



## CHAPTER cxlv.

An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to Duntocher and Dalmuir Water. A.D. 1887.  
[8th August 1887.]

**W**HEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth as amended in the schedule hereunto annexed, under the provisions of the Public Health (Scotland) Act, 1867 :

And whereas it is necessary that the said Order should be confirmed by Parliament :

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

1. The Order as set out in the schedule hereto annexed shall be and the same is hereby confirmed. The Order in schedule confirmed.

2. This Act may be cited as the Duntocher and Dalmuir Water Supply Confirmation Act, 1887. Short title.

A.D. 1887.

**SCHEDULE.**

**DUNTOCHER AND DALMUIR WATER.**

**PUBLIC HEALTH (SCOTLAND) ACT, 1867.**  
(30 & 31 Vict. c. 101.)

**PROVISIONAL ORDER.**

WHEREAS by the Public Health (Scotland) Act, 1867, it is, inter alia, enacted, section eighty-nine, that, with respect to 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 main-  
“ tain 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 by the Secretary for Scotland Act, 1885, all powers and duties vested or imposed on the said Secretary of State by the Public Health (Scotland) Act, 1867, and Acts amending the same were transferred to, vested in, and imposed on the Secretary for Scotland :

And whereas the parochial board of the parish of 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 whereas a petition under the provisions of "The Public Health (Scotland) Act, 1867," and the Public Health (Scotland) Amendment Act, 1871, and the Public Health (Scotland) Act (1867) Amendment Act, 1882, has been presented to me, as Secretary for Scotland, by the said parochial board, as the local authority aforesaid, setting forth, among other things, that part of the said parish of West or Old Kilpatrick was, by a decree of the sheriff of Dumbartonshire, dated twenty-fifth August, one thousand eight hundred and seventy-three, 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 existing water supply to the said district is insufficient, and that it would be of great advantage to the inhabitants of the said district if the petitioners were authorised to obtain an additional supply of water for the domestic use of the said inhabitants, and 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 additional 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 contained in "The Public Health (Scotland) Act, 1867," and transferred to and vested in me by the Secretary for



A.D. 1887. Scotland Act, 1885, I, as Secretary for Scotland, do by this Provisional Order under my hand direct that from and after the passing of any Act of Parliament confirming the same,—

1. 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 (herein-after called the local authority); 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.

2. The local authority may 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.

3. The local authority, in constructing the works described on the said plan, may deviate laterally from the lines laid down thereon to any extent not exceeding the limits of lateral deviation shown thereon; and may deviate vertically from the levels of the said works, as defined on the sections, to any extent not exceeding five feet upwards and five feet downwards: Provided always, that they may erect any water tower, stand pipe, or other like work of any height, which for the time being may be necessary or proper for the purposes of this Order.

4. The local authority may, in the execution of their works, take way-leaves, easements, servitudes, or other limited rights over lands and other property, subject to such conditions as may be agreed on with the persons interested.

5. The local authority shall on completion of the intended reservoir, or of the catchwater channels shown on the said plans, discharge into the stream known as the Jaw Burn or Cochno Burn a daily quantity of water of not less than one hundred and forty-three thousand gallons in a continuous and uniform stream during the whole period of twenty-four hours of each day, which shall be in full compensation to all owners, lessees, and occupiers of mills and other properties for all water to be withdrawn, appropriated, and taken under the powers conferred by this Order, and which compensation water shall be in addition to the quantity of two hundred and twenty-five thousand gallons per day, being the quantity fixed by arbitration as compensation water, to be discharged from Loch Cochno for the water appropriated and taken under the provisions of the Public Health (Scotland) Supplemental Act, 1874, herein-after referred to as the Act of 1874.

6. The local authority shall continue to discharge from Loch Cochno the two hundred and twenty-five thousand gallons per day, being the compensation water at present required to be discharged by them under the Act of 1874, and the one hundred and forty-three thousand gallons per day required to be added as compensation water under this Order may, at the option of the local authority, either be added to the compensation water at present discharged from Loch Cochno, or may be discharged from the intended reservoir: Provided always, that the local authority may, from and after the expiration of five years from the completion of the intended reservoir, discharge the whole compensation water



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required to be discharged under the Act of 1874 and this Order, amounting together to three hundred and sixty-eight thousand gallons out of the intended reservoir, but in such case such compensation water shall be discharged into the Jaw Burn or Cochno Burn immediately below the intended reservoir, and shall at all times be the same water as shall be drawn off from Loch Cochno or the intended reservoir, or either of them, by the local authority for the special water supply district of Duntocher and Dalmuir: Provided further, that the local authority may, when necessary for repairs, discharge such last-mentioned compensation water either from Loch Cochno or from the intended reservoir.

7. The local authority shall, so long as they shall discharge the compensation water under the Act of 1874 and this Order, out of Loch Cochno, maintain and keep in good order the existing measuring gauge, and if they shall construct the intended reservoir they shall construct such new or additional works immediately below the intended reservoir as may be necessary for the due and proper delivery and gauging of the compensation water to be discharged under the provisions of the immediately preceding section to the reasonable satisfaction of Robert Carstairs Reid, C.E., Edinburgh, whom failing, of Alexander Leslie, C.E., Edinburgh; and the local authority shall thereafter maintain the same in good order and repair, and shall from time to time afford to all parties interested such access to the said works as shall be reasonably necessary for inspecting the same, so far as they themselves are entitled to give such access.

8. The local authority shall not under the powers of this Order, without the consent of the Secretary for Scotland, purchase or acquire in any district within the meaning of the Public Health (Scotland) Act, 1867, ten or more houses which, after the passing of the Act confirming this Order, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may be residing with them.

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


 L.S.
(Signed) **LOTHIAN.**

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