Public water rate to be levied) of the Act of 1892 the following enactment (that is to say):— Increase of
 public water
 rate.

The County Council may and they are hereby authorised if they shall think fit annually to impose and levy an assessment (to be called "the public water rate") upon all lands and heritages within the limits of supply of the Middle Ward Committee of such amount as the County Council may from time to time determine but not exceeding four pence in the pound when the domestic water rate within the limits of supply (other than the supplementary water district as defined in the Order of 1917) of the Middle Ward Committee levied by the County Council in terms of section 44 (Amendment of Water Acts as to domestic water rate) of the Order of 1913 does not exceed two shillings and sixpence in the pound and not exceeding five pence in the pound when the said domestic water rate exceeds two shillings and sixpence in the pound.

27. The Middle Ward Committee shall not be bound to supply more than one house in separate ownership by means of the same service pipe and they may if they think fit require that a separate pipe from the main be laid into each such house supplied by them with water. District
 Committee
 not bound to
 supply several
 houses by
 one pipe.

28. The Middle Ward Committee may apply to any of the purposes of this part of this Order to which capital is properly applicable any funds which under the Water Acts belong to or are authorised to be borrowed by the County Council and which may not be required for the purposes for or to which the same were authorised to be raised or directed to be applied. Power to
 apply capital
 already
 authorised.

29. The County Council may in addition to the sums which they are authorised to borrow by the Water Acts borrow on the requisition of the Middle Ward Committee and with the consent of the Standing Joint Committee of Power to
 County
 Council to
 borrow.

A.D. 1922. the county such further sums as may be required for defraying the costs of and incident to the construction of the works authorised by the Order of 1913 the Order of 1917 and by this part of this Order and the carrying out of the other purposes of the Water Acts and this part of this Order to which capital is properly applicable on the security of the assessments authorised by the Water Acts and this Order and may assign any such assessments in security of the moneys so borrowed and the provisions of the Water Acts (other than the provisions of section 25 of the Act of 1896) with reference to moneys borrowed under the authority of those Acts and the repayment thereof shall apply to moneys borrowed under the authority of this part of this Order Provided that the total amount to be borrowed by the County Council under and for the purposes of the Water Acts and this part of this Order including money already borrowed for the purposes of those Acts shall not exceed the sum of two million and seventy-five thousand pounds Provided also that if the County Council pay off any moneys borrowed under the authority of the Water Acts or this part of this Order otherwise than by means of instalments or of a sinking fund or out of money derived from the sale of land or capital moneys properly applicable to the purpose of such repayment not being moneys borrowed for that purpose it shall be lawful for the County Council again to borrow the amounts so paid off and so from time to time Provided further that if the period determined in terms of the Water Acts and this part of this Order for the repayment of any money borrowed under the authority of this part of this Order exceeds forty years the loan to which such determination relates shall unless the Secretary for Scotland otherwise consents be repaid by equal yearly or half-yearly instalments of principal or by means of a non-accumulating sinking fund set apart invested and applied in accordance with the regulations framed by the Secretary for Scotland under section 67 of the Local Government (Scotland) Act 1889 for the time being in force Provided lastly that any sum paid by the County Council under this Order to any person as the consideration or by way of compensation for the temporary cesser or modification of any right of such person to compensation water shall if paid out of borrowed money be repaid within five years from the date of borrowing.

30. The following sections of the Act of 1892 and of the Act of 1899 shall apply to mortgages granted by the County Council under the authority of this part of this Order (that is to say):—

A.D. 1922.
 —
 Application to mortgages of provisions of Acts of 1892 and 1899.

Of the Act of 1892:—

- Section 64 (Form of mortgages);
- Section 66 (Transfer of mortgages);
- Section 67 (Transfer of mortgages in case of bankruptcy);
- Section 68 (Mortgage of rates to be personal estate);
- Section 69 (Discharge of mortgages) as amended by section 47 of the Order of 1913.

Of the Act of 1899:—

- Section 27 (Manner in which mortgages to be signed and executed).

31. No person lending money to the County Council shall be bound to inquire as to the observance by the County Council of any provision of this part of this Order or be bound to see to the application or be answerable for any loss misapplication or non-application of such money or any part thereof.

Protection of lender from inquiry.

32. The sums borrowed by the County Council on the requisition of the Middle Ward Committee under the authority of this part of this Order shall be paid to the Middle Ward Committee as the Middle Ward Committee may from time to time require and shall be applied by the Middle Ward Committee to purposes only to which the sums so borrowed are properly applicable.

Application of moneys borrowed.

PART III.

GAS.

33.—(1) Subject to the provisions of this part of this Order the gas company shall sell to the County Council and the County Council shall purchase from the gas company for the sum of two hundred and ten thousand pounds the undertaking of the gas company including all the gasworks mains pipes machinery and plant fixed and moveable and all other the real and personal property assets and effects of whatever nature

Sale and purchase of undertaking of gas company.

A.D. 1922. and all the rights powers and privileges vested in or belonging to or enjoyed by the gas company in relation to the supply of gas as the same respectively stood at the thirtieth day of April one thousand nine hundred and twenty-one (hereinafter referred to respectively as "the undertaking of the gas company" and "the appointed day") but exclusive of cash in the hands of the gas company at the appointed day to an amount sufficient to pay to the shareholders of the gas company a dividend on the capital of the gas company for the year ending on the appointed day at the rate prescribed by the Bothwell and Uddingston Gas Order 1902 The County Council shall also pay and discharge all debts and liabilities (other than debentures) owing or incurred by the gas company prior to the appointed day as appearing in the balance sheet of the gas company for the year ending on the appointed day.

(2) The said sale and purchase shall take effect as from the appointed day and the said sum of two hundred and ten thousand pounds together with interest thereon at the rate of six pounds per centum per annum from the appointed day and any other sums payable by the County Council to the gas company under this part of this Order shall be paid as soon as conveniently may be after the commencement of this Order The date on which the said sums and interest are paid is hereinafter referred to as "the date of transfer."

Transfer of
undertaking
of gas com-
pany.

34. On the date of transfer the undertaking of the gas company shall by virtue of this Order be transferred to and vested in the County Council as from the appointed day for the same estate and interest as the gas company held the same subject to all feu duties rents and other annual payments exigible in respect of lands or other property forming part of the undertaking of the gas company but discharged from all debentures affecting the same or granted by the gas company which shall be discharged and paid by the gas company.

Maintenance
of under-
taking of gas
company till
transfer.

35. Until the date of transfer the undertaking of the gas company shall be maintained and carried on by the gas company as heretofore in the ordinary course of business but at the risk and expense and for the benefit of the County Council and the Middle Ward Committee Provided that the gas company shall not without the previous consent in writing of the County Council under

the hand of their clerk make or enter into any contract agreement or obligation except such as shall be in the ordinary course of the completion renewal and maintenance of the works and the proper conduct of the undertaking. A.D. 1922.

36. All byelaws rules and regulations in force at the date of transfer relating to the undertaking of the gas company shall continue in force until other byelaws rules and regulations made by the County Council or by the Middle Ward Committee come into force. Regulations of gas company to continue in force.

37. As from the date of transfer the Burghs Gas Supply Acts as modified and amended in relation to the county by the Gas Orders shall be deemed to have been adopted in terms of those Acts and those Orders within the limits within which the gas company are authorised to supply gas as if all the provisions of section 4 of the Order of 1914 had been complied with and the district within those limits shall for the purposes of the said section 4 be deemed to be a special lighting district and the lodging of a copy of this Order with the sheriff shall be equivalent to registration of a resolution in terms of section 4 subsection (10) of the Order of 1914 and notwithstanding anything to the contrary contained in the Burghs Gas Supply Acts the County Council and the Middle Ward Committee shall have and may exercise within those limits such of the powers rights privileges and authorities conferred upon the gas company by the Bothwell and Uddingston Gas Order 1902 as are not repealed by this Order Provided that the price to be charged by the Middle Ward Committee for gas supplied by them shall be uniform throughout those limits. Power to supply gas within gas company's limits.

38. The provisions of the Bothwell and Uddingston Gas Order 1902 except section 5 (Limits of Order) and section 20 (Undertakers may maintain and continue gasworks on lands described in schedule and may make and sell gas &c.) and of the Bothwell and Uddingston (Standard of Calorific Power) Order 1917 are hereby repealed as from the date of transfer. Partial repeal of Orders relating to gas company.

39. For the purposes of the Gas Orders and of this part of this Order and subject to the provisions thereof the purchase of the undertaking of the gas company shall be deemed to be a purchase within the meaning of section 21 (Provisions for purchase) of the Burghs Gas Purchase to be deemed a purchase under Burghs Gas Supply Act.

[Ch. i.] *Lanarkshire County Council* [12 GEO. 5.]
Order Confirmation Act, 1922.

A.D. 1922. Supply (Scotland) Act 1876 and subject to the provisions of this part of this Order the County Council and the Middle Ward Committee shall have and may exercise in relation to the purchase of the undertaking of the gas company the same powers as are vested in them by virtue of the Burghs Gas Supply Acts and the Gas Orders in relation to a company not incorporated by Act of Parliament or authorised by Provisional Order confirmed by Parliament to supply gas.

Pending
actions by or
against gas
company.

40. If at the date of transfer any action or other proceeding or any cause of action or proceeding is existing by or against the gas company the same shall not abate or be discontinued or in anywise prejudicially affected by reason of the purchase of the undertaking of the gas company authorised by this part of this Order but the same may according to the nature thereof be continued prosecuted and enforced by or against the County Council or the Middle Ward Committee as and when it might have been continued prosecuted and enforced if this Order had not been confirmed.

Recovery of
gas rates &c.

41. All gas rates meter rents and other sums of money which may be due or accruing due to the gas company at the date of transfer shall be payable to and may be collected and recovered by the Middle Ward Committee in like manner as if they had become payable for the like matters supplied or done by the Middle Ward Committee under the Burghs Gas Supply Acts and the Gas Orders.

Contracts of
gas company
to be binding.

42. Except as in this Order otherwise provided all agreements contracts conveyances deeds and other instruments affecting the gas company and in force at the date of transfer shall after that date be as binding and of as full force and effect according to the nature thereof against or in favour of the County Council or the Middle Ward Committee and may be enforced as fully and effectually as if instead of the gas company the County Council or the Middle Ward Committee as the case may be had been a party thereto.

Books &c.
to remain
evidence.

43. All books and documents in the possession of the gas company which if the purchase of the undertaking of the gas company had not been made would have been evidence in respect of any matter for or against the gas company shall after the date of transfer be admitted in

evidence in respect of the same or the like matters for or against the County Council or the Middle Ward Committee as the case may be. A.D. 1922.

44. The County Council shall forward to the Registrar of Joint Stock Companies in Scotland a printed copy of the Act confirming this Order and it shall be registered by him and if such copy is not forwarded within three months from the commencement of this Order the County Council shall incur a penalty not exceeding two pounds for every day after the expiration of those three months during which the copy is omitted to be forwarded and every penalty shall be recovered summarily. Copy of Confirmation Act to be registered.

There shall be paid to the Registrar by the County Council on such copy being registered the like fee as is for the time being payable under the Companies (Consolidation) Act 1908 on registration of any document other than a Memorandum of Association.

45. Any local authority (including a sub-committee appointed under section 70 (1) of the Order of 1917) company or person authorised to supply gas in the county may sell to any such committee and any such committee may purchase from such authority (including as aforesaid) company or person a supply of gas in bulk for re-sale or distribution in any district in the county in which the Burghs Gas Supply Acts have been adopted and for the purposes of this section a district committee of the county shall have and may exercise within its district the powers of the Gasworks Clauses Act 1847 in relation to the breaking-up of streets for the purpose of laying pipes subject to the duties and obligations imposed by that Act in relation to the exercise of such powers. Power to purchase gas in bulk.

46. Notwithstanding anything contained in subsection (3) of section 5 (Amendments of Burghs Gas Supply Act in relation to county) of the Lanarkshire Gas Order 1914 a district committee of the county with the approval of the County Council or of a committee of the County Council authorised by the County Council in that behalf may at any time and from time to time increase or reduce the price of gas to be supplied by the district committee as fixed by the district committee for the then current year in terms of the said subsection to such price as will in the opinion of the district committee be sufficient to discharge and provide for the costs expenses interest Power to vary price of gas.

[Ch. i.] *Lanarkshire County Council* [12 GEO. 5.]
Order Confirmation Act, 1922.

A.D. 1922. sinking and other funds and charges referred to in the said section. Provided that there shall be an interval of at least four months between any two successive variations in the price of gas under the powers of this section.

For protection of Lanarkshire Tramways Company.

47. Section 74 (For protection of Lanarkshire Tramways Company) of the Order of 1917 shall mutatis mutandis extend and apply to any works executed by the Middle Ward Committee under the powers of the section of this Order the marginal note whereof is "Power to purchase gas in bulk."

PART IV.

PUBLIC HEALTH.

Application to county of certain provisions of Burgh Police Acts.

48.—(1) The provisions of section 257 (Power to Commissioners to construct public cisterns and pumps for supply of water to baths and washhouses) and of section 266 (Drinking fountains) of the Burgh Police (Scotland) Act 1892 (hereinafter in this section referred to as "the Act of 1892") shall extend and apply to the county.

(2) The provisions of section 110 (Public conveniences) of the Act of 1892 as amended by section 104 (2) (b) of the Burgh Police (Scotland) Act 1903 (hereinafter in this section referred to as "the Act of 1903") shall notwithstanding anything to the contrary contained in section 44 (Formation of lighting and scavenging districts and provision of public baths) of the Local Government (Scotland) Act 1894 extend and apply to the county.

(3) The provisions of section 184 (Ventilation of buildings) of the Act of 1892 and of section 14 (Shrubbery in centre of street) of the Act of 1903 shall extend and apply to the county.

(4) In the sections of the Act of 1892 and of the Act of 1903 (except section 14 of that Act) as applied to the county by this section there shall be substituted for the expression "commissioners" the expression "district committee constituted by the Local Government (Scotland) Act 1889" and for the expression "the burgh" the expression "their district" and in section 14 of the Act of 1903 as so applied there shall be substituted for the expression "town council" the expression "county council."

(5) Any person liable to pay or contribute toward the expense of any works ordered or required by a district committee of the county or the County Council under the provisions of the Act of 1892 or the Act of 1903 referred to in this section and any person whose property may be affected or who thinks himself aggrieved by any order resolution deliverance or act of the district committee or the County Council as the case may be made or done under any of the said provisions may appeal to the sheriff or the Court of Session in manner prescribed by section 339 (Appeal) of the Act of 1892 and the provisions of that section shall apply to any such appeal.

A.D. 1922.

(6) Any expenses incurred by the County Council or a district committee of the county under the sections of the Act of 1892 or the Act of 1903 applied to the county by this section shall with the exception of expenses incurred under section 14 of the Act of 1903 be defrayed out of the public health general assessment and any expenses incurred under section 14 of the Act of 1903 shall be defrayed out of the road rate leviable in the county under the Roads and Bridges (Scotland) Act 1878.

49. If the produce of the public health general assessment leviable under the Public Health (Scotland) Act 1897 shall at any time or from time to time be insufficient to meet the expenditure bona fide incurred or contemplated within any district in the county it shall be lawful for the County Council to increase such assessment in that district by such amount not exceeding three pence in the pound as may have been approved by the Scottish Board of Health.

Increase of
public health
general
assessment.

PART V.

MISCELLANEOUS.

50.—(1) Section 34 of the Order of 1913 (For protection of Caledonian Railway Company) shall mutatis mutandis extend and apply to the waterworks and all other works by this Order authorised.

For pro-
tection of
Caledonian
Railway
Company.

(2) Notwithstanding the provisions of the section of this Order of which the marginal note is (Partial repeal of Orders relating to gas company) section 25 of the

A.D. 1922. Bothwell and Uddingston Gas Order 1902 shall remain in force in relation to any difference with regard to the matters referred to in that section which may arise between the Caledonian Railway Company and the County Council or the Middle Ward Committee in the exercise of the powers of the gas company transferred to the County Council by Part III. (Gas) of this Order.

For protec-
tion of North
British
Railway
Company.

51.—(1) Section 76 of the Order of 1917 (For protec-
tion of North British Railway Company) shall mutatis
mutandis extend and apply to the waterworks and all
other works by this Order authorised.

(2) Notwithstanding the provisions of the section of
this Order of which the marginal note is (Partial repeal
of Orders relating to gas company) section 25 of the
Bothwell and Uddingston Gas Order 1902 shall remain
in force in relation to any difference with regard to the
matters referred to in that section which may arise
between the North British Railway Company and the
County Council or the Middle Ward Committee in
the exercise of the powers of the gas company trans-
ferred to the County Council by Part III. (Gas) of
this Order.

Costs of
Order.

52. The costs charges and expenses of and incident
to the preparing for obtaining and confirming this Order
or otherwise in relation thereto shall be paid by the
County Council out of the assessments to be levied or
out of the moneys to be borrowed under the authority
of the Water Acts and this Order and out of the public
health general assessment in such proportions as the
County Council may determine Provided that if the
said costs charges and expenses are paid out of borrowed
money the same shall be repaid within five years from
the commencement of this Order.

The SCHEDULE referred to in the foregoing Order.

A.D. 1922.

LIST OF THE WATER ACTS.

The Lanarkshire (Middle Ward District) Water Act 1892.
The Lanarkshire (Middle Ward District) Water Act 1896.
The Lanarkshire (Middle Ward District) Water Act 1899.
The Lanarkshire (Middle Ward District) Water Order 1902.
The Lanarkshire (Middle Ward District) Water Order 1908.
The Lanarkshire (Middle Ward District) Water Order 1913.
The Lanarkshire County Council (Water &c.) Order 1917.

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