



CHAPTER xx.

An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to Urray Water. A.D. 1886.

[25th September 1886.]

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:

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 as 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.

Provision
as to houses
occupied by
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 of such persons who may be residing with them.

3. This Act may be cited as the Urray Water Supply Confirmation Act, 1886. Short title.

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SCHEDULE.

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*Public Health (Scotland) Act, 1867 (30 & 31 Vict. c. 101.)
Provisional Order.*

Whereas by the Public Health (Scotland) Act, 1867, it is among other things 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 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 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 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 enquire 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 by the Secretary for Scotland Act, 1885, all powers and duties vested in or imposed on the said Secretary of State, were transferred to vested in and imposed on the Secretary for Scotland.

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And whereas the parochial board of the parish of Urray, in the county of Ross, are the local authority in the said parish under the Public Health (Scotland) Act, 1867:

And whereas under the provisions of the said Public Health (Scotland) Act, 1867, by a resolution passed at a meeting held on the 18th day of April 1884, the local authority of the parish of Urray resolved to form the following part of their district which comprises the village of Muir of Ord and lands adjacent thereto into a special water supply district, viz., that part of the parish of Urray included within the after-mentioned boundaries, viz., within a line drawn from the north end of the Tarradale plantation at Donald Fraser's croft along the march between the properties of Mr. Baillie, of Redcastle, and Mr. Mackenzie, of Ord, to the county road behind Donald Mackenzie's house, thence to the north-west corner of the Free Church Feu, thence to the south-west corner of the croft lately occupied by the Free Church minister, thence in a straight line to the north corner of the farm of Ardnagrask, thence along the parish boundary to the north corner of the railway bridge at Muir of Ord Station, thence along the parish boundary to the pillar at the south end of the village on the main road leading to Beauly, thence in a straight line to the south-west corner of Blair farm, thence in a line to the edge of Loch-nan-eun, thence along the west side of said loch to the road leading to Balvaird, thence to the Ord march at the north corner at Tarradale Plantation (being the starting point):

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, 1882, has been presented to me, as Secretary for Scotland, by the said local authority, setting forth among other things the formation of such water supply district, and that the present water supply is insufficient and that it would be of great advantage to the inhabitants of the said district if the said local authority were authorised to obtain a supply of water for the domestic use of the inhabitants, and for trading and manufacturing, and other purposes, under the provisions of the said Public Health (Scotland) Act, 1867, and for the purpose of affording such supply of water the Petitioners proposed to construct works, and to purchase and take, under the powers and provisions of the Lands Clauses Consolidation (Scotland) Act, 1845, and the Lands Clauses Consolidation Acts Amendment Act, 1860, which Acts are herein termed and referred to as the Lands Clauses Acts, the lands and other property required for the purposes of the said water supply and the said works, and that the Petitioners had published the advertisements and deposited a plan, sections, and book of reference, and served the notices required by section 90 of the said Public Health (Scotland) Act, 1867, and the said petition prayed that a Provisional Order might be made empowering the petitioners to put in force, with reference to the lands and water mentioned in such petition, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands 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 reservoirs, aqueducts, conduits, and lines of

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pipe, and the lands, water, roads, and other property 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, water, roads, and other property, have been signed by me with reference to this Order, and will be deposited with the sheriff clerk of the county of Ross, at his office in Dingwall:

Now, therefore, in pursuance of the powers vested in me by the Public Health (Scotland) Act, 1867, I, as Secretary for Scotland, 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. The expression “the special Act” in the Lands Clauses Acts shall mean 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 Urray, herein-after called the local authority, and the word “lands” in this Order shall have the meaning attached to it in the Lands Clauses Acts, and shall include water and the right thereto.

2. The local authority for supplying water to the special water supply district before mentioned, for the purposes in the said Public Health (Scotland) Act, 1867, specified, may put in force with reference to the lands, water, 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.

Provided always that the powers hereby granted shall only be put in force under and subject to the restrictions and conditions following; that is to say,

(1.) The local authority shall not abstract from Loch Nam Bonnach a greater quantity of water in any one day of twenty-four hours than twenty thousand gallons:

(2.) The centre of the mouth of the pipe carrying the water from Loch Nam Bonnach to the special water supply district shall not be more than six inches below the sill of the present sluice through which the water of the loch flows into the Alt nam Bonnach burn:

(3.) The local authority, before they commence to abstract any water from Loch Nam Bonnach, shall construct the following subsidiary works; namely,

(a.) A suitable measuring gauge at some convenient point on the pipe after it leaves Loch Nam Bonnach, through which gauge the said supply of water to be drawn by the local authority shall be discharged in a uniform flow, and such gauge shall be so constructed that when the quantity of water taken from the loch at any time exceeds the said uniform flow of twenty thousand gallons per day of twenty-four hours, the surplus shall overflow back into Alt Nam Bonnach; and such gauge shall be open to the inspection and examination of the several persons interested in the waters of the said Loch Nam Bonnach, or of the stream flowing therefrom, known as Alt Nam Bonnach; 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 be forthwith put into a proper and efficient state of repair and condition by and at the expense of the local authority, and if they fail so to do within seven days after notice given to them by or on behalf of any person interested as afore-

said, 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 expense of such works with full costs of suit against the local authority in any court of competent jurisdiction ;

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- (b) A proper and sufficient overflow channel to be formed on the solid ground at the end of the embankment at the north-east end of Loch Nam Bonnach, and a channel from said overflow to the stream called Alt Nam Bonnach, such overflow not to be less than ten feet in width, and said overflow and channel to be protected by substantial stone pitching ;

3. For the protection of the owner of the lands and estate of Ord it is hereby provided that unless and until the local authority shall obtain the necessary authority to execute and shall execute and complete the works after-mentioned, the local authority shall not take, abstract, use, or supply, under the powers of this Order, any water from Loch Nam Bonnach or from any tributary stream thereof flowing into or out of the same. The said works are the following ; that is to say :—

- (1) An addition of six inches to the height of the embankment at the east end of Loch Nan Eun, which loch lies about one mile to the west of said Loch Nam Bonnach.
- (2) A proper and sufficient overflow channel to be formed on the solid ground at the end of the said embankment of Loch Nan Eun, and a channel formed from said overflow down to the stream called Alt Nan Eun where it emerges from said loch, such overflow to be formed six inches above the level of the existing overflow and not less than ten feet in width, and said overflow and channel to be protected on the bottom and sides by substantial stone pitching.
- (3) An enlargement of the mill dam of the distillery known as the Ord Distillery, sufficient to ensure that said dam, shall be capable of containing a quantity of water equal to that at present drawn from said Loch Nam Bonnach by the tenant or tenants of Ord Distillery and Mill in twelve hours.

The said works described in this and the preceding section shall be constructed according to plans reasonably approved of by and at the sight and to the reasonable satisfaction of Robert Carstairs Reid, Civil Engineer, Edinburgh, whom failing, of an engineer to be appointed by the Sheriff of Ross, Cromarty, and Sutherland, on the summary application of the owner of the lands and estate of Ord for the time being, or any other party interested ; and all costs, charges, and expenses of and in relation to the same shall be paid by the local authority, and all such works, when so executed, shall be for ever maintained by the local authority to the reasonable satisfaction of such engineer.

4. The local authority in constructing the works described on the said plan may, subject always to the provisions of this Order, deviate laterally from the lines laid down thereon to any extent not exceeding the limits of lateral deviation shown thereon, and may, subject as aforesaid, deviate vertically from the levels of the said works, as defined on the sections, to any extent not exceeding five feet upwards and five feet downwards. Provided always, that they may erect

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Urray. being may be necessary or proper for the purposes of this Order.

5. The local authority 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.

6. All questions of compensation betwixt the local authority and any person whatsoever with regard to the taking and abstraction of water under this Order, shall be referred to arbitration in manner provided by the Lands Clauses Acts.

Given under my hand and seal at the Secretary for Scotland's Office, Whitehall, this tenth day of June one thousand eight hundred and eighty-six.

(I.S.)

(Signed) DALHOUSIE.

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