

[43 & 44 VICT.]

*Blantyre Water Supply
Confirmation Act, 1880.*

[Ch. xcii.]



CHAPTER xcii.

An Act to confirm a Provisional Order made under the Public Health (Scotland) Act, 1867, relating to the Parish of Blantyre. 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. Confirma-
tion of Order.

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

A.D. 1880.
—SCHEDULE.

BLANTYRE.

PUBLIC HEALTH (SCOTLAND) ACT, 1867.

(30 & 31 Vict., cap. 101.)

Provisional Order.

WHEREAS by the Public Health (Scotland) Act, 1867, it is inter alia enacted (section eighty-nine) that with respect to parishes (exclusive of any parts of such parishes as are situated within the district of any local authority other than the parochial boards of such parishes) “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 that purpose may conduct
“water from any lake, river, 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
“promoters of undertakings by the Lands Clauses Acts: Provided always,
“that they shall make reasonable compensation for the water so taken by them,
“and for the damage which may be done to any lands by reason of the
“exercise of the powers hereby conferred, in terms of the said Acts,” and that
“the local authority, if they have any surplus water, after fully supplying what
“is required for domestic purposes, may supply water from such surplus to
“any public baths and washhouses, or for trading or manufacturing purposes:”

And whereas it is further provided by the said Act (section ninety) 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 of 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 respect to the purchase and taking of land 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 land otherwise than by agreement, or any of them, and either absolutely, or with such conditions and modifications as he may think fit: A.D. 1880.

And whereas under the provisions of the Public Health (Scotland) Act, 1867, the parochial board of the parish of Blantyre, in the county of Lanark (in this Order called "the parochial board"), are the local authority to execute the said Public Health (Scotland) Act, 1867, and the Public Health (Scotland) Amendment Act, 1871, within the said parish, and within the special water supply district of Blantyre, which forms part of that parish:

And whereas a petition under the provisions of the Public Health (Scotland) Act, 1867, has been presented to me, as one of Her Majesty's Principal Secretaries of State, by the parochial board, setting forth that no company established by Act of Parliament is authorised to supply the said parish or water supply district with water, that the present supply of water in the said parish and special water supply district is insufficient, and that it would be of great advantage to the inhabitants thereof if the petitioners were authorised to obtain a supply of water under the provisions of the Public Health (Scotland) Act, 1867, and that for the purpose of obtaining and affording such supply of water, the petitioners proposed under the provisions of the said last-mentioned Act and the Lands Clauses Acts to take land and other property for the execution of certain proposed works, and works and conveniences connected therewith, and for all purposes necessary for obtaining and providing such supply of water; and to intercept and divert into the proposed works, and to take and impound, appropriate, and distribute the whole of the waters of the stream called the Lees Burn, and of the small stream which flows into the said Lees Burn at or near the bridge, carrying a road across that burn about six hundred and thirty yards eastward from the farmhouse of Nerston Mill, and all the affluents of those streams and all other waters and springs which the proposed works might intercept, excepting such quantity (if any) of such waters as might not be required for such purposes; and that the petitioners had published the advertisements and served the notices required by the ninetieth section of the first recited Act:

And whereas the said petition prayed that a Provisional Order might be made, empowering the petitioners to put in force, with reference to the lands, property, and waters before mentioned, the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement:

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof; and a plan and sections describing the works to be constructed, and the land intended to be taken 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 land, have been signed by me, with reference to this Order, and have been deposited at the office of the sheriff clerk depute of the county of Lanark, at Hamilton:

Now herefore, in pursuance of the powers vested in me by the Public Health (Scotland) Act, 1867, I, as one of Her Majesty's Principal Secretaries

A.D. 1880. of State, do, by this Provisional Order under my hand and seal, direct that from and after the passing of any Act of Parliament confirming the same :

1. It shall be lawful for the parochial board, as the local authority under the first-recited Act within the said parish, to put in force, with reference to the land 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.

2. The parochial board shall not, between sunrise and sunset of any day, take or conduct any water from the said Lees Burn, excepting at such times as there shall be flowing down the said burn, at the point of abstraction, not less than twenty gallons per minute, nor shall they at such times take or conduct more water from the said burn than the quantity at the time flowing down the same in excess of the said twenty gallons per minute.

3. The parochial board shall, before taking or conducting any water from the said Lees Burn, construct and shall for ever after maintain, upon the said burn, a suitable measuring gauge through which the said quantity of twenty gallons of water per minute may flow or be discharged ; and such gauge shall be open to the inspection and examination of the several persons interested in the water so to flow or be discharged through or over the same ; and if at any time such gauge shall be in an unfit state of repair or condition for the purpose for which it is intended, the same shall forthwith be put into a proper and efficient state of repair and condition by and at the expense of the parochial board, or if they fail so to do within seven days after notice given to them by or on behalf of any of the persons interested as aforesaid, requiring the parochial board so to do, it shall be lawful for any person so interested to cause such works to be done and performed in connexion with the said gauge as shall be necessary for placing it in a proper and efficient state and condition, and to recover the expenses of such works, with full costs of suit against the parochial board, in any court of competent jurisdiction.

4. If, at any time within twelve months after the parochial board shall have commenced to supply water for domestic purposes from the Lees Burn and the said small stream flowing into the same, any twenty persons supplied with such water, and assessed or liable to be assessed for such supply, shall apply, by summary petition, to the sheriff substitute for the Hamilton district of the county of Lanark, representing that the parochial board should be required to provide sand filters for the purification of the water supplied by them as aforesaid, the said sheriff substitute shall inquire, in such manner as he may think proper, into the quality of such water and the expediency of providing sand filters, and, on his being satisfied of such expediency, he may require the parochial board, and in that event the parochial board shall be bound to construct, and thereafter to maintain proper sand filters, through which they shall cause to pass all water supplied by them for domestic purposes.

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

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6. In this Order the expression the Lands Clauses Acts means the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860; and the word "lands" has the meaning assigned to it in the Lands Clauses Acts, and includes water and the right thereto: In the Lands Clauses Acts the expression "the Special Act" means and includes this Order; and the expression "the promoters of the undertaking" means, with reference to this Order, the parochial board as the local authority within the said parish, under the Public Health (Scotland) Act, 1867, and the Public Health (Scotland) Amendment Act, 1871.

A.D. 1880.
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Given under my hand and seal at Whitehall, this seventh day of June
one thousand eight hundred and eighty.

W. V. HARCOURT.

LONDON: Printed by GEORGE EDWARD EYRE and WILLIAM SPOTTISWOODE,
Printers to the Queen's most Excellent Majesty. 1880.

