



CHAPTER cxliv.

An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to Cowdenbeath Water.
[8th August 1887.]

A.D. 1887.

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Public Health (Scotland) Act, 1867:

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 out in the schedule hereto annexed shall be and the same is hereby confirmed.

The Order
in schedule
confirmed.

2. The local authority mentioned in the said Order shall not under the powers of this Act or of the said Order, without the consent of the Secretary for Scotland, purchase or acquire in any district within the meaning of the Public Health (Scotland) Act, 1867, ten or more houses which after the passing of this Act have been or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

Restriction
on taking
houses of
labouring
class.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

3. This Act may be cited as the Cowdenbeath Water Supply Confirmation Act, 1887.

Short title.

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SCHEDULE.

COWDENBEATH WATER.

PUBLIC HEALTH (SCOTLAND) ACT, 1867 (30 & 31 Vict. c. 101).

PROVISIONAL ORDER.

WHEREAS by the Public Health (Scotland) Act 1867 it is inter alia enacted section 89 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 water-
“ works 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 under-
“ takings 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 on such terms and
“ conditions as may be agreed on between the local authority and the persons
“ desirous of being so supplied :”

And whereas it is further provided by the said Act section 90 that upon compliance with the provisions therein-before contained with respect to advertisements and notices the local authority may present a petition to one of Her Majesty's Principal Secretaries of State 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 :

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And whereas by the Secretary for Scotland Act 1885 all powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State by the Public Health (Scotland) Act 1867 and Acts amending the same were transferred to vested in and imposed on the Secretary for Scotland :

And whereas the parochial board of the parish of Beath in the county of Fife are the local authority in the said parish under the Public Health (Scotland) Act 1867 and under the provisions of that Act they on the eighth day of October one thousand eight hundred and sixty-nine formed into a special water supply district a portion of the said parish of Beath under the name of the Special Water Supply District of Cowdenbeath :

And whereas a petition under the provisions of the Public Health (Scotland) Act 1867 the Public Health (Scotland) Amendment Act 1871 and the Public Health (Scotland) Act 1867 Amendment Act 1882 has been presented to me by the said parochial board as the local authority aforesaid setting forth among other things the formation of the said special water supply district that the population of the said district had very largely increased in recent years and was still increasing and that the present water supply was insufficient and that it would be a great advantage to the inhabitants if the said local authority were authorised to obtain a supply of water for the domestic use of the said inhabitants and for trading and manufacturing and other purposes under the provisions of the Public Health (Scotland) Act 1867 and that for the purpose of affording such supply of water the petitioners proposed under the provisions of the said last-mentioned Act 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 and other property for the execution of the following works and works and conveniences connected therewith and for all purposes necessary for providing such supply of water that is to say :—

- (1) A reservoir to be situate on the stream called the Gask Burn and on the lands adjacent thereto commencing at a point in the said stream one thousand two hundred and twenty yards or thereabouts measured along the course of that stream from and above the point where the said stream is crossed by the public road from Saline to Oakfield by the bridge called Slateford Bridge and terminating at an embankment to be formed across the said stream five hundred and seventy yards or thereabouts measured along the course of that stream from the said bridge called Slateford Bridge together with a road of access commencing at the said public road at a point five hundred yards or thereby west from the said Slateford Bridge and terminating at or near the embankment of the said reservoir :
- (2) An aqueduct conduit or line of pipes commencing in the above reservoir at or near the proposed embankment thereof and terminating by a junction with the water pipe belonging to the said parochial board as the local authority aforesaid lying under the Great North Road at a point near Cowdenbeath Inn adjacent to the Cowdenbeath Station on the North

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British Railway together with such embankments catch waters dams weirs sluices gauges filters and filtering beds tanks cisterns pipes cuts byewashes channels tunnels and all other works and conveniences connected therewith as may be necessary or convenient for the purposes of the said works and the giving of such supply of water :

and to intercept and divert into the said reservoir and therein to impound the whole waters of the said Gask Burn and of any affluents thereof above the point of commencement of the said reservoir :

And whereas the said petition further set forth that the petitioners had published the advertisements and served the notices required by section 90 of the said Public Health (Scotland) Act 1867 and prayed that a Provisional Order might be made in pursuance of the provisions of that Act empowering the petitioners to put in force with reference to the lands property and waters mentioned in such petition 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 contained in the said petition I have resolved to grant the prayer thereof and a plan describing the works to be constructed and the lands property and waters 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 lands property and waters have been signed by me with reference to this Order and have been deposited with the sheriff clerk of the county of Fife at his office in Dunfermline :

Now therefore in pursuance of the powers contained in the Public Health (Scotland) Act 1867 and transferred to and vested in me by the Secretary for Scotland Act 1885 I as the Secretary for Scotland 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. It shall be lawful for the parochial board of the parish of Beath as the local authority in the said parish to put in force with reference to the lands property and waters 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. In constructing the works described on the said plan the said parochial board as local authority aforesaid may deviate laterally from the lines laid down thereon to any extent not exceeding the limits of lateral deviation shown thereon and may deviate vertically from the levels of the said works as defined on the sections on the said plan to any extent not exceeding five feet upwards and five feet downwards Provided always that they may erect any water tower stand-pipe or other like work of any height which for the time being may be necessary or proper for the purposes of this Order.

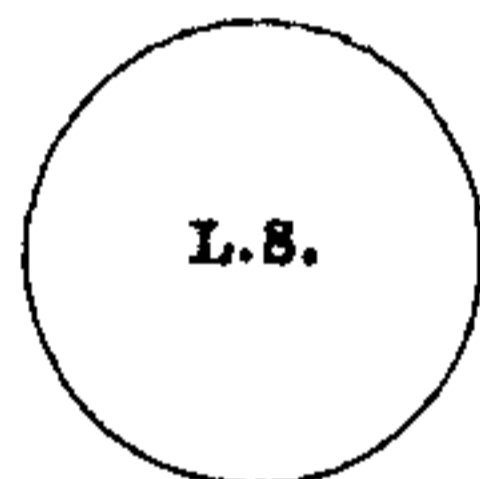
3. The said parochial board as local authority aforesaid may in the execution of the aforesaid works take wayleaves easements servitudes or other limited rights over lands and other property subject to such conditions as may be agreed on with the persons interested.

4. Any mains or pipes to be laid down or works to be constructed or executed by the local authority in the exercise of the powers conferred by this Order on or in any way affecting any railway belonging to the North British Railway Company or any of the bridges or works thereof or any lands or property belonging to that Company shall be done under the superintendence and to the reasonable satisfaction of the principal engineer for the time being of that Company and according to plans to be reasonably approved by him but in all things at the expense of the said local authority and so as to cause no injury to any such railway bridges works lands or property or interruption to the passage or conduct of traffic over any such railway and if in consequence of the laying of any such mains or pipes or the construction or execution of any such works by the local authority any injury shall arise to any such railway bridges works lands or property or interruption to such traffic the local authority shall make full compensation to that Company in respect of such injury or interruption.

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5. The expression "the special Act" in the Lands Clauses Acts shall mean and include this Order and the expression "the promoters of the undertaking" in the Lands Clauses Acts shall with reference to this Order mean the parochial board of the parish of Beath as the local authority within that parish under the Public Health (Scotland) Act 1867 and the word "lands" in this Order shall have the meaning assigned to it in the Lands Clauses Acts and shall include water and the right thereto.

Given under my hand and seal at Whitehall this eleventh day of June one thousand eight hundred and eighty-seven.

(Signed) **LOTHIAN.**

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