

[60 & 61 Vict.] *Duntocher and Dalmuir Water Order* [Ch. clix.]
Confirmation Act, 1897.



CHAPTER clix.

An Act to confirm a Provisional Order under the Public Health (Scotland) Act 1867 and the Acts amending the same relating to Duntocher and Dalmuir Water Supply. A.D. 1897.
[6th August 1897.]

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 the Acts amending the same and it is necessary that the said Order should be confirmed by Parliament: 30 & 31 Vict. c. 101.

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 Provisional Order as amended and set forth in the schedule hereto annexed shall be and the same is hereby confirmed. Confirmation of Provisional Order.

2. This Act may be cited as the Duntocher and Dalmuir Water Order Confirmation Act 1897. Short title.

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SCHEDULE.

PROVISIONAL ORDER.

WHEREAS by the Public Health (Scotland) Act 1867 (herein-after called "the Act of 1867") it is inter alia enacted (section 89) 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) as follows:—

- " (1) 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 pur-
" poses 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 "(3) 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 Act of 1867 (section 90) that upon compliance with the provisions therein 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 upon due 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 that after the completion of such inquiry the

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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 ; A.D. 1897.
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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 Act of 1867 and Acts amending the same were transferred to vested in and imposed on the Secretary for Scotland ;

And whereas part of the parish of Old or West Kilpatrick in the county of Dumbarton was by a decree of the sheriff of Dumbartonshire dated the twenty-fifth day of August one thousand eight hundred and seventy-three formed into a special water supply district in pursuance of the provisions of the Act of 1867 under the name of the Special Water Supply District of Duntocher and Dalmuir ;

And whereas the parochial board of the said parish as local authority under the Act of 1867 obtained a Provisional Order dated the sixteenth day of April one thousand eight hundred and seventy-four for a supply of water for the domestic use of the inhabitants and occupiers of the said special water supply district and for trading and manufacturing and other purposes which was confirmed by the Public Health (Scotland) Supplemental Act 1874 and constructed the reservoir and other works all as authorised by the said Provisional Order and Confirmation Act ;

And whereas the said parochial board obtained another Provisional Order dated the eleventh day of June one thousand eight hundred and eighty-seven authorising them to construct the additional works authorised by that Order and to obtain an additional supply of water which Provisional Order was confirmed by the Duntocher and Dalmuir Water Supply Confirmation Act 1887 which works have been duly constructed ;

And whereas under the provisions of the Local Government (Scotland) Act 1889 the county of Dumbarton has been divided into districts and the District Committee of the eastern district of the said county (herein-after called "the District Committee") in which district the Special Water Supply District of Duntocher and Dalmuir is situate are the local authority under and for the purposes of the Act of 1867 and the Acts amending and extending the same within the Eastern District in the room and place of the parochial boards of the several parishes within the said district which district includes so far as the water supply thereof is concerned the burgh of Clydebank ;

And whereas a petition under the provisions of the Act of 1867 and Acts amending and extending the same has been presented to me as Secretary for Scotland by the District Committee as the local authority aforesaid with consent and concurrence of the County Council of the county of Dumbarton setting forth among other things that the existing water supply of the said district is insufficient and that it would be of great advantage to the inhabitants and occupiers of the said district if the Petitioners were authorised to obtain an additional supply of water for the domestic use of the said inhabitants and occupiers and of the inhabitants and occupiers of houses and lands adjoining and

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near to any part of the waterworks from time to time of the District Committee and for public baths and wash-houses and for trading and manufacturing and other purposes under the provisions of the Act of 1867 and that for the purpose of affording such supply of water the Petitioners proposed to construct the works within the said parish of Old or West Kilpatrick shown on the plans herein-after mentioned and under the provisions of the said last-mentioned Act and the Lands Clauses Acts to purchase and take the lands and water required for the purposes of the said water supply situate within the said parish delineated on the said plans and described in the book of reference thereto also herein-after mentioned or such of them as will or may be required to be taken or used for or in connection with the said works and the said water supply ;

And whereas the said petition further set forth that the Petitioners published the advertisements and deposited the plans and sections and book of reference and served the notices required by the said section 90 of the Act of 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 above-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 contained in the said petition I have resolved to grant the prayer thereof and plans and sections describing the works to be constructed and also the lands and water intended to be taken for the purposes thereof and of the said water supply and a book of reference to such plans containing the names of the owners or reputed owners lessees or reputed lessees and of the occupiers of such lands have been signed by me with reference to this Order and will be deposited with the sheriff clerk of the county of Dumbarton at his office at Dumbarton :

Now therefore in pursuance of the powers contained in the Act of 1867 and transferred to and vested in me by the Secretary for Scotland Act 1885 I the Right Honourable Alexander Hugh Lord Balfour of Burleigh Her Majesty's 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 :—

Incorporation
of Waterworks
Clauses Acts.

1. The clauses of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes and the provisions of the Waterworks Clauses Act 1863 with respect to the security of the reservoirs constructed by the undertakers are hereby incorporated with this Order.

Interpretation.

2. The expression "the special Act" in the Lands Clauses Acts and in the clauses and provisions of the Waterworks Clauses Acts 1847 and 1863 incorporated herewith shall mean and include this Order and the expression "the promoters of the undertaking" in the Lands Clauses Acts and "the undertakers" in the clauses and provisions of the Waterworks Clauses Acts 1847 and 1863 shall with reference to this Order mean the District Committee and in this Order the word "lands" shall have the meaning assigned to it in the Lands Clauses Acts and shall include "water" and the right thereto And

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the expression "the new works" shall mean the works described on the plans and sections deposited in relation to this Order. A.D. 1897.

3. The District Committee may subject to the provisions of this Order put in force with reference to the lands described on the plans and in the book of reference the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement. District Committee may put in force powers of Lands Clauses Acts.

4. The District Committee in constructing the new works may deviate laterally from the lines laid down on the said plans to any extent not exceeding the limits of lateral deviation shown thereon and may deviate vertically from the levels of the new works as defined on the sections to any extent not exceeding five feet upwards and five feet downwards. Provided always that the District Committee shall not in the exercise of the power of lateral deviation hereby given construct any embankment or retaining wall of the reservoir shown on the said plans of a greater height above the general surface of the ground than that shown on the sections and five feet in addition. Provided also that if they shall exercise the powers of vertical deviation hereby granted they shall construct such embankment of such additional thickness at the base as shall be equal to five feet for every foot of additional height and shall make a corresponding addition to the strength of any retaining wall. Provided further that they may erect any water tower stand-pipe or other light work of any height which for the time being may be necessary or proper for the purposes of this Order. Lateral and vertical deviation.

5. The District Committee may in the execution of the new 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. Wayleaves.

6. The District Committee may make lay down erect and maintain all such embankments accesses catchwaters dams weirs sluices gauges filters and filtering beds tanks cisterns pipes cuts byewashes channels tunnels and all other works and conveniences connected with the new works as may be necessary or convenient for the purposes of such works and supplying of water therefrom and may from time to time within the said special water supply district make lay down and maintain all such aqueducts conduits main and distributing pipes valves gauges scours pressure pipes catchwater drains and all other works and conveniences necessary or proper for conducting distributing and supplying water within the said district and may also from time to time on or within any of their lands or on or over any lands on or over which they by agreement have or may acquire right so to do extend alter replace enlarge and increase the number and size of their works mains and pipes for the better conveying distributing and supplying water to the said district. Incidental works.

7.—(1.) The District Committee shall not during the progress of the works diminish the volume of water passing down the Duntocher Burn and the District Committee shall as soon as the new works are completed so far as to be able to afford the supply of compensation water hereinafter mentioned cause to be discharged from the reservoir by this Order authorised down the Loch Compensation water.

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A.D. 1897. — Humphrey Burn a regular and continuous flow of compensation water of not less than five hundred and twenty-five thousand gallons every day (Sundays included) of twenty-four hours.

(2.) Whereas by Section 9 of the Dumbarton Waterworks Streets and Buildings Act 1883 it is provided that a regular and continuous flow of water of not less than three hundred and twenty thousand gallons in every day (Sundays excepted) of twenty-four hours shall be discharged from the reservoir authorised by that Act down the Loch Humphrey Burn the District Committee shall not during the construction of the reservoir authorised by this Order interrupt the flow of the said water and shall as soon as the new works are completed deliver from the said reservoir the said quantity of three hundred and twenty thousand gallons of water in every day (Sundays excepted) of twenty-four hours and that in addition to the quantity of water required to be discharged under sub-section (1) of this section Provided nevertheless that the District Committee shall only be bound to deliver the said compensation water of three hundred and twenty thousand gallons to the extent to which the same shall from time to time be discharged down the Loch Humphrey Burn in accordance with the provisions of Section 9 of the said Act.

(3.) Nothing in this Order contained shall confer on the District Committee any right to interfere with or control the embankments breastworks or sluices at the reservoir at Loch Humphrey belonging to or under the control of the Water Commissioners of the Burgh of Dumbarton and if the said Water Commissioners should at any time hereafter find it necessary or expedient to construct embankments breastworks or sluices at Loch Humphrey or to strengthen alter or raise the existing embankments or breastworks the District Committee shall not by reason of any powers conferred on them by this Order have any right or title to oppose or interfere with the intended works of the Water Commissioners and the District Committee shall not at any time oppose or interfere with the Water Commissioners as regards the making entering into or concluding arrangements or agreements for the restriction or extinction of the obligation to provide the compensation water referred to in the preceding sub-section or for the utilization in any way of such compensation water.

(4.) The District Committee shall to the satisfaction of the City Engineer of the Corporation of Glasgow construct and for ever thereafter maintain a suitable and accurate measuring gauge or gauges over or through which the said quantities of compensation water shall flow or be delivered.

(5.) The said gauges shall be open to the inspection and examination of the Corporation of Glasgow and all persons lawfully interested as aforesaid or of any person deputed by them or any of them.

(6.) The compensation water provided by this section shall be deemed to be compensation to millowners and other persons interested in the water flowing down the streams known as the Loch Humphrey Burn and the Greenside Burn and the Duntocher Burn for the water intercepted and appropriated for the purposes of this Order.

(7.) The level at which the compensation water shall be discharged from the reservoir by this Order authorised shall be adjusted between the city

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engineer for the time being of the Corporation of Glasgow and the engineer for the time being of the district committee and in the event of their differing in opinion shall on the requisition of any party interested be determined by the water engineer for the time being of the said Corporation whose decision shall be final. A.D. 1897.

(8.) In the event of the District Committee failing from any cause to supply the compensation water herein-before provided for the Corporation of Glasgow and the respective proprietors for the time being of the Hardgate and Faifley Mills situate on the Duntocher Burn and of the estate of Kilpatrick may respectively from time to time apply to the sheriff of the county of Dumbarton (excluding his substitute or substitutes) by summary petition to fix and determine any loss injury damage and outlays sustained or incurred or that may be sustained or incurred by the said Corporation or such proprietors in respect of such failure and to decern against the District Committee therefor.

The costs of and incidental to such application shall be determined by such sheriff who may award the same to or against either party.

(9.) The District Committee shall construct a settling pond or settling ponds capable of containing the whole water used in one day at the sandwashers in connection with the filter beds to be constructed under this Order and the water so used and all dirty water from the said filter beds or tanks or other works connected therewith shall be led into the said settling ponds and allowed to settle at least ten hours before being drawn off and discharged into the Duntocher Burn or any of its tributaries and the mud or deposit collected in the said settling ponds shall be regularly cleaned out and disposed of so as to prevent any risk of polluting the water in the Duntocher Burn.

8. The proprietor for the time being of the estate of Kilpatrick shall have reserved to him the exclusive right of curling skating fishing shooting and sporting in and over the lands acquired from him by the District Committee under this Order as well as on and over that part of the reservoir by this Order authorised to be formed on such lands Provided always that the District Committee shall have right to protect their works from injury and that they shall be entitled to keep and use boats on the said reservoir for the purpose of constructing inspecting repairing and renewing the works Provided that the said proprietor shall have the right of restraining by all lawful means any trespass or unauthorised use of the said reservoir. For the protection of Lord Blantyre.

9. The District Committee shall not under the powers of this Order purchase or acquire in any district within the meaning of the Act of 1867 ten or more houses which on the 15th day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the said 15th day of December last but have been or shall be subsequently so occupied. Restriction on taking houses of labouring class.

For the purposes of this section the expression "labouring class" includes mechanics artisans 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

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Given under my hand and seal at Whitehall this thirteenth day of April
one thousand eight hundred and ninety-seven.

(L.S.)

BALFOUR OF BURLEIGH.

Printed by EYRE and SPOTTISWOODE,

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T. DIGBY PICOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

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