



# Public Health (Scotland) Act 1897

## 1897 CHAPTER 38

### PART VI

#### SEWERS, DRAINS, AND WATER SUPPLY.

##### *Sewers and Drains.*

#### 122 Special drainage districts.

- (1) Upon requisition to that effect made in writing by a parish council or by not fewer than ten ratepayers within the district of a local authority not being the local authority of a burgh, the local authority shall be bound to meet, after twenty-one days notice, or, if the local authority itself so resolve, it may meet after twenty-one days notice, and shall, whether sewers or drains have been already constructed or not, consider the propriety of—
- (a) forming part of their district into a special drainage district; or
  - (b) enlarging or limiting the boundaries of a special drainage district; or
  - (c) combining a special drainage district with another special drainage district; or
  - (d) enlarging or limiting the boundaries of both or either of such special drainage districts and combining the same or parts thereof; or
  - (e) determining that any special drainage district shall cease to exist as a special drainage district, or that any such combination shall cease;

and the resolution of the local authority shall determine all questions regarding the payment of any debt which may affect any district or special drainage district, and the right to impose and the obligation to pay any assessment affected by such determination, and shall fix the date at which such determination shall take effect; and such resolution shall be published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district, and a copy of said resolution shall be forthwith transmitted to the Board, and, where the local authority is a district committee, to the county council; and the production of such newspaper or handbill, or a certificate under the hand of the clerk of the local authority (whose signature need not be proved), shall be sufficient evidence of such resolution; and within twenty-one

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*Status: This is the original version (as it was originally enacted).*

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days after the date of the first publication of such resolution it shall be competent for any person interested to appeal against the resolution, whatever its terms may be, to the sheriff, and the sheriff, not being a sheriff substitute resident within the district, may either approve or disapprove of. such resolution, and if he disapproves thereof he may either find that no special drainage district should be formed, or may enlarge or limit the special district as defined by the resolution of the local authority, or may find that a special drainage district should be formed and may define the limits thereof, or may find that such special drainage district or part thereof shall be combined as prayed, or that such combination shall cease, or that such special drainage district or districts shall, as such, cease to exist; and the decision of the sheriff shall be binding, and shall be final, except where it is pronounced by a sheriff substitute, in which case it may be appealed to the sheriff.

- (2) The order of the sheriff shall determine all questions regarding the payment of any debt which may affect any district or special drainage district, and the right to impose, and the obligation to pay, any assessment affected by his determination, and shall fix the date at which such determination shall take effect, and a copy of any order pronounced by the sheriff shall be forthwith published in one or more newspapers circulating in the district, or by the posting of handbills throughout the district, and transmitted to the Board and to the county council.
- (3) Where a district committee is the local authority, notwithstanding the provisions of section seventeen, sub-section two, sub-head (c) of the Local Government (Scotland) Act, 1889, it shall not be competent to appeal to the county council against any resolution of the district committee under this section.
- (4) Where a special drainage district has been formed, or may hereafter be formed under the provisions of this Act, the district committee of the district in which such special drainage district is or may be situated, or the county council where a county is not divided into districts, shall in their discretion have power to provide for the drainage of the highways and footpaths under their management and control within such special drainage district, or to pay or contribute out of the assessments raised under the Roads and Bridges (Scotland) Act, 1878, a proportion of the cost of providing and maintaining sewers sufficient for the drainage of such highways and footpaths.
- (5) Nothing contained in this Act shall prejudice the provisions of sub-sections one and two of section eighty-one of the Local Government (Scotland) Act, 1889, as amended by section forty-four of the Local Government (Scotland) Act, 1894.