

**CHAPTER lxxiii.**

An Act to confirm a Provisional Order under the Public Health (Scotland) Act, 1867, relating to Bathgate Water. A.D. 1892.

[20th June 1892.]

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

30 & 31 Vict.
c. 101.

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 set out in the schedule hereto annexed shall be and the same is hereby confirmed.

Order in
schedule
confirmed.

2. This Act may be cited as the Bathgate Water Supply Confirmation Act, 1892.

Short title.

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*Bathgate.*SCHEDULE.COUNTY COUNCIL OF LINLITHGOW (BATHGATE
DISTRICT) WATER SUPPLY.

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 maintain reservoirs, may purchase, take upon lease, hire, con-
 “ struct, 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 com-
 “ pensation 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 lands 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

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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 Bathgate District Committee of the County Council of the County of Linlithgow are the local authority in the room and place of the parochial boards of the parishes within the Bathgate District of the said County of Linlithgow, under and for the purposes of the Public Health (Scotland) Act, 1867, and the Acts amending and extending the same, all in terms of, and in accordance with the provisions in that behalf contained in the Local Government (Scotland) Act, 1889 :

And whereas the Public Health (Scotland) Amendment Act, 1891, has, by a resolution passed by the County Council of the County of Linlithgow, taken effect within the said Bathgate District of the said county, and is now in force therein accordingly :

And whereas a petition under the provisions of the Public Health (Scotland) Act, 1867, and Acts amending and extending the same, has been presented to me, as Secretary for Scotland, by the said Bathgate District Committee, as the local authority aforesaid, setting forth, among other things, that the villages and places in the said Bathgate District are without a proper or sufficient water supply, and that in many parts of the said district the present supply is unfit for domestic use and injurious to the health of the inhabitants, and that it would be of great advantage to the inhabitants of the said Bathgate District if the petitioners were authorised to obtain a supply of water for domestic purposes, and for trading and manufacturing and other purposes, under the provisions of the said Public Health (Scotland) Act, 1867 ; 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 parishes of Bathgate, Uphall, Whitburn, Livingstone, and Torphichen, in the county of Linlithgow, and also in the parish of Shotts, in the county of Lanark, and in the parish of Midcalder, in the county of Edinburgh, or in one or more of the said parishes and counties, 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

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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 clerks of the counties of Linlithgow, Lanark, and Edinburgh respectively, at their offices respectively, in Linlithgow Lanark, and Edinburgh :

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 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 Bathgate District Committee of the County Council of the county of Linlithgow (herein-after referred to as “the district committee”); 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 district committee 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 district committee, 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 the reservoir, being Work No. 1 shown on the deposited plans, shall be constructed so as to be capable of containing not less than two hundred million gallons: Provided further, that the district committee shall not, in the exercise of the power of lateral deviation hereby given, construct any embankment or retaining wall of the reservoir hereby authorised of a greater height above the general surface of the ground than that shown on the deposited plan and five feet in addition: Provided also, that if they shall exercise the powers of vertical deviation hereby granted, they shall construct such embankment of such additional thickness at the base as shall be equal to five feet for every foot of additional height, and shall make a corresponding addition to the strength of any retaining wall: Provided also that they may erect any water tower, stand-pipe, or other light work of any

height which for the time being may be necessary or proper for the purposes of this Order.

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4. The district committee 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 district committee shall, as soon as the waterworks described on the said plan are completed so far as to be able to afford the supply of compensation water herein-after mentioned, discharge or allow to flow down the Forrest Burn, below the reservoir, Work No. 1, a regular and continuous flow of water of not less than four hundred and fifty thousand gallons in every day of twenty-four hours, which quantity of water shall be deemed to be full compensation to all owners, lessees, and occupiers of lands, mills, works, and other properties, and all other persons for the water intercepted and appropriated under this Order.

6. The district committee shall construct and at all times maintain in sufficient repair a suitable measuring gauge on the Forrest Burn, over or through which the said quantity of compensation water shall flow or be delivered, and which gauge shall be open to the inspection of all persons legally interested in the waters flowing down the Forrest Burn.

7. The district committee 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, artisans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and 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 tenth day of May,
one thousand eight hundred and ninety-two.

(L.S.)

LOTHIAN.

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