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*Lanark Water Supply  
Confirmation Act, 1880.*

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CHAPTER xci.

An Act to confirm a Provisional Order made under the Public Health (Scotland) Act, 1867, relating to the Borough of Lanark. A.D. 1880.  
[2nd August 1880.]

WHEREAS the Right Honourable Sir William Vernon Harcourt, one of Her Majesty's Principal Secretaries of State, made the Provisional Order set forth in the schedule hereunto annexed, under the provisions of the Public Health (Scotland) Act, 1867: 30 & 31 Vict.  
c. 101.

And whereas it is necessary that the said Order should be confirmed by Parliament:

Be it therefore enacted by the Queen'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 Order set forth in the schedule hereunto annexed is hereby confirmed. Confirmation  
of Order.

2. This Act may be cited as the Lanark Water Supply Confirmation Act, 1880. Short title.

A.D. 1880.

## SCHEDULE.

### BURGH OF LANARK WATER.

#### *Provisional Order.*

#### PUBLIC HEALTH (SCOTLAND) ACT, 1867.

WHEREAS by the Lanark Police and Improvement Act, 1854, with which the Public General Act, 13 and 14 Victoriae, cap. 33, excepting sections 3 to 39 inclusive, is incorporated, the provost, magistrates, and council of the burgh of Lanark are constituted commissioners of police within the limits of the Parliamentary boundaries of that burgh, and as such are, in terms of the 5th section of the Public Health (Scotland) Act, 1867, the local authority to execute the said last-mentioned Act in the said burgh within the said limits :

And whereas it is provided by the said Public Health (Scotland) Act, 1867, section 88, that “ with respect to burghs having a population of ten thousand  
“ or upwards according to the census last taken, or having a Local Act for  
“ police purposes, it shall be lawful for the local authority, if they think it  
“ expedient so to do, to contract or arrange with any water company esta-  
“ blished by Act of Parliament, for a supply of water ; or where there is no  
“ such company, themselves to provide a supply of water to such extent as  
“ may be necessary for the sanitary and other public purposes of this Act  
“ herein-before provided ” :

And whereas there being no such water company with whom the said local authority could contract or arrange for a supply of water as aforesaid, the said local authority did, by resolution dated the 29th day of May 1879, resolve themselves to provide a supply of water for the domestic use of the inhabitants of the said burgh within the said Parliamentary boundaries thereof, and if they should have any surplus water, after fully supplying what is required for domestic purposes, to supply water from such surplus to any public baths and washhouses, or for trading or manufacturing purposes, to such persons within the foresaid limits who may be desirous of being so supplied :

And whereas it is provided by the said Public Health (Scotland) Act, 1867, section 90, that upon compliance with the provisions therein contained with respect to advertisements and notices the local authority may present to one of Her Majesty's Principal Secretaries of State a petition stating the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking such land, or who have returned no answer to the notice, and praying that the local authority may, with reference to such land, be allowed to put in force the powers of the Lands Clauses Acts with

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respect to the purchase and taking of lands otherwise than by agreement; and that upon the receipt of such petition and proof of the proper advertisements having been published and notices served, the Secretary of State may direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition, and after the completion of such inquiry the Secretary of State may by Provisional Order empower the local authority to put in force with reference to the land referred to in such Order, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, or any of them, and either absolutely or with such conditions and modifications as he may think fit:

And whereas a petition under the Public Health (Scotland) Act, 1867, and the Public Health (Scotland) Amendment Act, 1871, and the Public Health (Scotland) Act, 1867, Amendment Act, 1879, was presented to my predecessor in office as one of Her Majesty's Principal Secretaries of State, by the said local authority, setting forth among other things that the present water supply of the burgh of Lanark was inadequate in quantity, and deficient in quality, and that it was necessary that a more abundant and wholesome supply should be obtained for the use of the inhabitants of the said burgh, being the area under the jurisdiction of the said local authority, and to make and execute for the purposes of such supply the reservoirs, aqueduct, conduit, or line of pipes, and other works and conveniences as described on the plan herein-after mentioned, and that, with the view of affording such supply of water, the said local authority proposed, under the provisions of the said Acts, and the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, which two last-mentioned Acts are in this Order referred to as the Lands Clauses Acts, to take land, streams, waters, and other property for the execution of the proposed works and conveniences connected therewith, and for all purposes necessary for providing such supply of water, and that the said local authority had published the advertisements and served the notices required by section 90 of the said Public Health (Scotland) Act, 1867; and the said petition prayed, that with reference to such land, streams, waters, and other property, they might be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement:

And whereas due inquiry was directed and held in respect of the matters contained in the said petition, and I have resolved to grant the prayer thereof, and a plan describing the reservoirs, aqueduct, conduit, or line of pipes, and other works, and the lands, streams, waters, roads, and other property intended to be taken or interfered with, and the lines and situations of the several works intended to be made and maintained for the purposes thereof, and of the said water supply, and a book of reference to such plan containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands and other property, have been signed by me with reference to this Order, and have been deposited with the sheriff clerk of the county of Lanark, at his office in Lanark:

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Now therefore, in pursuance of the powers vested in me by the Public Health (Scotland) Act, 1867, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand and seal direct that from and after the passing of an Act of Parliament confirming the same :

1. The expression "the special Act" in the Lands Clauses Acts shall mean this Order and the Act confirming the same ; and the expression "the promoters of the undertaking" in such Acts, and the expression "the local authority" in this Order, shall, with reference to this Order, mean the provost, magistrates, and council of the burgh of Lanark, commissioners of police acting in execution of the Lanark Police and Improvement Act, 1854, as the local authority in the said burgh of Lanark within the Parliamentary boundaries thereof under the Public Health (Scotland) Act, 1867 ; and the word "lands" in this Order shall have the meaning attached to it in the Lands Clauses Acts and the Public Health (Scotland) Act, 1867, and shall include water and the right thereto.

2. The local authority may put in force with reference to the lands, streams, waters, roads, and other property described on the said plan, and in the said book of reference, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.

3. Where the line of any work shown on the deposited plan passes along any road and limits of lateral deviation are not marked thereon, the local authority may, in constructing the works by this Order authorised, deviate laterally from the line thereof as laid down on the said plan to the extent of the boundaries of the road, and elsewhere the local authority may, in constructing the works, deviate laterally from the lines thereof as shown on the said plan to the extent of lateral deviation shown thereon, but not further in either case, except with the consent of the owner of the lands through or on which the deviation is made.

4. In the construction of the works by this Order authorised, the local authority may deviate vertically from the levels shown on the sections on the deposited plan in the case of reservoirs to any extent not exceeding five feet upwards or seven feet downwards, and in the case of other works to any extent not exceeding five feet.

5. The local authority may, in the execution of their works, take wayleaves, easements, servitudes, or other limited rights over lands and other property, subject to such conditions as may be agreed on with the persons interested.

6. All questions of compensation between the local authority and any person whatsoever with regard to the taking and abstraction of water under this Order shall be referred to the arbitration of George Cunningham, civil engineer, whom failing, James Leslie, civil engineer, whom failing, George Robertson, civil engineer, under the Lands Clauses Acts.

7. Any works to be constructed in exercise of the powers conferred by this order, whether in laying down, altering, replacing, or repairing any mains or pipes, or otherwise, upon, across, under, adjoining, or in close proximity to any bridge or railway, at any time belonging to or worked or maintained by the

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Caledonian Railway Company, or any lands or property at any time belonging to or used or occupied by the said railway company, shall be done under the superintendence and to the reasonable satisfaction of the engineer of the said railway company for the time being, and according to such plans, and at such times, as shall be reasonably approved by him before any such works are begun, but in all things at the expense of the local authority, and so as to cause no injury to any such bridge or railway, or the works thereof, or to such lands or property, or interference with the passage or conduct of traffic over such bridge or railway, and if any such injury shall arise to any such bridge or railway, or the works thereof, or to such lands or property or interference with the passage or conduct of traffic either in the construction or laying down or in effecting the repairs of any such work of the local authority, or by the bursting or breakage of any of their reservoirs, mains, or pipes, or by any neglect or default of the local authority, or otherwise howsoever, and if the said railway company in the renewal of any such bridge or work connected with the railway incur any extra expense by reason of the laying or keeping laid of the mains or pipes belonging to the local authority or otherwise, the local authority shall make full compensation to the said railway company for any such injury or interference, or extra expense, the amount thereof to be recoverable with full costs from the local authority by all and the same means as a simple contract debt is recoverable. A.D. 1880.

Given under my hand and seal at Whitehall this tenth day of June,  
eighteen hundred and eighty.

W. V. HARCOURT.

L.S.

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