



**CHAPTER ii.**

An Act to confirm a Provisional Order under the Private Legislation Procedure (Scotland) Act 1936 relating to Glasgow Water and Tramways.  
[14th March 1940.]

**W**HEREAS a Provisional Order relating to Glasgow Water and Tramways has after inquiry held before Commissioners been made by the Secretary of State under the provisions of the Private Legislation Procedure (Scotland) Act 1936 and it is expedient that the said Order should subject to amendment be confirmed by Parliament :

26 Geo. 5. &  
1 Edw. 8.  
c. 52.

Be it therefore enacted by the King'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 so made which as amended is set forth in the schedule hereunto annexed is hereby confirmed.

Confirmation  
of Order in  
schedule.

2. This Act may be cited as the Glasgow Water and Tramways Order Confirmation Act 1940.

Short title.

**SCHEDULE.**

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**GLASGOW WATER AND TRAMWAYS.**

*Provisional Order to authorise the corporation of the city of Glasgow to construct waterworks and tramways and to borrow money for their water and tramway undertakings and to confer further powers on the Corporation with respect to those undertakings and for other purposes.*

18 & 19 Vict.  
c. cxviii.

WHEREAS by the Glasgow Corporation Waterworks Act 1855 the corporation of the city of Glasgow (hereinafter referred to as "the Corporation" and "the city" respectively) were authorised to purchase and acquire the Glasgow waterworks and the Gorbals gravitation waterworks and to introduce an additional supply of water from Loch Katrine and to supply with water the city and suburbs and districts and places adjacent :

And whereas the Corporation purchased and acquired the undertakings of the Company of Proprietors of the Glasgow Waterworks and the Gorbals Gravitation Water Company and the whole waterworks property rights and privileges of those companies were transferred to and vested in the Corporation :

And whereas further powers were conferred upon the Corporation by the Glasgow Water Acts 1855 to 1937 :

And whereas owing to the increase in the demand for water in the Corporation's limits for the supply of water it is expedient that the Corporation should be authorised to lay additional aqueducts or lines of pipes from their existing reservoirs and to construct other works to enable them to meet such demand :

And whereas under the Glasgow Tramways Acts 1905 to 1938 the Corporation have constructed and maintain tramways in and in the neighbourhood of the city and it is expedient that they should be authorised to construct and maintain the additional tramways hereinafter in this Order described :

And whereas it is expedient that the Corporation should be authorised to borrow further money for their water and tramway undertakings :

And whereas estimates have been prepared by the Corporation in relation to the following purposes in respect of which they are by this Order authorised to borrow money and such estimates are as follows :—

For the purchase of lands and servitudes . . . . .	£38,500
For the waterworks by this Order authorised . . . . .	£436,500
For the tramways by this Order authorised . . . . .	£45,800

And whereas the works included in such estimates are permanent works and it is expedient that the cost thereof should be spread over a term of years :

And whereas plans and sections showing the lines and levels of the works authorised by this Order and plans of the lands to be acquired compulsorily and also a book of reference to those plans containing the names of the owners and lessees or reputed owners and lessees and of the occupiers of the lands required or which may be taken for the purposes or under the powers of this Order were duly deposited with the sheriff-clerks of the counties of Dunbarton Stirling and Lanark the town clerks of the city and the royal burgh of Rutherglen and the clerks of the district councils of the districts in which such lands are situated and such plans sections and book of reference are hereinafter respectively referred to as the deposited plans sections and book of reference :

And whereas it is expedient that the further provisions contained in this Order should be enacted :

And whereas the purposes aforesaid cannot be effected without an order confirmed by Parliament under the Private Legislation Procedure (Scotland) Act 1936 :

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*Order Confirmation Act, 1940.*

Now therefore in pursuance of the powers contained in the last-mentioned Act the Secretary of State orders as follows :—

**PART I.**

**PRELIMINARY.**

Short title  
and  
citations.

1. This Order may be cited as the Glasgow Water and Tramways Order 1939.

This Order and the Glasgow Loans Acts 1883 to 1938 may be cited together as the Glasgow Loans Acts 1883 to 1939.

This Order and the Glasgow Tramways Acts 1905 to 1938 may be cited together as the Glasgow Tramways Acts 1905 to 1939.

This Order and the Glasgow Water Acts 1855 to 1937 may be cited together as the Glasgow Water Acts 1855 to 1939.

This Order shall be included among the Acts and Orders which may be cited together as the Glasgow Corporation Acts 1855 to 1939.

Order  
divided  
into Parts.

2. This Order is divided into Parts as follows :—

Part I.—Preliminary.

Part II.—Lands.

Part III.—Waterworks.

Part IV.—Tramways.

Part V.—Miscellaneous.

Interpre-  
tation.

3. The following words and expressions in this Order have unless there be something in the subject or context repugnant to such construction the meanings hereby assigned to them (that is to say) :—

“ City ” means the city and royal burgh of Glasgow ;

“ Corporation ” means the Corporation of the city of Glasgow ;

“ Intended tramways ” means the tramways authorised by this Order ;

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PART I.  
—cont.

“Lands Clauses Acts” means the Lands Clauses Acts as modified by the Acquisition of Land (Assessment of Compensation) Act 1919 as such last-mentioned Act is amended by the Acquisition of Land (Assessment of Compensation) (Scotland) Act 1931 and by this Order;

9 & 10 Geo. 5.  
c. 74.

21 & 22  
Geo. 5. c. 11.

“Order of 1905” means the Glasgow Corporation (Tramways Consolidation) Order 1905;

5 Edw. 7.  
c. cxxviii.

“Sheriff” means the sheriff of the counties of Dunbarton, Stirling and Lanark as the case may be and includes his substitutes;

“Town clerk” means the town clerk of the city;

“Tramways Acts” means the Glasgow Tramways Acts 1905 to 1938;

“Tramway undertaking” means the undertaking authorised by the Tramways Acts;

“Water Acts” means the Glasgow Water Acts 1855 to 1937;

“Water undertaking” means the water undertaking of the Corporation authorised by the Water Acts and this Order;

“Waterworks” means the waterworks authorised by this Order.

4.—(1) The following Acts so far as they are applicable to the purposes of and are not inconsistent with this Order are hereby (except where expressly varied by this Order) incorporated with this Order:—

Incorporation of  
Acts.

(a) The Lands Clauses Acts with the following exceptions and modifications:—

(i) Sections 120 to 124 of the Lands Clauses Consolidation (Scotland) Act 1845;

8 & 9 Vict.  
c. 18.

(ii) The bond required by section 84 of the Lands Clauses Consolidation (Scotland) Act 1845 shall be sufficient without the addition of the sureties mentioned in that section;

(b) The Waterworks Clauses Act 1847 except—

10 & 11 Vict.  
c. 17.

(i) The words “with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner” in section 44;

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Order Confirmation Act, 1940.*

**PART I.**  
—cont.

(ii) Sections 75 to 82 (with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit); and

(iii) Section 83 (with respect to the yearly receipts and expenditure of the undertakers);

26 & 27 Vict.  
c. 93.  
8 & 9 Vict.  
c. 33.

(c) The Waterworks Clauses Act 1863.

(d) The Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and in such provisions for the purposes of this Order the expression "the railway" means the works authorised by this Order and the expression "the centre line of the railway" means any part of such works.

(2) In the construction of the Lands Clauses Acts the Waterworks Clauses Acts 1847 and 1863 and the Railways Clauses Consolidation (Scotland) Act 1845 the expressions "the promoters of the undertaking" "the undertakers" and "the company" mean respectively the Corporation.

(3) This Order shall be deemed to be a Special Act within the meaning of those Acts.

**PART II.**

**LANDS.**

Power to  
take lands.

5. Subject to the provisions and for the purposes of Part III of this Order the Corporation may enter upon take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Period for  
compulsory  
purchase.

6. The powers of the Corporation for the compulsory purchase of lands for the purposes of Part III of this Order shall cease on the thirty-first day of December one thousand nine hundred and forty-two.

Acquisition  
of servi-  
tudes for  
under-  
ground  
works.

7.—(1) The Corporation may in lieu of acquiring any lands for the purposes of the waterworks where the same are intended to be constructed underground acquire such servitudes only in such lands as they may require for such purposes and may give notice to treat in respect of such

servitudes describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such servitudes as fully as if the same were lands within the meaning of those Acts.

PART II.  
—cont.

(2) As regards any lands in respect of which the Corporation have acquired servitudes only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such servitudes have the same rights of passing over and using the said lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if the Act confirming this Order had not been passed.

8. Whereas in order to avoid in the construction and maintenance of any works authorised by this Order injury to the houses and buildings within one hundred feet of such works it may be necessary to underpin or otherwise strengthen the same Therefore the Corporation at their own expense may and if required by the owners or lessees of any such house or building shall subject as hereinafter in this section provided underpin or otherwise strengthen the same and the following provisions shall unless otherwise agreed have effect and be binding on the Corporation (that is to say) :—

Under-  
pinning or  
otherwise  
strengthen-  
ing houses.

- (1) At least ten days' notice shall unless in case of emergency be given to the owners lessees and occupiers or by the owners or lessees of the house or building so intended or so required to be underpinned or otherwise strengthened :
- (2) Each such notice if given by the Corporation shall be served in manner prescribed by section 18 of the Lands Clauses Consolidation (Scotland) Act 1845 and if given by the owners or lessees of any such house or building to be underpinned or strengthened shall be sent to the principal office of the Corporation :
- (3) If any owner lessee or occupier of any such house or building or the Corporation as the case may require shall within seven days after the giving of such notice give a counter-notice in writing that he or they as the case may be dispute the necessity of such underpinning or

PART II.  
—cont.

strengthening the question of the necessity shall (failing agreement) be determined by an engineer to be agreed upon or in case of difference appointed at the instance of either party by the President of the Institution of Civil Engineers :

- (4) The arbiter to be appointed shall forthwith upon the application of either party proceed to inspect such house or building and determine the matter referred to him and in the event of his deciding that such underpinning or strengthening is necessary he may and if so required by such owner lessee or occupier shall prescribe the mode in which the same shall be constructed and the Corporation may and shall proceed forthwith so to underpin or strengthen the said house or building :
- (5) The Corporation shall be liable to compensate the owners lessees and occupiers of every such house or building for any inconvenience loss or damage which may result to them by reason of the exercise of the powers granted by this enactment :
- (6) If in any case in which any house or building has been underpinned or strengthened on the requisition of the Corporation such underpinning or strengthening proves inadequate for the support or protection of the house or building against further injury arising from the construction or use of the works of the Corporation then and in every such case unless such underpinning or strengthening has been done in pursuance of and in the mode prescribed by the arbiter the Corporation shall make compensation to the owners lessees and occupiers of such house or building for such injury provided the claim for compensation in respect thereof be made by such owners within twelve months and by such lessees or occupiers within six months from the discovery thereof :
- (7) Nothing contained in this section nor any dealing with any property in pursuance of this section shall relieve the Corporation from the liability to compensate under the Lands Clauses



Consolidation (Scotland) Act 1845 or under  
any other Act :

PART II.  
—cont.

- (8) Every case of compensation to be ascertained under this section shall be ascertained according to the provisions of the Lands Clauses Acts; and
- (9) Nothing contained in this section shall repeal or affect the application of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

9.—(1) For the purposes and during the construction of the waterworks and in maintaining renewing altering and repairing the same and subject to the provisions of this Order the Corporation may use break up or cross over or under alter or stop up temporarily any streets highways roads lanes paths rivers streams quays bridges railways tramways canals passages sewers drains water-courses mill lades or mill dams sluices gas pipes and water pipes and electric or telephonic apparatus in any of the lands shown on the deposited plans and specified in the deposited book of reference which they may from time to time find it expedient for any of those purposes so to interfere with providing when possible a proper temporary substitute before interrupting the traffic on any such street highway road lane path river stream quay bridge railway tramway canal or passage or the flow of water gas sewage or electricity or telephonic communication in any such river stream sewer drain watercourse mill lade mill dam sluice canal pipe or apparatus as the case may be and making full compensation to all persons injuriously affected by the exercise of the powers granted to the Corporation under this Order.

Power to  
alter roads  
temporarily.

(2) Nothing contained in this Order shall extend to authorise any interference with—

- (a) any telegraphic line (as defined in the Telegraph Act 1878) or other property of His Majesty's Postmaster-General; or
- (b) any works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section.

41 & 42 Vict.  
c. 76.

45 & 46 Vict.  
c. 56.

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**PART II.**  
—*cont.*  
**Servitudes  
&c. by  
agreement.**

10. Persons empowered by the Lands Clauses Acts to sell and convey or discharge lands may if they think fit subject to the provisions of those Acts and of this Order grant to the Corporation any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the grantors have an interest) 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 rentcharges 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.

**Owners  
may be  
required to  
sell parts  
only of  
certain  
properties.**

11.—(1) Whereas in the exercise of the powers of this Order it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the waterworks or any of them and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

- (i) The owner of and persons interested in any of the properties whereof the whole or part is described in the schedule to this Order and whereof a portion only is required for the purposes of this Order or each or any of them are hereinafter in this section included in the term "the owner" and the said properties are hereinafter in this section referred to as "the scheduled property";
- (ii) If for twenty-one days after the service of notice to treat in respect of a specified portion of the scheduled property the owner fails to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise;

- (iii) If within such twenty-one days the owner by notice in writing to the Corporation alleges that such portion cannot be so severed the arbiter to whom the question of disputed compensation is submitted shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the notice to treat can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed;
- (iv) If the arbiter has determined that the portion of the scheduled property specified in the notice to treat or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the arbiter has determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by severance or otherwise as shall be awarded by the arbiter;
- (v) If the arbiter determine that the portion of the scheduled property specified in the notice to treat can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto he may in his absolute discretion determine and order that any costs charges and expenses incurred by the owner incident to the arbitration or inquiry shall be borne and paid by the owner;
- (vi) If the arbiter determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto (and whether or not he determines that any other portion can be so severed) the Corporation may withdraw their notice to treat and thereupon they shall

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**PART II.**  
*—cont.*

pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice;

- (vii) If the arbiter determine that the portion of the scheduled property specified in the notice to treat cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation if they shall not withdraw the notice to treat shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such notice or such portion thereof as the arbiter shall having regard to the circumstances of the case and his final determination think fit.

(2) The provisions of this section shall be in force notwithstanding anything contained in the Lands Clauses Consolidation (Scotland) Act 1845 and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled property or any part thereof is or is not or but for this section would be or would not be subject to the provisions of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

(3) The provisions of this section shall be stated in every notice to treat given in respect of a specified portion of the scheduled property.

Power to  
purchase  
cellars &c.

12. Notwithstanding anything contained in this Order the owners of and other persons interested in any cellar vault or other construction in or under any lands which the Corporation are by this Order authorised to enter upon take and use for the purposes of the water-works shall if need be sell the same for such purposes the Corporation paying such sum for such cellar vault or other construction including compensation for any damage sustained by such owners or persons by severance or otherwise as failing agreement shall be settled by the arbiter and such cellar vault or other construction to be taken and used as aforesaid shall not be deemed part of a house or other building or manufactory within the meaning of section 90 of the Lands Clauses Consolidation (Scotland) Act 1845.

13. All private rights of way over any lands which shall under the powers of this Order be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the acquisition of land otherwise than by agreement.

PART II.  
—cont.  
As to private rights of way over lands taken compulsorily.

14. For the purpose of determining any question of disputed purchase money or compensation payable in respect of lands taken under the powers of this Order by the Corporation the arbiter shall not award any sum of money for or in respect of any improvement alteration or building made or for or in respect of any interest in the lands created after the first day of February one thousand nine hundred and thirty-nine if in the opinion of such arbiter the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made or created with a view to obtaining or increasing purchase money or compensation under this Order.

Compensation in case of recently altered buildings.

15. The Corporation and their surveyors officers and workmen and any person duly authorised in writing under the hand of the town clerk may from time to time at all reasonable times in the day upon giving in writing for the first time twenty-four hours' and afterwards from time to time twelve hours' previous notice enter upon and into the lands houses and buildings authorised by this Order to be taken and used or any of them for the purpose of surveying and valuing the said lands houses and buildings without being subject or liable to any fine penalty or punishment on account of entering or continuing upon any part of the said lands houses and buildings.

Power to enter upon property for survey and valuation.

16. At any time after notice to treat has been served for any land which the Corporation are by this Order authorised to purchase compulsorily the Corporation may after giving to the owner and occupier of the land not less than ninety days' notice enter on and take possession of the land or such part thereof as is specified in the notice without previous consent or compliance with sections 83 to 89 of the Lands Clauses Consolidation (Scotland) Act 1845 but subject to the payment of the like compensation

Further powers of entry.

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—*cont.*

for the land of which possession is taken and interest on the compensation awarded as would have been payable if those provisions had been complied with.

**Additional  
land.**

17. The Corporation may for the purposes of the water undertaking by agreement acquire or feu any quantity of land not exceeding in the whole ten acres but nothing in this Order shall exempt the Corporation from any action or other proceeding for nuisance in the event of any nuisance being caused or permitted by them upon any land acquired or feued under the provisions of this section.

**Correction  
of errors in  
deposited  
plans and  
book of  
reference.**

18. If there be any omission misstatement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers affected by such proposed correction may apply to the sheriff of the county in which such lands are situated for the correction thereof and if it appear to the said sheriff that such omission misstatement or wrong description arose from accident or mistake he shall certify the same accordingly and shall in his certificate state the particulars of the omission and in what respect any such matter is misstated or wrongly described and such certificate shall be deposited with the sheriff-clerk of the county and a duplicate thereof with the town clerk of the city or of the burgh or with the clerk of the district council of the district in which such lands are situated as the case may be and such certificate and duplicate respectively shall be kept by such clerks respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and the Corporation may take the lands and execute the works in accordance with such certificate.

**PART III.**

**WATERWORKS.**

**Power to  
construct  
works.**

19.—(1) Subject to the provisions of this Order the Corporation may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described and from time

to time alter renew and reconstruct the same The works  
hereinbefore referred to are—

PART III.  
—cont.

Work No. 1 An aqueduct conduit line or lines of pipes wholly situated in the parish of New Kilpatrick and the county of Dunbarton commencing in the Mugdock reservoir of the Corporation at a point on the south-east corner of the Mugdock reservoir 23 yards or thereabouts from the southern end of the road between the Mugdock reservoir and the Craigmaddie reservoir of the Corporation and terminating at a point in the Tinker's Burn 220 yards or thereabouts measured in a southerly direction along the course of the Tinker's Burn from the south side of the public road from Milngavie to Baldernock where that burn crosses that road;

Work No. 2 An aqueduct conduit line or lines of pipes wholly situated in the parish of Baldernock and the county of Stirling commencing at the termination of Work No. 1 and terminating at the centre of the river Kelvin at a point 196 yards or thereabouts measured in a south-easterly direction from the intersection of the centre line of the London and North Eastern Railway (Kelvin Valley Line) and the centre line of the access road to Bardowie railway station (disused);

Work No. 3 An aqueduct conduit line or lines of pipes wholly situated in the parish of Cadder and the county of Lanark commencing at the termination of Work No. 2 and terminating in the proposed pumping station Work No. 4 next described;

Work No. 4 A pumping station wholly situated in the parish of Cadder and the county of Lanark to be erected on a site on the north side of Wester Cleddans Road at and to the east of the junction of that road with South Crosshill Road Bishopbriggs;

Work No. 5 An aqueduct conduit line or lines of pipes commencing in the parish of Cadder and the county of Lanark at the said intended pumping station Work No. 4 and terminating

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**PART III.**  
—cont.

in the city and the said parish at the north boundary of the enclosure marked 1304 on the 1/2500 Ordnance map Lanarkshire sheet VI.4 revision of 1932 at a point 44 yards from the north-east corner of the said enclosure measured in a westerly direction along the said boundary;

**Work No. 6** An aqueduct conduit line or lines of pipes wholly situated in the city the parish of Glasgow and the county of Lanark commencing at the termination of Work No. 5 and terminating in Work No. 7 next described;

**Work No. 7** A break pressure tank and service reservoir situated wholly in the city the parish of Glasgow and the county of Lanark in the enclosure marked 456 on the 1/2500 Ordnance map Lanarkshire sheet VII.5 revision of 1933;

**Work No. 8** An aqueduct conduit line or lines of pipes wholly situated in the city the parish of Glasgow and the county of Lanark commencing in Work No. 7 and terminating at a point in Causewayside Street 111 yards or thereabouts measured in a southerly direction from the junction of that street with Tollcross Road;

**Work No. 9** An aqueduct conduit line or lines of pipes wholly situated in the parish of Old Monkland and the county of Lanark commencing at the termination of Work No. 8 and terminating at the centre of the river Clyde at a point 23 yards or thereabouts measured in a southerly direction from the bridge carrying the London Midland and Scottish Railway (Rutherglen and Coatbridge Line) over the river Clyde;

**Work No. 10** An aqueduct conduit line or lines of pipes wholly situated in the parish of Rutherglen and the county of Lanark commencing at the termination of Work No. 9 and terminating in Burnside Road at a point 38 yards or thereabouts measured in a southerly direction from the junction of that road with Duke's Road;

**Work No. 11** An aqueduct conduit line or lines of pipes wholly situated in the parish of Cambuslang and the county of Lanark commencing



at the termination of Work No. 10 and terminating in Burnside Road at a point 89 yards or thereabouts measured in a northerly direction from the intersection of that road with Blairbeth Road;

PART III.  
—cont.

Work No. 12 An aqueduct conduit line or lines of pipes wholly situated in the parish of Rutherglen and the county of Lanark commencing at the termination of Work No. 11 and terminating at the intersection of Burnside Road and Blairbeth Road.

(2) The said works will be situated in or pass from through or into the city the royal burgh of Rutherglen and the parishes of New Kilpatrick Baldernock Cadder Glasgow Old Monkland Rutherglen Cambuslang and the counties of Dunbarton Stirling and Lanark.

20.—(1) In addition to the waterworks described in the section of this Order of which the marginal note is "Power to construct works" the Corporation may on the lands acquired for the purposes of the waterworks make and maintain all necessary and convenient buildings machinery boosters pumps and apparatus and other works of whatever description connected with or convenient or subsidiary to the hereinbefore described works or any of them or incidental thereto or necessary for inspecting conducting controlling cleansing repairing maintaining improving or managing the same.

Power to  
make  
subsidiary  
works.

(2) Nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

21. In the construction of the waterworks described in the section of this Order of which the marginal note is "Power to construct works" the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plans and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided that except for the purpose of crossing over a river or stream no part of the aqueducts authorised by this Order shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections Provided

Limits of  
deviation.

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**PART III.**  
—cont.

further that Work No. 8 where it crosses over the Monkland Canal shall be so constructed by the Corporation that the distance between the top water level of the said canal and the under surface of Work No. 8 shall not be less than nine feet.

Application  
of Water-  
works  
Clauses  
Act 1847  
to aque-  
ducts dis-  
charge-  
pipes and  
telephones.

22. The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the waterworks and of any discharge-pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and which they are hereby authorised to lay down or erect for the purposes of the water undertaking Provided that the Corporation shall not construct lay down erect or maintain any discharge-pipes telephone or telegraph posts wires conductors or apparatus in through across or under any road bridge or approach of a railway company except with the consent of such company in writing which consent shall not be unreasonably withheld.

Period for  
completion  
of works.

23. The waterworks shall be completed by the thirty-first day of December one thousand nine hundred and forty-six and after that date the powers by this Order granted to the Corporation for executing the waterworks shall cease except as to so much thereof as shall then be completed Provided that the Corporation may on the lands acquired by them or in which they have acquired a servitude under the powers of this Order at any time extend enlarge alter renew or remove any of their works and plant and in the case of the aqueducts conduits or lines of pipes by this Order authorised construct additional aqueducts conduits or lines of pipes as and when occasion may require.

Dwelling-  
houses for  
water  
undertaking  
employees.

24.—(1) The Corporation may erect purchase or take on lease dwelling-houses for such of the persons employed by them for the purposes of the water undertaking as require in consequence of the nature of their duties to reside in close proximity to the places where they are employed.

(2) Nothing contained in this section shall empower the Corporation to create or permit a nuisance.

25. The waterworks to be constructed under the authority of this Part of this Order shall form part of the water undertaking.

New works to form part of water undertaking.

26.—(1) For the purpose of constructing renewing enlarging extending repairing emptying cleansing or examining the aqueducts reservoirs and other waterworks forming part of the water undertaking the Corporation may cause the water in such works or any of them to be discharged temporarily into any available river stream or watercourse.

Repair of aqueducts &c. and temporary discharge of water into streams.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by an arbiter to be agreed on or (failing agreement) to be nominated by the sheriff on the application of either party.

(3) The powers of this section shall not be exercised so as to damage or injuriously affect the railways or canals or works of a railway company.

(4) (a) Nothing in this section shall authorise the Corporation to discharge water or cause any water to be discharged into the Forth and Clyde Canal of the London Midland and Scottish Railway Company or any feeder thereof or into any stream or brook flowing into any such canal or feeder without the consent of the said railway company which consent shall not be unreasonably withheld and may be given subject to such reasonable terms and conditions as the said railway company may think fit to impose.

(b) Any difference which may arise between the Corporation and the said railway company as to whether any such consent of the said railway company has been unreasonably withheld or as to whether any such terms or conditions are unreasonable shall be referred to and determined by an arbiter to be appointed by the President of the Institution of Civil Engineers on the application of either party after notice in writing to the other.

27. Any person being the owner or occupier of any house or building or part of a house or building or premises to or in respect of which he is not for the time

Penalty for turning on valves &c.

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**PART III.**  
—*cont.*

being entitled to a supply or the continuance of a supply of water by the Corporation who without the authority of the Corporation turns on any valve cock or other work or apparatus attached to any supply pipe connected with the main of the Corporation and provided or available for the purpose of affording such supply shall be deemed to commit an offence under section 60 of the Waterworks Clauses Act 1847 and the said section shall extend and apply accordingly.

Penalty for interference with valves &c.

28. Any person who without the consent of the Corporation opens or shuts off or in any way interferes with any valve cock or other work or apparatus belonging to the Corporation whereby the supply of water is interfered with shall (without prejudice to any other right or remedy of the Corporation) be guilty of an offence and shall be liable on summary conviction to a penalty not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damages sustained by them Provided that this section shall not apply to a consumer opening or shutting off the valve fixed on his supply pipe.

Communication pipes not to be connected with aqueducts.

29. Notwithstanding anything contained in this Order or in the Water Acts the provisions of the Waterworks Clauses Act 1847 with respect to—

the communication pipes to be laid by the undertakers; and

the communication pipes to be laid by the inhabitants;

shall not extend to impose any obligation on the Corporation to lay or to empower any owner or occupier of a dwelling-house or other person to lay any pipe to communicate with any reservoir aqueduct or other work other than a distributing main or pipe forming part of the water undertaking and accordingly such reservoir aqueduct or other work shall not be deemed to be pipes laid down by the undertakers or pipes of the undertakers for the purposes of the said provisions of the Waterworks Clauses Act 1847.

Extension of power to inspect premises.

30.—(1) In addition to the powers conferred by section 57 of the Waterworks Clauses Act 1847 the Corporation or any officer of the Corporation duly authorised by them in writing may at all reasonable times

between the hours of seven and nine in the morning and also between the hour of four in the afternoon and one hour after sunset (but in no case later than ten of the clock in the evening) enter into any house or premises supplied with water by the Corporation in order to examine if there be any waste or misuse of such water and if any person hinder any such officer from entering either under the said section 57 or under this section or making such examination as aforesaid he shall be guilty of an offence and shall for every such offence be liable on summary conviction to a penalty not exceeding five pounds. Provided that no person shall for the same offence have the water supplied to him turned off in pursuance of the said section 57 and also be liable to a penalty under this section.

PART III.  
—cont.

(2) Nothing in this section shall apply to any railways or stations or buildings connected therewith (other than dwelling-houses) of a railway company.

31. The following provisions for the protection of the London Midland and Scottish Railway Company and the London and North Eastern Railway Company (each of which companies is in this section called "the railway company") shall unless otherwise agreed in writing between the Corporation and the railway company apply and have effect (that is to say):—

For  
protection  
of railway  
companies.

(1) In this section the expression "the railway and works" means any railway tramway or canal of the railway company and all sidings stations depots roads bridges bridge approaches tunnels electric or telephonic apparatus and other works and conveniences connected therewith or any property or buildings of the railway company:

(2) In the construction of the waterworks where the same are situated near the railway and works the Corporation shall if and so far as required by the railway company deviate laterally the line of the said waterworks so as to keep the same as far from the railway and works as may be necessary and possible having regard to the powers of the Corporation under this Order and that either within the limits of deviation shown upon the deposited plans or beyond the same so far as such deviation can be made with the

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—cont.

consent of the railway company provided that such deviation shall only be at such places as may be agreed by the engineers of the Corporation and the railway company or as failing agreement may be fixed by the arbiter to be appointed as hereinafter provided :

- (3) The waterworks where the same are intended to be constructed under or across or near to or which may in any way affect the railway and works shall be constructed of such design strength and durability as shall be sufficient for the effectual and safe support of the railway and works and shall be constructed and completed and thereafter altered repaired renewed and maintained under the superintendence of the railway company at the expense in all things of the Corporation and (except in the case of emergency) in accordance only with plans and specifications to be submitted to the railway company at least three weeks before the commencement of the construction of such waterworks or of any alterations repairs or renewals thereof or if the railway company shall object to any such waterworks alterations repairs or renewals as shown on any plans and specifications so submitted to them then failing agreement as to any modification thereof in accordance only with plans and specifications to be settled by the arbiter to be appointed as hereinafter in this section provided of which last-mentioned plans and specifications a copy shall be delivered to the railway company at least three weeks before the commencement of the construction of any such waterworks or of any such alterations repairs or renewals Provided that if the railway company shall not express their approval or disapproval of any plans and specifications within twenty-one days after the same shall have been submitted to them as aforesaid the Corporation shall be entitled to proceed with the construction of such waterworks and with the said alterations repairs or renewals in accordance with such plans and specifications but the railway company shall not be held to have approved or acquiesced in such plans and specifications :

(4) The fact that any such waterworks alterations repairs or renewals have been constructed or carried out in accordance with any plans and specifications approved or not objected to by the railway company or with any requirement of the railway company or under the superintendence of the engineer of the railway company shall not excuse the Corporation from any liability for damage caused to the railway and works or affect any claim by the railway company for injury caused to the railway and works :

(5) The Corporation shall not either temporarily or permanently enter upon or interfere with the railway and works further or otherwise than may be necessary for constructing maintaining or effecting repairs to the waterworks which may be constructed under or across or near to the railway and works in accordance with any such plans and specifications as aforesaid and they shall not alter or interfere with the lines or levels of the railway and works and they shall not unless with the consent of the railway company acquire any land or property of the railway company but only such a servitude through or in any land or property of the railway company as may be necessary for such waterworks :

(6) The Corporation shall pay to the railway company all reasonable expenses which the railway company may incur in connection with or in consequence of the construction alteration renewal repair or maintenance of the waterworks including (without prejudice to the said generality) any reasonable expense incurred by the railway company in connection with the employment of inspectors signalmen watchmen and others and for superintendence of such works and all extra precautions for the safety and working of the railway company's railway or canal traffic or protection of the railway and works or the protection of the servants of the Corporation engaged within the property of the railway company on account of the construction

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alteration renewal repair or maintenance of the waterworks :

- (7) The waterworks shall be constructed altered renewed repaired and maintained by the Corporation so as not to alter or interfere with (except so far as may be necessary for carrying out the works) or injure or endanger the structure or stability of the railway and works and the Corporation shall at their own expense execute all underpinning or other works which may be necessary to secure the support or safety of the railway and works or any part thereof and should any damage or injury to or interference with the traffic on the railway and works be caused by or be due to the construction alteration renewal repair or maintenance by the Corporation of or the failure of or defect in any of the waterworks the Corporation shall free of all expense to the railway company execute all such works as may be necessary for repairing and making good the damage or preventing such interference as the case may be or the railway company in their option may on giving the Corporation as long previous notice in writing as possible in the circumstances enter upon the works or property of the Corporation and execute all such works as may be necessary for repairing and making good such damage or preventing such interference and the Corporation shall repay to the railway company all reasonable expenses so incurred by them in connection therewith :
- (8) The Corporation shall make full compensation to the railway company for all loss or damage which the railway company may incur caused by the construction alteration renewal repair or maintenance of (or failure to maintain) the waterworks or by any interruption impediment or interference to or with the railway and works consequent on the construction alteration renewal repair or maintenance of (or failure to maintain) the waterworks and the Corporation shall also free and relieve the railway company of and from all claims damages or compensation



which may be made against or recovered from the railway company arising out of or in consequence of the construction of the waterworks or the alteration renewal repair or maintenance thereof or failure to maintain the same so far as such may have been occasioned by the act or default of the Corporation or those for whom they are responsible :

PART III.  
—cont.

- (9) Should it be necessary in constructing altering renewing repairing or maintaining the waterworks to alter or remove any telegraph or telephone posts wires or other telegraphic telephonic or signalling apparatus belonging to or maintained by the railway company any works reasonably necessary for such alteration or removal may be executed by the railway company and the Corporation shall pay to the railway company all reasonable expenses incurred in connection therewith :
- (10) Nothing contained in this Order or which may be done in pursuance thereof shall prevent the railway company from maintaining and repairing and whenever in their discretion thought necessary reconstructing altering renewing strengthening widening deviating or enlarging the railway and works under statutory powers existing at the date of the passing of the Act confirming this Order Provided that such operations shall not injuriously affect the waterworks or interrupt the flow of water therein otherwise than may be reasonably necessary for carrying out such operations and if any injury or interruption shall arise to the waterworks the railway company shall forthwith make good or remove the injury or interruption so far as such injury or interruption may have been occasioned by the act or default of the railway company or of those for whom they are responsible Before commencing any operations under the provisions of this subsection the railway company shall give twenty-eight days' previous notice in writing to the Corporation and any such operations shall so far as they may interfere with the waterworks be carried out

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—cont.

to the reasonable satisfaction of the engineer of the Corporation. Any extra expense which the railway company may incur in carrying out such operations by reason of the existence of the waterworks shall be paid by the Corporation as such extra expense may in the event of any difference of opinion be determined by an arbiter to be appointed as hereinafter in this section provided:

- (11) Nothing contained in this section shall prejudice or affect the rights powers and immunities reserved to and conferred on the Corporation and the railway company by any Acts public or private or any agreements with or relating to the railway company conferring rights powers and immunities and imposing liabilities duties and obligations upon the Corporation and the railway company with reference to the waterworks property and works of the Corporation and to the railway and works:
- (12) If any difference shall at any time arise between the Corporation and the railway company or their engineers with respect to any of the matters referred to in this section such difference shall be referred to and determined by an arbiter to be agreed on or failing agreement to be appointed by the President of the Institution of Civil Engineers on the application of either the Corporation or the railway company provided always that the award or decision of such arbiter shall not relieve the Corporation of their liability to make compensation to the railway company for loss or damage and to relieve them from claims as provided in subsection (8) hereof. If any question of law shall arise in the course of such arbitration the arbiter shall have power at the request of either party to state a case for the opinion of the court of session and the court shall determine such question.

For protection of  
Dunbarton  
County  
Council.

32. The following provisions for the protection of the county council of the county of Dunbarton (in this section called "the county council") shall unless otherwise agreed in writing between the county council

and the Corporation apply and have effect (that is to say) :—

PART III.  
—cont.

(1) (a) All mains pipes or works to be laid by the Corporation in the exercise of the powers of this Order in or along or across any highway or in upon or across any bridge repairable by the county council or the roadway over the same or approaches thereto shall be laid in such position in such highway bridge roadway or approaches or at the side thereof and at such depth as the county council or their surveyor or engineer may reasonably direct;

(b) In all cases where in the exercise of the powers of this Order the Corporation propose to lay mains pipes and works in proximity to to any mains sewers pipes or other works belonging to the county council these shall be laid in such positions and at such levels in relation to the mains sewers pipes and works of the county council as the county council or their surveyor or engineer may reasonably direct:

(2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall subject to the provisions of this section extend and apply to all highways and bridges and the roadways over the same and the approaches thereto and to all other property of the county council therein opened or broken up or interfered with by the Corporation in the exercise of the powers of this Order Provided that the notice required by section 30 of that Act shall (except in cases of accidental leakage or burst as to which notice shall be given thereafter as soon as may be) be not less than fourteen days and with such notice there shall in every case (except as aforesaid) be sent a plan and section showing the proposed work and a short specification thereof:

(3) Nothing in this order shall authorise the Corporation to interfere with the structural part of any bridge repairable by the county council without the consent in writing of the county

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**PART III.**  
—cont.

council or their surveyor which consent shall not be unreasonably withheld and may be given upon such conditions as the county council or their surveyor may determine:

- (4) In the exercise of the powers of this Order all works shall be so executed by the Corporation as not to stop the traffic on any highways or bridges or the roadways thereover of the county council and so far as reasonably practicable as not in any way to impede or interfere with the traffic on any highway or over any bridge carrying any highway or the approaches thereto:
- (5) No sewer gas or water pipe or other works or property of the county council shall be in any way altered or interfered with except in accordance with plans sections and specifications previously submitted to and approved of by the county council or their surveyor or engineer which approval shall not be unreasonably withheld and any such alteration or interference shall be made at the expense of the Corporation and to the reasonable satisfaction of and under the superintendence (if given) of the surveyor or the engineer of the county council:
- (6) Any temporary substitute to be provided by the Corporation before interrupting the traffic on any road highway or bridge repairable by the county council or the flow of gas sewage or electricity in any sewer drain watercourse pipe or apparatus belonging to the county council under the powers of the section of this Order of which the marginal note is "Power to alter roads temporarily" shall be subject to the reasonable satisfaction of the engineer or surveyor of the county council:
- (7) The county council shall not be liable for or in respect of any damage or injury to any mains pipes or other works of the Corporation laid down or constructed under the powers of this Order in or on any highway or bridge or the roadway over a bridge or the approaches thereto of the county council caused by the reasonable use by the county council of road rollers

or other road plant not exceeding fifteen tons  
in weight :

PART III.  
—cont.

- (8) Nothing contained in this Order shall take away or abridge any power vested or to be vested in the county council to construct build lay repair maintain open or break up alter enlarge improve divert or relay or reconstruct any highway road street bridge or any sewer drain main pipe channel or conduit or other works of the county council and in the event of the county council in the exercise of any such power finding it necessary to interfere with any pipes works or fittings of the Corporation the Corporation shall forthwith on receiving notice in writing under the hand of the clerk surveyor or engineer of the county council alter relay or if necessary remove such pipes works or fittings temporarily or permanently in the manner and to the extent prescribed by such notice All costs and expenses incurred by the Corporation in pursuance of this subsection of this section shall be borne in such manner as may be agreed by the parties or as shall failing agreement be determined by arbitration in the manner hereinafter provided :
- (9) The Corporation in opening or breaking up the highways bridges or roadways repairable by the county council shall not without the consent of the county council or their surveyor have more than one hundred lineal yards open or broken up at any one place at one time in any such highway bridge or roadway A clear and sufficient carriageway shall if practicable be kept for the passage of carriages and traffic along every highway bridge or roadway of the county council during any interference therewith by the Corporation in exercise of the powers of this Order unless where by arrangement with the county council or their surveyor a highway bridge or roadway may be shut up :
- (10) Any extra. expense which may be reasonably incurred by the county council in the exercise of any powers vested in them by any existing

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**PART III.**  
—cont.

Act of Parliament in consequence of the construction by the Corporation of the works authorised by this Order shall be repaid to the county council by the Corporation:

- (11) The Corporation shall pay to the county council the costs or expenses they may reasonably incur or be put to in superintending the works authorised by this Order:
- (12) All notices to be given or plans to be submitted under the provisions of this section shall be deemed to be sufficiently served on or submitted to the county council if the same be sent to the county clerk at his office:
- (13) If any difference at any time arises between the county council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall be settled by an arbiter to be agreed upon between them or failing such agreement to be appointed by the sheriff on the application of either party.

For  
protection  
of Stirling  
County  
Council.

33. In the execution of the works and the exercise of the powers authorised by this Order and conferred so far as they affect highways of the county of Stirling the following provisions for the protection of the county council of the county of Stirling (in this section referred to as "the county council") shall (except so far as otherwise agreed in writing between the Corporation and the county council) have effect (that is to say):—

- (1) All aqueducts conduits or lines of pipes to be laid in or along any county highway or in upon or across any county bridge shall as far as practicable be laid in such position in or at the side thereof as the county council in writing under the hand of the county road surveyor of the county council may reasonably direct:
- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes shall extend and apply to all county highways and county bridges opened and broken up or interfered with by the Corporation in the exercise of the powers of this Order Provided that the notice required

by section 30 of that Act shall not be less than seven days instead of three days :

**PART III.**  
—cont.

- (3) The plan required by section 31 of the last-mentioned Act shall be accompanied by a section of the proposed works and a short specification thereof and shall be delivered to the county council or their surveyor by the Corporation not less than in case of a county bridge one month and in all other cases fourteen days before they commence to break or open up any county highway or interfere with any county bridge for the purpose of executing the works :
- (4) No greater length than one hundred and fifty yards of any county highway shall be broken up at any one place at one time without the consent of the county council which consent shall not be unreasonably withheld. A clear and sufficient carriageway shall if practicable be kept for the passage of carriages and traffic along every county highway and county bridge during any interference therewith by the Corporation unless where by arrangement with the county council a county highway or county bridge may be shut up :
- (5) Nothing in this Order shall authorise the Corporation to interfere with the structural part of any county bridge without the consent in writing of the county road surveyor of the county council which consent shall not be unreasonably withheld and may be given upon such conditions as the county council or their surveyor may reasonably determine. Provided that the county council shall be deemed to have given any consent required under this section if within one month after plans have been submitted to their surveyor he shall not have given written notice to the Corporation objecting thereto :
- (6) Nothing contained in this Order shall interfere with the right of the county council to alter the level of or improve in any manner they think fit any county highway in or along which any aqueduct conduit or line of pipes of the Corporation shall have been laid and the Corporation shall forthwith on receiving notice in writing

PART III.  
—cont.

under the hand of the clerk or surveyor of the county council alter the position of any such aqueduct conduit or line of pipes in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner hereinafter prescribed. All costs and expenses incurred by the Corporation in altering the position of such aqueduct conduit or line of pipes or otherwise connected therewith shall be borne in such manner as may be agreed by the parties or as shall failing agreement be determined by arbitration in the manner hereinafter provided :

- (7) Nothing contained in this Order shall interfere with the right of the county council at any time or times to remove alter or rebuild any county bridge or the approaches thereto over near or attached to which any aqueduct conduit or line of pipes of the Corporation is carried in the same manner as they might have removed altered or rebuilt any such bridge or the approaches thereto if this Order had not been confirmed and such aqueduct conduit or line of pipes had not been constructed or laid over or near or attached to such bridge and in the event of any such bridge or the approaches thereto over or near or attached to which any such aqueduct conduit or line of pipes is laid being removed altered or rebuilt as aforesaid the Corporation shall alter the position of such aqueduct conduit or line of pipes and any works by which such aqueduct conduit or line of pipes is carried over or near or attached to such bridge or the approaches thereto as aforesaid. Provided that during the removal alteration or rebuilding of such bridge as aforesaid the county council shall afford all reasonable facilities for temporarily carrying such aqueduct conduit or line of pipes across or along any road or stream or river so as not to interrupt the continuous supply of water or to diminish the pressure of such supply through such aqueduct conduit or line of pipes. All costs and expenses incurred



by the Corporation in altering the position of such aqueduct conduit or line of pipes or otherwise connected therewith or such temporary carrying of such aqueduct conduit or line of pipes shall be borne in such manner as may be agreed by the parties or as shall failing agreement be determined by arbitration in the manner hereinafter provided :

PART III.  
—cont.

- (8) All work shall be so executed by the Corporation as not to stop the traffic and so far as reasonably practicable not in any way to impede or interfere with the traffic on any highway or over any county bridge or the approaches thereto :
- (9) The county council shall not except in the case of their negligence be liable for or in respect of any damage or injury done to any work of the Corporation by reason of such work being laid at a depth below the surface of any highway insufficient for its protection from injury arising from the reasonable use of any steam or other roller or traction engine for the repair of such county highway or in repairing any county bridge or the approaches thereto :
- (10) If any difference arises between the county council and the Corporation touching this section or anything to be done or not to be done thereunder such difference shall failing agreement be determined by a single arbiter to be mutually agreed upon by the parties and failing agreement to be appointed by the sheriff on the application of either party.

34. The following provisions for the protection of the county council of the county of Lanark (in this section called "the county council") shall unless otherwise agreed in writing between the county council and the Corporation apply and have effect (that is to say) :—

For  
protection  
of Lanark  
County  
Council.

- (1) In the event of the Corporation in the construction of the works authorised by the section of this Order of which the marginal

PART III.  
--cont.

note is "Power to construct works" requiring to alter the line or levels of any water main pipe or sewer belonging to the county council the Corporation shall give seven days' notice to the county council of the intention of the Corporation to carry out such alteration :

- (2) The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets bridges and sewers drains or tunnels within or under the same shall extend and apply to all roads highways and bridges repairable by the county council and any sewers drains or tunnels as aforesaid opened or broken up by the Corporation under the powers of the sections of this Order of which the marginal notes are respectively "Power to construct works" and "Power to alter roads temporarily" and the proviso to the section of this Order of which the marginal note is "Period for completion of works" Provided that the notice required by section 30 of that Act shall not be less than seven days instead of three days :
- (3) Any temporary substitute to be provided by the Corporation before interrupting the traffic on any road highway or bridge repairable by the county council or the flow of gas sewage or electricity in any sewer drain watercourse pipe or apparatus belonging to the county council under the powers of the section of this Order of which the marginal note is "Power to alter roads temporarily" shall be subject to the reasonable satisfaction of the engineer or surveyor of the county council :
- (4) All mains pipes or works authorised by this Order to be laid in or along any road or highway or in upon or across any bridge repairable by the county council or the roadway over the same shall be laid in such position in such road highway bridge or roadway or at the side thereof and at such depth as the county council may reasonably direct :

(5) Nothing contained in this Order shall take away or abridge any power vested or to be vested in the county council to construct build lay repair maintain open or break up alter enlarge improve divert or relay or reconstruct any road highway or bridge or any main sewer drain pipe or other work of the county council and in the event of the county council in the exercise of any such power finding it necessary to interfere with any main pipe fittings or work of the Corporation to be laid down or constructed under the powers of this Order the Corporation on receiving notice in writing from the county council shall subject to the provisions of this Order alter relay or if necessary remove such main pipe or work temporarily or permanently in the manner and to the extent prescribed by such notice or as in the case of difference shall be determined by arbitration in the manner hereinafter provided All costs and expenses incurred by the Corporation in such alteration relaying or removal of their said mains pipes fittings or works shall be borne in such manner as may be agreed by the parties or as shall failing agreement be determined by arbitration in the manner hereinafter provided :

(6) If any difference shall arise between the county council and the Corporation with respect to any of the foregoing provisions of this section such difference shall be referred to and determined by an arbiter to be agreed on by the parties or failing agreement to be appointed by the sheriff on the application of either party.

35.—(1) The Corporation may for the purpose of carrying out the powers conferred upon them by the Water Acts and by this Order as set out in the first column of the following table borrow in addition to the sum of five million nine hundred and fifty thousand pounds authorised to be borrowed by the Water Acts any sums of money not exceeding the amounts specified in the second column of the said table and they shall pay off all moneys so borrowed within the respective

PART III.  
—cont.

Borrowing  
for water  
purposes.

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**PART III.** periods mentioned in the third column thereof (that  
—*cont.* is to say):—

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment from the date or dates of borrowing.
	£	
For the purchase of lands and servitudes for the purposes of the waterworks -	38,500	50 years
For the construction of the service reservoir authorised by this Order -	46,200	50 years
For the construction of the aqueducts and the other works authorised by this Order	390,300	50 years
For the general purposes of the water undertaking -	175,000	50 years

(2) The Corporation may again borrow any sums which may have been repaid by them otherwise than by the application of money received for lands and properties sold by them and by sinking fund provided by the Water Acts and this Order and any money so borrowed by them shall be deemed to have been borrowed under the powers and for the purposes of the Water Acts and this Order and shall form part of the money authorised to be borrowed under the Water Acts and the maximum sum which may be borrowed under the Water Acts is hereby increased accordingly.

Sinking fund for water borrowing.

36. The Corporation shall annually set apart as a sinking fund and pay into the Loans Fund provided by the Glasgow Loans Acts 1883 to 1938 such sums as are necessary to provide for the repayment of the amounts borrowed under the immediately preceding section of this Order within the periods prescribed in column 3 of the table set out in the said section and not paid off by other means than such sinking fund and they shall apply such sinking fund in paying off the principal sums so borrowed. Provided that the provisions of section 23 (Provision as to future sinking fund) of the Glasgow Water Act 1912 shall apply to the moneys borrowed for the purposes of this Part of this Order.

2 & 3 Geo. 5.  
c. xevi.

PART IV.

TRAMWAYS.

37. Subject to the provisions of this Part of this Order the Corporation may make form lay down renew work use and maintain the tramways hereinafter in this section described in the lines and according to the levels shown on the deposited plans and sections with all necessary and proper rails chairs plates sleepers channels wires poles posts conduits section boxes tubes ropes engines engine-houses subways manholes shafts junctions sidings crossovers passing places points turntables turn-outs weighbridges stables carriage-houses offices carriages sheds buildings warehouses shelters waiting rooms works and conveniences connected therewith or for the purposes thereof Provided that nothing in this Part of this Order shall authorise any interference with electric lines and works of any undertakers within the meaning of the Electricity (Supply) Acts 1882 to 1936 to which the provisions of section 15 of the Electric Lighting Act 1882 apply except in accordance with and subject to the provisions of that section. New tramways.

The tramways hereinbefore in this section referred to and by this Part of this Order authorised are—

Tramway No. 1 4 furlongs 6·77 chains or thereabouts in length wholly in the city the parish of New Kilpatrick and the county of Lanark commencing in Great Western Road by a junction with the existing tramways of the Corporation in that road at a point 139 yards or thereabouts north-westward from the intersection of that road with Knightswood Road thence passing north-westward along Great Western Road and terminating in that road by a junction with intended Tramway No. 2 hereinafter described at a point 9 yards or thereabouts eastward from the junction of Great Western Road with Gorget Avenue;

Tramway No. 2 1 furlong 2·36 chains or thereabouts in length wholly in the city the parish of New Kilpatrick and the county of Lanark commencing in Great Western Road by a junction with the intended Tramway No. 1 at its

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**PART IV.**  
—cont.

point of termination thence passing westward along Great Western Road and across Cloberhill Opening Bridge carrying that road over the Forth and Clyde Canal and terminating in that road by a junction with the intended Tramway No. 3 hereinafter described at a point 125 yards or thereabouts westward from the west side of the said opening bridge;

**Tramway No. 3** 6 furlongs 5·55 chains or thereabouts in length wholly in the city the parish of New Kilpatrick and the county of Lanark commencing in Great Western Road by a junction with the intended Tramway No. 2 at its point of termination thence passing westward along Great Western Road and terminating in that road at a point 40 yards or thereabouts eastward from the junction of that road with the road leading to South Drumry.

The intended tramways shall be laid as double lines and will be situated wholly in the city the parish of New Kilpatrick and the county of Lanark.

For further  
protection  
of Dunbar-  
ton County  
Council.

38.—(1) The Corporation shall take all reasonable precautions to prevent damage occurring to the sewers belonging to the county council of the county of Dunbarton (in this section referred to as "the county council") and situated under and near to Tramway No. 3 authorised to be constructed by this Order during the construction or by the existence or use of the said tramway or by or in consequence of the acts or operations of the Corporation in connection therewith and shall make full compensation to the county council for all loss injury or damage which may occur to the said sewers owing to such construction use or existence or to such acts or operations.

(2) Any extra expense which may be reasonably incurred by the county council in relation to the said sewers in the exercise of any powers vested in them by any existing Act of Parliament in consequence of the construction by the Corporation of Tramway No. 3 shall be repaid to the county council by the Corporation.

(3) If any difference at any time arises between the county council and the Corporation touching this section or anything to be done or not to be done thereunder

such difference shall be settled by an arbiter to be agreed upon between them or failing such agreement to be appointed by the sheriff on the application of either party.

**PART IV.**  
—cont.

(4) The provisions of this section are in addition to and not in substitution for or in derogation from the provisions of section 31 of the Tramways Act 1870.

33 & 34 Vict.  
c. 78.

39. The intended tramways shall be completed by the thirty-first day of December one thousand nine hundred and forty-two and after that date the powers granted to the Corporation by this Part of this Order for the construction of the intended tramways or otherwise in relation thereto shall cease except as to so much thereof as shall then be completed.

Period for  
completion  
of tram-  
ways.

40. In the construction of the intended tramways posts or other apparatus shall not be erected on the carriageway except with the consent of the Minister of Transport.

Erection of  
posts on  
carriage-  
way.

41.—(1) The intended tramways shall form one undertaking with the tramways authorised to be constructed under the Tramways Acts and the provisions contained in those Acts as amended by this Order shall extend and apply to the intended tramways in the same manner and to the like effect as if they were part of "the tramways" "the intended tramways" and "the tramway undertaking" as defined by section 2 (Interpretation) of the Order of 1905.

Applica-  
tion of  
Tramways  
Acts to  
tramways.

(2) Section 9 (Use of posts standards &c. by Postmaster-General) of the Glasgow Corporation Act 1907 shall extend and apply to the intended tramways.

7 Edw. 7.  
c. cxlvi.

42.—(1) Where any part of the intended Tramways Nos. 1 and 3 by this Part of this Order authorised is shown on the deposited plans as intended to be constructed in Great Western Road on a track separate from the carriageway such separate track shall not for any purpose (other than for the prevention of offences and prosecution of offenders) form part of that road and the provisions of the Tramways Act 1870 relating to roads and the following provisions of the Order of

Separate  
track not  
to form  
part of  
road.

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Order Confirmation Act, 1940.*

**PART IV.** 1905 shall not apply thereto or to the construction of such  
—*cont.* tramways thereon namely:—

Section 26 (Penalty for not maintaining rails  
and roads);

Section 28 (Tramways to be kept level with  
surface of road).

(2) The Corporation shall provide adequate crossings over such separate track to the satisfaction of the Minister of Transport and with his approval may vary the position or number of such crossings as they may deem expedient or as may be required by him.

(3) Notwithstanding anything contained in this Order or shown on the deposited plans the Corporation in constructing Tramways Nos. 1 and 3 so far as situated on a track separate from the carriageway may deviate the lines of the said tramways to such extent as they deem desirable within the limits of the several strips of ground on which such separate track as aforesaid will be situated as such strips of ground are shown on the deposited plans.

(4) Nothing contained in this section shall prejudice alter or affect any of the rights and powers of the Postmaster-General under the Telegraph Acts 1863 to 1926 and under section 9 (Use of posts standards &c. by Postmaster-General) of the Glasgow Corporation Act 1907 and such separate track shall be deemed to be a "street" or "public road" for the purposes of the said Acts and section respectively.

Power to  
run trolley  
vehicles  
along  
routes of  
tramways.  
24 & 25  
Geo. 5.  
c. lxix.

43. For the purposes of Part II (Trolley vehicles and Tramways) of the Glasgow Corporation Order 1934 the intended tramways shall be deemed to be tramways authorised to be constructed by the Corporation at the date of the passing of the Act confirming the said Order of 1934 and the Corporation may work and run trolley vehicles along the routes of the intended tramways or any of them accordingly.

Saving for  
Road Traffic  
Act 1930.  
20 & 21 Geo. 5.  
c. 43.

44. Nothing in this Part of this Order shall be in derogation of the provisions of Parts IV and V of the Road Traffic Act 1930.

Borrowing  
for tramway  
purposes.

45.—(1) The Corporation may borrow for the purposes of the Tramways Acts and this Order as set out in the first column of the following table any sums



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Order Confirmation Act, 1940.*

**Ch. ii.**

PART IV.  
—cont.

of money not exceeding the amounts specified in the second column of the said table in addition to (a) the sum of ten million one hundred and seventy-one thousand nine hundred and eighty-five pounds authorised to be borrowed by the Tramways Acts and (b) the sum of seventy-one thousand two hundred and eighty-one pounds nine shillings and nine pence authorised to be borrowed by the Govan Burgh (Tramways) Act 1893 (the tramways belonging to the former burgh of Govan having been vested in the Corporation by the Glasgow Boundaries Act 1912) and they shall pay off all moneys so borrowed within the respective periods mentioned in the third column of the said table (that is to say):—

56 & 57 Vict.  
c. lxix.  
2 & 3 Geo. 5.  
c. xciv.

(1)	(2)	(3)
Purpose.	Amount.	Period for repayment from the date or dates of borrowing.
For the construction of the intended tramways - - - - -	£ 29,664	31 years
For the electrical equipment of the intended tramways - - - - -	16,136	31 years
For cars and other rolling stock for the intended tramways - - - - -	200,000	31 years
For omnibuses - - - - -	100,000	31 years
For buildings - - - - -	99,200	31 years
For plant for substations - - - - -	5,000	31 years

(2) If after having borrowed the said sums hereby authorised or any part thereof the Corporation pay off the same by other means than by sinking fund they may reborrow the same.

(3) The amount borrowed by the Corporation for the purposes of the tramway undertaking whether in exercise of their powers under the Tramways Acts and this Order or at common law shall not exceed in amount the total sum they are authorised to borrow by the Tramways Acts and this Order.

(4) Nothing contained in this section shall relieve the Corporation from compliance with the requirements of subsection (7) of section 14 (Power to provide and run omnibuses) of the Glasgow Corporation Order 1922 as to the sums to be provided to meet depreciation on the capital cost of omnibuses.

12 & 13  
Geo. 5.  
c. xlviii.

**PART V.**

**MISCELLANEOUS.**

Power to  
make agree-  
ments for  
purposes  
of Order.

46. The Corporation may make and carry out agreements with any local authority body or person with reference to any of the purposes of this Order not herein specially provided for.

For  
protection  
of Clyde  
Valley  
Electrical  
Power  
Company.

47. Notwithstanding anything contained in this Order the following provisions shall apply and have effect for the protection of the Clyde Valley Electrical Power Company (in this section called "the company") unless otherwise agreed on in writing between the Corporation and the company (that is to say):—

1 Edw. 7.  
c. ccxxv.

The provisions of section 63 (For protection of corporations) and section 66 (For protection of corporation of Glasgow) of the Clyde Valley Electrical Power Act 1901 (in this section called "the Act of 1901") shall not apply to the waterworks and works in connection therewith authorised by this Order and the Corporation shall not in connection with such waterworks and works interfere with the electric lines and works of the company except in accordance with the provisions of section 15 of the Electric Lighting Act 1882 but subject to the exclusion of the sections of the Act of 1901 hereinbefore specified.

For pro-  
tection of  
Admiralty.

48. Notwithstanding anything contained in this Order or shown upon the deposited plans and sections the following provisions for the protection of the Admiralty shall unless otherwise agreed in writing between the Admiralty and the Corporation apply and have effect (that is to say):—

(1) The Corporation shall not under the powers of this Order take or acquire by compulsion any lands or property of the Admiralty:

(2) In the construction maintenance or repair of Work No. 3 of the waterworks or of Tramway No. 2 by this Order authorised the Corporation shall not break up alter or stop up remove or otherwise interfere with the oil pipe line of the

Admiralty laid in the towing path of the Forth and Clyde Canal without the consent in writing of the Admiralty which consent shall not be unreasonably withheld :

PART V.  
—cont.

- (3) If during the construction maintenance or repair of the said Work No. 3 of the waterworks or of the said Tramway No. 2 so far as affecting the said canal there should be any injury to or interference with the oil pipe line of the Admiralty laid in the towing path of the said canal or any other detriment to such pipe line resulting from the operations or from the acts or defaults of the Corporation or their contractors or any person in the employment of the Corporation or of their contractors the Corporation shall as soon as reasonably practicable carry out at their own cost and to the satisfaction of the Admiralty such remedial works and operations as may be necessary and in the case of default of the Corporation in so doing the Admiralty may carry out such works or operations and the sum which shall have been reasonably expended in so doing shall be repaid to the Admiralty by the Corporation :
- (4) If any question or difference shall arise under this section between the Corporation and the Admiralty or their respective engineers such question or difference shall be determined by a single arbiter to be appointed in the manner provided by the Arbitration (Scotland) Act 1894 on the application of the Corporation or of the Admiralty.

49. Any electrical works or telephone or telegraph posts wires conductors or apparatus made laid down erected or maintained under the provisions of Part III of this Order shall not be used in contravention of the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869 and shall be so constructed maintained and used as to prevent interference with any telegraphic line (as defined by the Telegraph Act 1878) belonging to or used by the Postmaster-General or with telegraphic communication by means of any such line.

For protection of  
Postmaster-  
General.

32 & 33 Vict.  
c. 73.

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Order Confirmation Act, 1940.*

**PART V.**  
—cont.

For  
protection  
of Royal  
Air Force  
and licensed  
civil  
aerodromes.  
10 & 11  
Geo. 5. c. 80.

50. Any electrical works or telephone or telegraph posts wires conductors or apparatus made laid down erected or maintained under the provisions of this Order shall be so constructed maintained and used as to prevent interference with such wireless communications as may be used by the Royal Air Force or in connection with an aerodrome licensed pursuant to an Order made under the Air Navigation Act 1920 or any Act amending replacing or consolidating that Act.

Saving for  
emergency  
restrictions  
on  
borrowing.

51. Nothing in this Order shall enable any power of borrowing to be exercised or any issue of capital to be made without compliance with the requirements of any regulation for the time being in operation under the Emergency Powers (Defence) Act 1939 or any order made under such regulation.

Crown  
rights.

52. Nothing in this Order shall affect prejudicially any estate right power privilege or exemption of the Crown or shall subject to the provisions of this Order any land buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or such department may voluntarily agree and in particular nothing herein contained shall authorise the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land heritages subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Crown Lands or of the Minister of Shipping respectively without the consent in writing of the Commissioners of Crown Lands or the Minister of Shipping as the case may be on behalf of His Majesty first had and obtained for that purpose.

Costs of  
Order.

53. The costs charges and expenses of and incident to the preparing for obtaining and confirming of this Order or otherwise in relation thereto shall be paid by the Corporation and shall be allocated between the water undertaking and the tramway undertaking in such proportions as the Corporation may deem expedient and if paid out of borrowed money (which the Corporation are hereby authorised to borrow for the purpose) shall be repaid out of revenue within five years from the date of the passing of the Act confirming this Order.

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**Ch. ii.**

The SCHEDULE referred to in the foregoing Order.

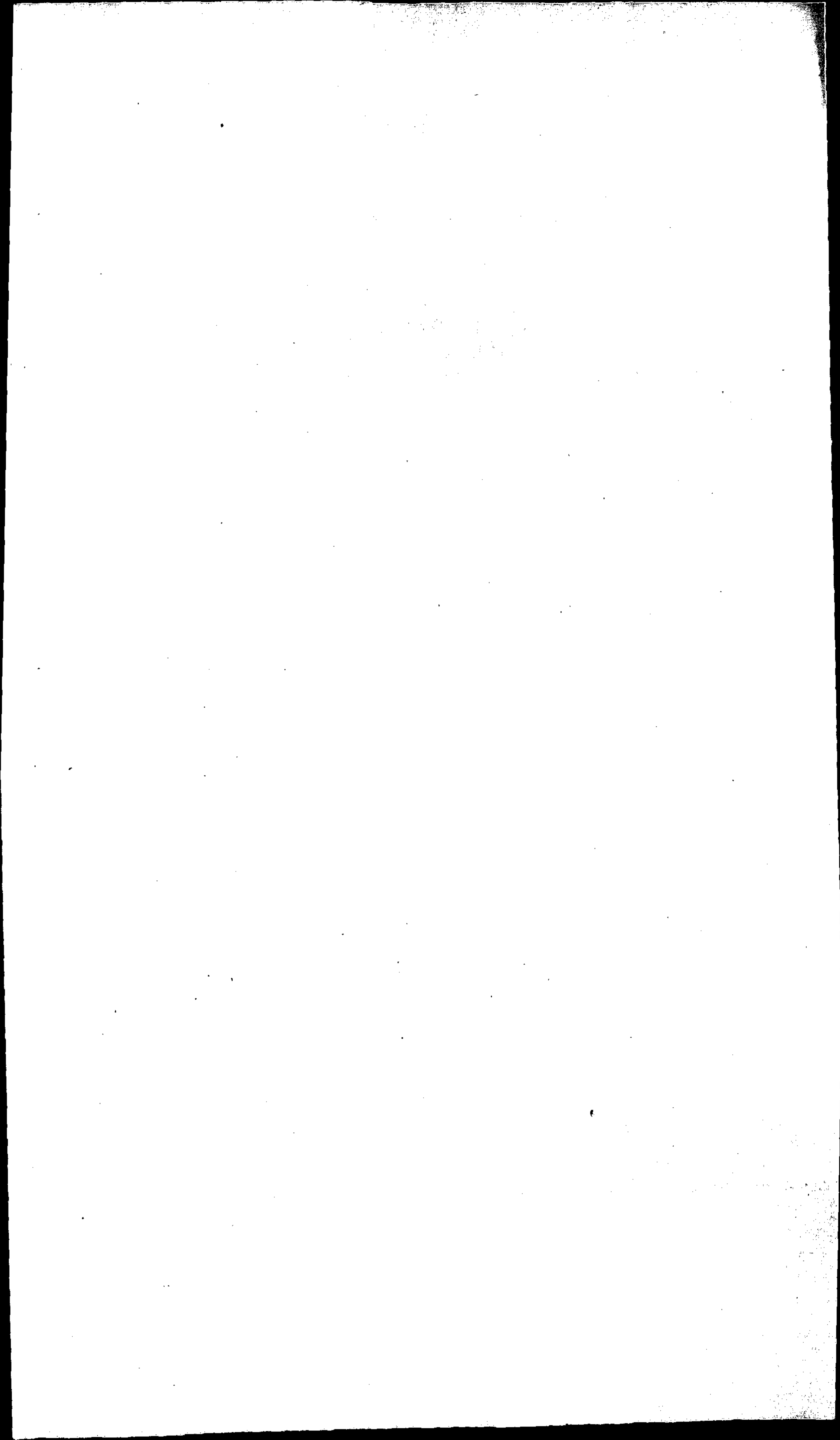
(Referred to in the section of this Order of which the marginal note is "Owners may be required to sell parts only of certain properties.")

Parish.	County.	Numbers on deposited plans.
<b>WATERWORKS</b>		
Work No. 2		
Baldernock	Stirling	10, 11
Works Nos. 3 and 5		
Cadder	Lanark	11, 12, 25, 44
Works Nos. 6 and 8		
Glasgow	Lanark	2, 3, 14, 16, 17, 19, 36, 38, 42, 43, 44
Work No. 9		
Old Monkland	Lanark	2, 4, 6, 7, 9
Works Nos. 10 and 11		
Rutherglen	Lanark	5, 7, 18, 19, 26, 27
Work No. 11		
Cambuslang	Lanark	1

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*Order Confirmation Act, 1940.*

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