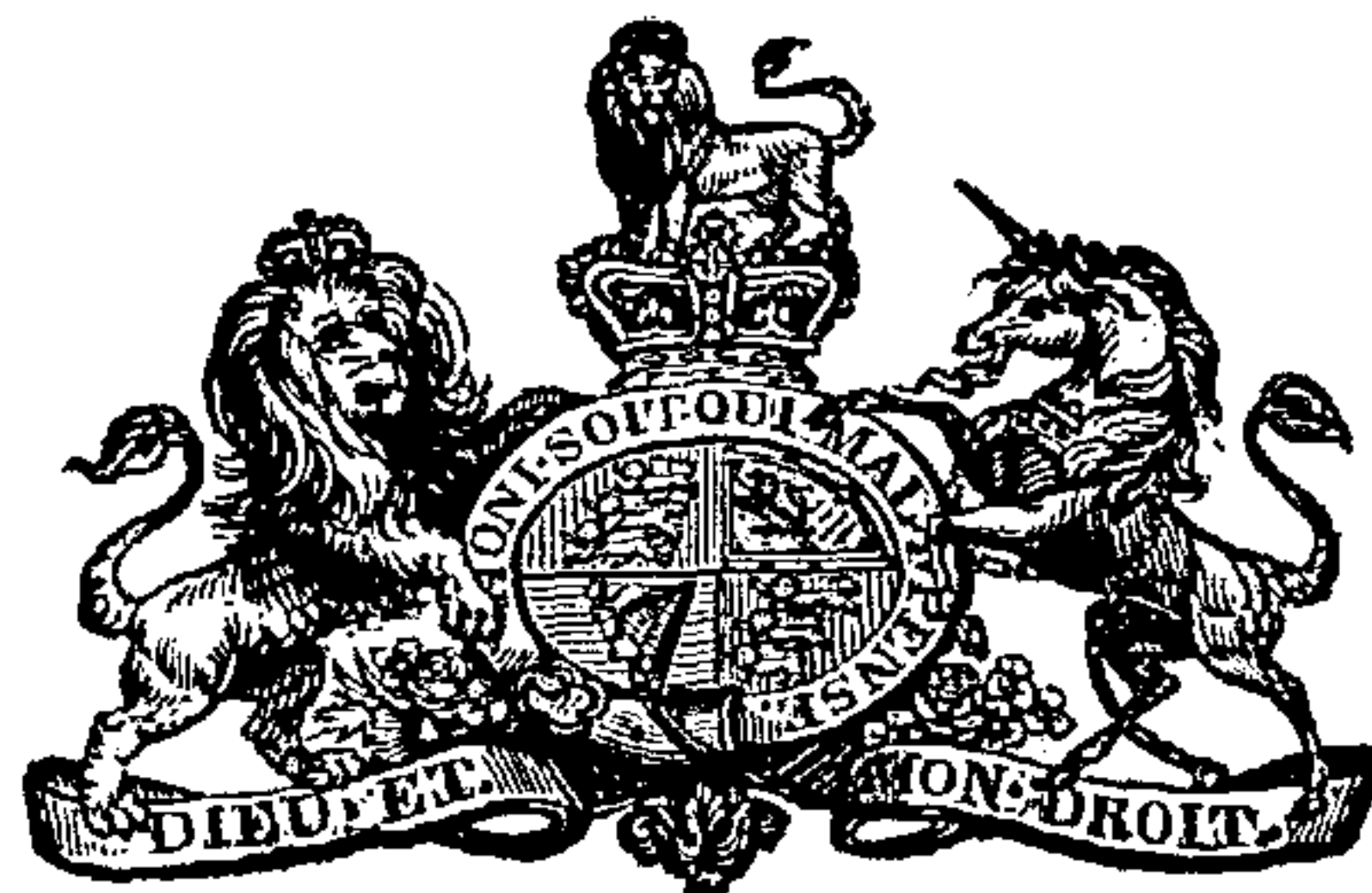


[51 & 52 VICT.] *Kirkliston, Dalmeny, and South* [Ch. cxcix.]  
*Queensferry Water Supply Confirmation Act, 1888.*



### CHAPTER cxcix.

An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to Kirkliston, Dalmeny, and South Queensferry Water. A.D. 1888.

[13th August 1888.]

**W**HEREAS 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 set out in the schedule hereto annexed shall be and the same is hereby confirmed.

Order in  
schedule  
confirmed.

2. This Act may be cited as the Kirkliston, Dalmeny, and South Queensferry Water Supply Confirmation Act, 1888.

Short title.

[Ch. cxcix.] *Kirkliston, Dalmeny, and South* [51 & 52 VICT.]  
*Queensferry Water Supply Confirmation Act, 1888.*

A.D. 1888.

SCHEDULE.

KIRKLISTON, DALMENY, AND SOUTH QUEENSFERRY  
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 eighty-nine) that “with respect to the improvement of burghs  
“having a population of less than ten thousand, according to the census last  
“taken, and not having a Local Act for police purposes, and with respect to  
“parishes (exclusive of any parts of such parishes as are situate 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 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 wash-houses, 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 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 praying that the Local Authority may, with reference to such land, be allowed to put in force the powers of the



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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:

And whereas it is further provided by the said Act (section ninety-two) that two or more local authorities may combine together for the purpose of executing and maintaining any works by the said Act authorised in regard to water supply, that may be for the benefit of their respective districts:

~~And whereas~~ by the Secretary for Scotland Act 1887 all powers and duties vested in and imposed on the Secretary 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 Kirkliston, in the Counties of Midlothian and Linlithgow, are the Local Authority in the said Parish of Kirkliston, the Parochial Board of the Parish of Dalmeny, in the County of Linlithgow (a part of which parish is situate within the limits of the Burgh of South Queensferry but over the landward part of which parish the Jurisdiction of a Town Council or of Police Commissioners or Trustees exercising the functions of Police Commissioners does not extend) are the Local Authority in the landward part of the said Parish of Dalmeny, and the Police Commissioners of the Burgh of South Queensferry are the Local Authority in the said Burgh under the Public Health (Scotland) Act 1867, and under the provisions of that Act part of the said Parish of Kirkliston was, by a decree of the Sheriff of the Lothians and Peebles dated the 17th day of August 1887, formed into a ~~Special Water Supply District under the name of the~~ Special Water Supply District of the Parish of Kirkliston, and part of the said Parish of Dalmeny was, by resolution of the Local Authority of the landward part of the said Parish, at a meeting of the said Local Authority held on the 18th day of July 1887 formed into a Special Water Supply District under the name of the Special Water Supply District of the Parish of Dalmeny:

And whereas a Petition under the provisions of the said Public Health (Scotland) Act 1867, has been presented to me as Secretary for Scotland by the said Local Authorities, setting forth, among other things, the formation of the said two Water Supply Districts, and that the Water Supply of the said two Special Water Supply Districts, and of the said Burgh of South Queensferry, is insufficient, and that it would be of great advantage to the inhabitants of the said two Special Water Supply Districts and Burgh if the petitioners were authorised to obtain a supply of water for the domestic use of the inhabitants and occupiers of houses and lands in the said two Special Water Supply Districts and Burgh, and adjoining or near to those places, and for trading or manufacturing purposes within the said two Special Water Supply Districts and



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Burgh and the adjoining districts, and for the domestic use of the inhabitants and occupiers of houses and lands adjoining and near the aqueduct, conduit, or line of pipes and branch pipe proposed to be constructed by the said local authorities for supplying the said two Special Water Supply Districts and Burgh with water, and that for the purpose of obtaining and affording such supply of water, the Petitioners proposed, under the provisions of The Public Health (Scotland) Act 1867, and the Lands Clauses Acts, to purchase and take lands 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 Petitioners had published the advertisements and deposited the Plan and served the notices required by the nineteenth section of the said 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 before mentioned, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement :

And whereas inquiry having been directed and duly held in respect of the matters mentioned in the said Petition, I have resolved to grant the prayer thereof, and plans and sections describing the works intended to be constructed, and the lands intended to be taken for the purposes thereof, and of the said Water Supply, have been signed by me with reference to this Order, and will be deposited with the Sheriff-Clerk of the County of Midlothian at his office in Edinburgh, and with the Sheriff-Clerk of the County of Linlithgow at his office in Linlithgow :

Now, therefore, in pursuance of the powers vested in me by The Public Health (Scotland) Act 1867, and the Secretary for Scotland Acts 1885 and 1887, I, as Secretary for Scotland, do by this Provisional Order under my hand, direct that from and after the passing of any Act of Parliament confirming the same,—

1. It shall be lawful for the Parochial Board of the Parish of Kirkliston, the Parochial Board of the Parish of Dalmeny, and the Police Commissioners of the Burgh of South Queensferry, as the local authorities in the parish of Kirkliston, landward part of the Parish of Dalmeny and Burgh of South Queensferry respectively, to put in force with reference to the lands described on the said plans, and within the limits of deviation shown thereon, the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, but the said powers are granted only under the following conditions, that is to say,—

Any works to be constructed in laying down, altering, replacing or repairing any aqueduct, conduit, or line of pipes by the local authorities, in the exercise of the powers conferred by this Order, upon, across, or under, or in any way affecting any Railway or Canal belonging to the North British Railway Company, or any of the bridges or works thereof, or any lands or property belonging to that Company, or affecting any railway belonging to the Caledonian 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 Engineers for the time being of these Companies respectively, and



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according to plans to be reasonably approved by them before any such works are begun, but in all things at the expense of the local authorities, and so as to cause as little injury as possible to any such railway, canal, bridges, banks, works, lands or property, or interruption to the passage or conduct of traffic over or upon any such railway or canal, and if in consequence of the laying or keeping laid of the aqueduct, conduit, or line of pipes authorised by this Provisional Order, any injury be caused to any such railway, canal, bridges, banks, works, lands or property, or any interruption be caused to such traffic, the local authorities shall make full compensation to the said Companies in respect of such injury or interruption, and the amount thereof shall be recoverable, with full costs, from the said local authorities by all and the same means as a simple Contract debt is recoverable.

2. The Local Authorities, in constructing the works described on the said plan, 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, to any extent not exceeding five feet upwards and five feet downwards: Provided always, that they shall not in the exercise of their power of lateral deviation hereby given construct any embankment or retaining wall of the reservoir hereby authorised of a greater height above the general surface of the ground than that shown on the deposited plans, and five feet in addition.

~~Not empowered by the Lands Clauses Consolidation (Scotland) Act 1845 to sell and convey or dispose of lands may, if they think fit, subject to the provisions of that Act, and of The Lands Clauses Consolidation Acts Amendment Act 1860, grant to the said local authorities any servitude, right, or privilege required for the purposes 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 respectively.~~

4. 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 likewise water and the right thereto. The expression "the local authorities" in this Order, and the expression "the promoters of the undertaking" in the Lands Clauses Acts, with reference to this Order, mean respectively the Parochial Board of the parish of Kirkliston, the Parochial Board of the Parish of Dalmeny, and the Police Commissioners of the Burgh of South Queensferry, as the local authorities in the parish of Kirkliston, landward part of the parish of Dalmeny and Burgh of South Queensferry respectively, under The Public Health (Scotland) Act 1867, and the expression "the Special Act" in the Lands Clauses Acts with reference to this Order, means this Order.

5. The Local Authorities shall not under the powers of this 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

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which, after the passing of the Act confirming this Order, 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.

For the purposes of this section the expression "labouring classes" 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.

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

LOTHIAN.

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