



CHAPTER XX.

An Act to confirm a certain Provisional Order relating to A.D. 1874.
Duntocher and Dalmuir made under the "Public Health
(Scotland) Act, 1867." [30th June 1874.]

WHEREAS by the "Public Health (Scotland) Act, 1867," power is given to one of Her Majesty's Principal Secretaries of State to make Provisional Orders for empowering local authorities to put in force, with reference to the lands referred to in such Orders, the powers of "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," with respect to the purchase or taking of lands otherwise than by agreement:

And whereas, in pursuance of the said "Public Health (Scotland) Act, 1867," the Provisional Order referred to in the schedule annexed to this Act has been made by Her Majesty's Principal Secretary of State for the Home Department:

And whereas it is expedient that the said Provisional Order should be confirmed and made absolute:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1. The Provisional Order set forth in the schedule annexed to this Act is hereby confirmed, and the provisions thereof shall be of the like force and effect as if they had been expressly enacted by Parliament. Provisional
Order con-
firmed.

2. This Act may be cited for all purposes as "The Public Health (Scotland) Supplemental Act, 1874." Short title.

A.D. 1874.

SCHEDULE.

*Provisional Order under the "Public Health (Scotland) Act, 1867."***PARISH OF WEST OR OLD KILPATRICK.**

(Special Water Supply District of Duntocher and Dalmuir.)

"PUBLIC HEALTH (SCOTLAND) ACT, 1867."

(30 & 31 Vict. c. 101.)

WHEREAS by the "Public Health (Scotland) Act, 1867," it is, inter alia, enacted, section eighty-nine, that, with respect to parishes (exclusive of any parts of such parishes as are situated within the district of any local authority other than the parochial boards of such parishes), "the local authority, if they
" think it expedient so to do, may acquire and provide or arrange for a supply
" of water for the domestic use of the inhabitants, and for that purpose may
" conduct water from any lake, river, or stream, may dig wells, make and
" maintain reservoirs, may purchase, take upon lease, hire, construct, lay down,
" and maintain such waterworks, pipes, and premises, and do and execute all
" such works, matters, and things as shall be necessary and proper for the
" aforesaid purpose, and may themselves furnish a supply of water, or contract
" or arrange with any other person to furnish the same; and for the purposes
" aforesaid the local authority shall be held to have all the powers and rights
" given to promoters of undertakings by the Lands Clauses Acts: Provided
" always, that they shall make reasonable compensation for the water so taken
" by them, and for the damage which may be done to any lands by reason of
" the exercise of the powers hereby conferred, in terms of the said Acts:"

And whereas it is further provided by the said Act, section ninety, that upon compliance with the provisions therein contained with respect to advertisements and notices, the local authority may present to one of Her Majesty's Principal Secretaries of State a petition stating the land intended to be taken and the purposes for which it is required, and the names of the owners, lessees, and occupiers of land who have assented, dissented, or are neuter in respect of the taking of such land, or who have returned no answer to the notice, and praying that the local authority may, with reference to such land, be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, and that upon the receipt of such petition, and proof of the proper advertisements having been published and notices served, the Secretary of State may direct an inquiry in the district in which the land is situate, or otherwise inquire as to the propriety of assenting to the prayer of such petition; and, after the completion of such inquiry, the Secretary of State may by Provisional Order empower the local authority to put in force, with reference to the land referred to in such Order, the powers of

the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, or any of them :

And whereas the parochial board of the parish of West or Old Kilpatrick, in the county of Dumbarton, over which parish the jurisdiction of a town council or of police commissioners or trustees exercising the functions of police commissioners does not extend, are the local authority in the said parish under the "Public Health (Scotland) Act, 1867," and "The Public Health (Scotland) Amendment Act, 1871 :

And whereas a petition under the provisions of "The Public Health (Scotland) Act, 1867," has been presented to one of Her Majesty's Principal Secretaries of State by the said parochial board, as the local authority aforesaid, setting forth that part of the said parish of West or Old Kilpatrick has been formed into a special water supply district, in pursuance of the provisions of the first-recited Act, under the name of the Special Water Supply District of Duntocher and Dalmuir, and that the water supply to the said district is insufficient, and it would be of great advantage to the inhabitants of the said district if the petitioners were authorised to obtain a supply of water for the domestic use of the said inhabitants, and for trading and manufacturing and other purposes, under the provisions of the first-recited Act, and that the petitioners proposed to construct works for the purpose of affording such supply of water, and to purchase and take, under the powers and provisions of "The Lands Clauses Consolidation (Scotland) Act, 1845," and "The Lands Clauses Consolidation Acts Amendment Act, 1860," which Acts are herein termed and referred to as "The Lands Clauses Acts," the lands and water required for the purposes of the said water supply and the said works, all which lands, water, and works are or will be situate in the said parish of West or Old Kilpatrick, and that the petitioners had published the advertisements and deposited the plans, sections, and book of reference, and served the notices required by the ninetieth section of the first-recited Act; and the said petition prayed that a Provisional Order might be made empowering the petitioners to put in force, with reference to the lands and water before mentioned, the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement :

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to grant the prayer thereof; and a plan describing the works to be constructed and the lands and water intended to be taken for the purposes thereof and of the said water supply, and a book of reference to such plan, containing the names of the owners or reputed owners, lessees or reputed lessees, and occupiers of such lands and water, have been signed by me with reference to this Order, and will be deposited with the sheriff clerk of the county of Dumbarton at his office in Dumbarton :

Now, therefore, in pursuance of the powers vested in me by the "Public Health (Scotland) Act, 1867," I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order under my hand direct that from and after the passing of any Act of Parliament confirming the same,—

A.D. 1874.

1. It shall be lawful for the parochial board of the parish of West or Old Kilpatrick, as the local authority in the said parish, to put in force, with reference to the lands and water described on the said plan and in the said book of reference, the provisions of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement.
2. The expression "the special Act" in the Lands Clauses Acts shall mean and include this Order; and the expression "the promoters of the undertaking" in the Lands Clauses Acts shall with reference to this Order mean the parochial board of the parish of West or Old Kilpatrick, as the local authority in the said parish under the "Public Health (Scotland) Act, 1867," and "The Public Health (Scotland) Amendment Act, 1871;" and the word "lands" in this Order shall have the meaning assigned to it in the Lands Clauses Acts, and shall include water and the right thereto.

Given under my hand and seal at Whitehall, this Sixteenth day of April One thousand eight hundred and seventy-four.

RICHD. ASSHETON CROSS. (L.S.)