



CHAPTER cli.

An Act for authorising the Hamilton Waterworks Commissioners to make and maintain additional waterworks and for conferring further powers upon those Commissioners and for other purposes. A.D. 1898.

[25th July 1898.]

WHEREAS by the Hamilton Waterworks Act 1854 (in this Act called "the Act of 1854") certain commissioners were appointed and authorised to make and maintain the works in that Act mentioned for supplying the parliamentary burgh or town of Hamilton and suburbs thereof with water which Act was in certain respects amended by the Hamilton Waterworks Amendment Act 1863 (in this Act called "the Act of 1863"): 17 & 18 Vict.
c. xc.

And whereas by the Hamilton Water Act 1875 (in this Act called "the Act of 1875") the magistrates and town council of the burgh of Hamilton were appointed the Hamilton Waterworks Commissioners in place of the said commissioners with all the powers rights and privileges of those commissioners under the recited Acts: 26 & 27 Vict.
c. xxix.

And whereas by the Hamilton Burgh Act 1878 (in this Act referred to as "the Act of 1878") the provost magistrates and town council of the burgh of Hamilton as by that Act reconstituted (in this Act referred to as "the corporation") were substituted for the Waterworks Commissioners appointed under the Act of 1875 and were appointed the commissioners for executing within the burgh the purposes of the Act of 1854 the Act of 1863 and the Act of 1875 and the provisions of those Acts or some of them were extended and made applicable to the burgh as extended and defined by the Act under recital: 38 & 39 Vict.
c. cv.

And whereas in order to meet the increased requirements of the burgh as extended under the provisions of the Act of 1878 the Waterworks Commissioners were by the Hamilton Water Act 1888 (in this Act called "the Act of 1888") authorised to construct additional waterworks as in that Act provided and for the purposes 41 & 42 Vict.
c. cxxxvii.

[Price 1s. 3d.] 51 & 52 Vict.
c. lxx.

A.D. 1898. of that Act and of the recited Acts the corporation were authorised to contribute out of the burgh funds or common good of the burgh or of the annual revenue thereof an amount not exceeding in the whole ten thousand pounds :

And whereas the existing waterworks and water supply are inadequate to meet the wants and convenience of the increasing population and trade of the burgh and it is expedient and would be for the public advantage that the Waterworks Commissioners should be authorised to make and maintain the additional reservoir and works by this Act authorised for the purpose of affording an increased supply of water :

And whereas it is expedient that the Waterworks Commissioners should be authorised to borrow additional money for the purposes of the works authorised by this Act and for the general purposes of their undertaking :

And whereas it is expedient that the corporation should be authorised to apply towards the purposes of the recited Acts and this Act such further portions of the common good of the burgh as they may think fit :

And whereas it is expedient to authorise the Waterworks Commissioners to levy increased rates and to make such other provisions as this Act contains :

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also books of reference 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 Act were duly deposited with the principal sheriff clerk of the county of Lanark in his offices at Glasgow Lanark and Hamilton and are in this Act respectively referred to as the deposited plans sections and books of reference :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

May it therefore please Your Majesty that it may be enacted and be it 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 :—

Short title.

1. This Act may be cited as the Hamilton Water Act 1898 and the Act of 1854 the Act of 1863 the Act of 1875 the Act of 1878 and the Act of 1888 may be cited together with this Act as the Hamilton Water Acts 1854 to 1898.

Incorporation of Acts.

2. The following Acts and parts of Acts (so far as the same respectively are applicable for the purposes and are not inconsistent

with the provisions of this Act) are incorporated with this Act:— A.D. 1898.

The Lands Clauses Acts ;

The Waterworks Clauses Act 1847 except the clauses and provisions with respect to the amount of profit to be received by the undertakers when the waterworks are carried on for their benefit and except the words in section 44 thereof “ with the consent in writing of the owner or reputed owner of any such house or of the agent of such owner ” and also except clauses 68 70 and 72 ;

The Waterworks Clauses Act 1863 ;

The Commissioners Clauses Act 1847 with respect to the mortgages to be executed by the Commissioners with the exception of clauses 84 86 and 87 ; and

The clauses and provisions of the Railways Clauses Consolidation (Scotland) Act 1845 with respect to the temporary occupation of lands near the railway during the construction thereof and the crossing of roads and other interference therewith.

3. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith have the same respective meanings unless there be something in the subject or context repugnant to such construction In this Act and in the Acts wholly or partially incorporated with this Act— Interpretation.

The expression “ the burgh ” means the burgh of Hamilton as extended and defined by the Act of 1878 ;

The expression “ the corporation ” means the provost magistrates and town council of the burgh ;

The expression “ the Waterworks Commissioners ” means the corporation acting as the Waterworks Commissioners under the provisions of the Act of 1878 ;

The expression “ the Hamilton Water Acts ” means the Act of 1854 the Act of 1863 the Act of 1875 the Act of 1878 (so far as the same relates to waterworks and water supply) and the Act of 1888 ;

The expression “ the sheriff ” means the sheriff of the county of Lanark and includes his substitutes ;

The expression “ the special Act ” means this Act ;

The expressions “ the undertakers ” “ the company ” “ the promoters of the undertaking ” and “ the commissioners ” mean respectively the Waterworks Commissioners ;

The expressions “ the undertaking ” “ the water undertaking ” or “ the waterworks ” mean and include the undertaking and the waterworks and works connected therewith belonging or which

A.D. 1898.

shall belong to the Waterworks Commissioners under the Hamilton Water Acts and this Act.

Power to construct works and acquire lands.

4. Subject to the provisions of this Act the Waterworks Commissioners may make and maintain in the lines and according to the levels shown on the deposited plans and sections the works hereinafter described and may enter upon take and use such of the lands delineated on the said plans and described in the deposited books of reference as may be required for that purpose:

The works herein-before referred to and authorised by this Act are situate in the county of Lanark and are—

- (1) A reservoir on the stream called Kype Water terminating at the embankment herein-after described:
- (2) An embankment across Kype Water at a point one thousand one hundred and twenty yards or thereabouts measured in a southerly direction from the south-western corner of Hareshaw-head Farm steading:
- (3) A road of access to the said reservoir commencing at the said embankment and terminating by a junction with the public road near the farm steading of Little Kype West:
- (4) A conduit or line of pipes commencing in the said reservoir and terminating in the existing reservoir of the Waterworks Commissioners at Wellbrae known as the Upper or No. 1 Wellbrae Reservoir:
- (5) A conduit or line of pipes commencing by a junction with the conduit or line of pipes above described and terminating in the existing reservoir of the Waterworks Commissioners known as No. 2 Cadzow Reservoir.

Capacity of reservoir.

5. Subject to the provisions of this Act the reservoir by this Act authorised shall be constructed of a capacity of at least one hundred and forty-two million gallons and so that the works to be constructed by the Waterworks Commissioners in connexion with such reservoir shall not enable them to appropriate in any one day of twenty-four hours for the purposes of this Act (other than for compensation water) a greater quantity of water than one million five hundred thousand gallons.

Power to make and maintain embankments &c.

6. The Waterworks Commissioners may subject to the provisions of this Act together with the principal works herein-before described make and maintain upon lands delineated upon the deposited plans and acquired by them all necessary and proper embankments dams weirs bridges roads approaches ways wells tanks basins gauges filter beds fountains stand-pipes sluices outlets outfalls drains discharge pipes adits shafts tunnels aqueducts culverts cuts channels conduits mains pipes junctions valves engines buildings apparatus and other

conveniences in connexion with the said works or any of them or necessary or convenient for diverting impounding taking collecting storing conducting distributing and regulating the supply of water for the purposes herein-after mentioned and for compensating all persons whose supply of water may be affected by or in consequence of the works herein-before described or the other powers of this Act and for inspecting maintaining repairing altering cleansing managing and using the said several works. A.D. 1898.

7. The Waterworks Commissioners may in lieu of acquiring any lands for the purpose of the conduits or lines of pipes by this Act authorised acquire such servitudes and rights in such lands as they may require for the purpose of making maintaining cleansing and repairing the same and may give notice to treat in respect of such servitudes and rights and may in such notice describe the nature thereof and the several provisions of the Lands Clauses Acts (inclusive of those with regard to limited owners and to arbitration and the summoning of a jury) shall apply to such servitudes and rights as fully as if the same were lands within the meaning of such Acts : Power to acquire servitudes only for lines of pipes.

Provided that nothing herein contained shall authorise the Waterworks Commissioners to acquire by compulsion any such servitude in any case in which the owner in his particulars of claim shall require the Waterworks Commissioners to acquire the lands in respect of which they have given notice to treat for the acquisition of a servitude only and every notice to treat for the acquisition of a servitude shall be endorsed with notice of this proviso :

Provided that as regards any lands taken or used by the Waterworks Commissioners for the purpose of making such conduits or lines of pipes the Waterworks Commissioners shall not (unless they give notice to treat for and have acquired such lands and not merely servitudes therein) 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 at all times after the completion of the works have the same rights of passing over such lands for all purposes of or connected with the use or enjoyment of the adjoining lands as if such lands had not been taken or used by the Waterworks Commissioners.

8. The provisions with respect to the temporary occupation of lands of the Railways Clauses Consolidation (Scotland) Act 1845 as incorporated with this Act shall apply only to the reservoir authorised by this Act and works immediately connected therewith and the provisions of sections 25 and 26 of that Act shall apply also to all the other works by this Act authorised and for the purposes of this Act those provisions shall be read as if the said reservoir Temporary occupation of lands.

A.D. 1898.

aqueducts and works were therein mentioned instead of the railway and the boundaries of the reservoir aqueducts and works instead of the centre of the railway and the prescribed limits shall be two hundred yards from such boundaries.

Limits of lateral and vertical deviation.

9. Subject to the provisions of this Act the Waterworks Commissioners may in the construction of the works by this Act authorised deviate from the lines thereof as shown on the deposited plans to any extent not exceeding the limits of deviation defined on the said plans and may deviate vertically from the levels shown on the deposited sections to any extent not exceeding in the case of the said reservoir three feet upwards and not exceeding three feet downwards or upwards as regards the other works by this Act authorised. Provided that the Waterworks Commissioners shall not in the exercise of the powers of deviation hereby conferred construct the embankment or retaining wall of the reservoir so that the height thereof above the general surface of the ground shall be more than three feet greater than the height of the corresponding embankment or retaining wall above the general surface of the ground as shown on the deposited sections nor raise over the surface of the ground any part of the pipes not so shown on the deposited sections and then only to the extent so shown and that where the line of any work is shown on the deposited plans as passing along any road the limits of deviation if not otherwise laid down shall be the boundaries of such road.

Power to alter roads &c. temporarily.

10. During the execution of the several works which the Waterworks Commissioners are by this Act authorised to make and subject to the provisions of this Act the Waterworks Commissioners may from time to time alter or stop up temporarily any roads lanes paths bridges passages sewers drains watercourses gas pipes water pipes and electric apparatus in any of the lands shown on the deposited plans and specified in the deposited books of reference which they may from time to time find it expedient for any of those purposes so to interfere with the Waterworks Commissioners doing as little damage as possible and providing substitutes for any sewers drains gas pipes or water pipes or electric or other apparatus so interfered with and making full compensation to all persons injuriously affected by the exercise of the powers of this section. Provided that nothing in this section shall extend to authorise any interference with electric apparatus or other property of Her Majesty's Postmaster-General. Provided also that nothing in this section shall extend to authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Act 1882 otherwise than in accordance with the provisions of section 15 of that Act.

11. The following provisions for the protection of the district committee of the Middle Ward of the county of Lanark (in this Act referred to as "the district committee") shall apply and have effect unless otherwise agreed between the district committee and the Waterworks Commissioners (that is to say):—

A.D. 1898.
For protection of district committee of Middle Ward of county of Lanark.

- (1) Before constructing any works authorised by this Act or any subsequent repairs thereof the execution of which may in any way interfere with or affect any highways roads lanes paths bridges or passages within the district of the district committee or any sewers drains water pipes or other works belonging to the district committee the Waterworks Commissioners shall give to the district committee not less than ten days notice in writing accompanied by plans and sections showing the manner in which such works are proposed to be executed which plans and sections shall be subject to the approval of the district committee obtained previously to such works being commenced. Provided that if the district committee do not within seven days after service of such notice on them intimate to the Waterworks Commissioners their approval or disapproval of the said plans and sections the Waterworks Commissioners may proceed to execute the works in accordance therewith:
- (2) The Waterworks Commissioners shall execute such works and any subsequent repairs thereof in accordance with the before-mentioned plans and sections and under the superintendence and to the reasonable satisfaction of the district committee or of any of their officials specially empowered by them to that effect:
- (3) The works of the Waterworks Commissioners shall be carried out and completed without any undue delay after the commencement thereof and the Waterworks Commissioners shall re-instate and make good any highway road lane path passage or the roadway over any bridge within the district of the district committee which may be broken up or interfered with by the Waterworks Commissioners and make good any injury or interference at any time caused to any such highway road lane path passage or roadway or any works of the district committee by the bursting leakage or failure of any work of the Waterworks Commissioners all to the reasonable satisfaction of the district committee and shall at all times whilst any such highway road lane path passage or roadway shall be opened or broken up cause the same to be properly fenced guarded and lighted to the like reasonable satisfaction and keep such portion of highway road lane path passage or roadway in good repair to the reasonable satisfaction of the district committee or of

A.D. 1898.

any of their officials specially empowered by them to that effect for six months after the completion of the works and in case of their default in any of the above matters the district committee may do the necessary works and things and recover the costs and expenses incurred by them from the Waterworks Commissioners :

- (4) Wherever the Waterworks Commissioners shall have power to lay a water pipe in a highway road lane path, bridge or passage containing a water pipe which is the property of the district committee the Waterworks Commissioners shall so far as reasonably practicable lay their water pipe on the opposite side of the highway road lane path bridge or passage from that in which the district committee's pipe has been laid :
- (5) If any difference shall arise between the Waterworks Commissioners and the district committee or between their respective engineers as to any plans and sections to which the approval of the district committee is necessary or as to the mode of executing any of the works or as to any of the other provisions of this section such difference shall be determined by an engineer to be agreed on by the Waterworks Commissioners and the district committee or failing agreement to be appointed by the sheriff of the county of Lanark on the application of either party and the costs of any such reference shall be paid as the referee shall decide.

Commis-
sioners to
supply a
certain
quantity of
water to
district
committee.

12.—(1.) The Waterworks Commissioners shall after the completion of the works by this Act authorised if required by the district committee supply the district committee with such a quantity of water as they shall require for the supply of their district not exceeding in the aggregate one hundred thousand gallons per day of twenty-four hours as the same shall be ascertained by meter and at a price to be fixed failing agreement by a referee as herein after provided and the Waterworks Commissioners shall form such connexions with their conduits or lines of pipes or either of them as shall be required by the district committee for the purpose of such supply And the Waterworks Commissioners whenever they consider it expedient and have such water to spare may enter into agreements with the district committee to give a further and additional supply of water of such quantity and at such price and conditions as may be arranged between the parties.

(2.) The cost of forming and maintaining all connexions including meters for measuring the water supplied shall be paid by the district committee.

(3.) If any difference shall arise between the Waterworks Commissioners and the district committee as to the price to be

charged for the quantity of water not exceeding one hundred thousand gallons per day to be supplied to the district committee as aforesaid or as to the place or places where the connexions are to be made for the water which the district committee are entitled to require or as to the cost of forming the same such difference shall be determined by a referee to be agreed upon between the parties or failing agreement to be appointed by the sheriff of the county of Lanark on the application of either party and the costs of any such reference shall be borne and paid as the referee shall direct.

A.D. 1898

13. Persons empowered by the Lands Clauses Acts to sell and convey or dispose of lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Waterworks Commissioners any servitude right or privilege (not being a servitude right or privilege of water in which persons other than the parties to the agreement have an interest) required for the purposes of this Act in over or affecting any such lands and the provisions of the said Acts with respect to lands and annual 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.

Power to take servitudes &c. by agreement.

14. In addition to the lands which the Waterworks Commissioners are by this Act authorised to purchase compulsorily they may for any of the purposes of this Act from time to time by agreement purchase any additional quantity of land not exceeding in the whole ten acres Provided that the Waterworks Commissioners shall not upon any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with their waterworks.

Power to acquire additional lands by agreement.

15. Subject to the provisions of this Act the Waterworks Commissioners may divert intercept impound take appropriate store use and distribute for the purposes of this Act the waters of the stream called or known as the Kype Water and of all or any of the affluents of that stream and all streams springs and waters flowing into or arising within the site of the reservoir and other works by this Act authorised and which can be collected by such reservoir or works or any of them.

Power to divert and impound water of Kype Water and other streams.

16.—(1.) The Waterworks Commissioners shall as soon as the reservoir by this Act authorised is completed and filled with water and before the Commissioners commence to appropriate any water for the purposes of water supply under the provisions of this Act discharge or allow to flow as compensation water down the Kype Water below the said reservoir a uniform and continuous flow of water of not less than seven hundred and fifty thousand gallons

Compensation water.

A.D. 1898. — during the twenty-four hours of each day Provided that if after the construction of the additional reservoir to be formed by the Waterworks Commissioners as herein-after provided the Waterworks Commissioners shall appropriate for the purposes of this Act (other than for compensation water) a greater quantity of water than one million five hundred thousand gallons during the twenty-four hours of any day they shall be bound to discharge or allow to flow as compensation water down the said Kype Water in addition to the said seven hundred and fifty thousand gallons a quantity of water of not less than one thousand gallons for every two thousand gallons which may be taken appropriated and distributed by them for the purposes of this Act (other than for compensation water) in excess of the said one million five hundred thousand gallons.

(2.) Such compensation water shall be deemed to be full compensation to all millowners and other persons interested in the waters flowing down the Kype Water below the said reservoir for the water intercepted and appropriated for the purposes of this Act.

(3.) The Waterworks Commissioners shall for the purpose of ascertaining the amount of the compensation water daily discharged construct and maintain upon the Kype Water immediately below the foot of the outer slope of the embankment of the reservoir by this Act authorised a suitable and sufficient measuring gauge over or through which the compensation water shall flow or be discharged and such gauge shall be open to the inspection and examination of all persons having a legal interest in the said compensation water or persons duly authorised by them on their behalf at all reasonable times.

(4.) The Waterworks Commissioners shall also for the purpose of ascertaining the quantity of water daily appropriated for the purposes of water supply (other than compensation water) construct and maintain immediately below the embankment of the reservoir by this Act authorised a suitable and sufficient measuring gauge over or through which such water shall flow or be discharged and such measuring gauge shall be open to the inspection and examination of all persons having a legal interest in the said compensation water or persons duly authorised by them on their behalf at all reasonable times.

(5.) If at any time such measuring gauges or either of them shall be out of repair or unfit for the purpose for which they were intended the same shall forthwith be put into a proper and efficient state of repair at the expense of the Waterworks Commissioners and if the Waterworks Commissioners shall fail to repair such gauges or either of them within seven days after notice given to them by or on behalf of any of the persons having a legal interest in the

compensation water as aforesaid it shall be lawful for any person so interested to cause such works to be done and performed in connexion with the said measuring gauges as shall be necessary for placing them in a proper and efficient state of repair and to recover the expense so incurred with full costs of suit against the Waterworks Commissioners in any court of competent jurisdiction. A.D. 1898.

(6.) The Waterworks Commissioners shall cause books to be regularly kept in which a record shall be made of the quantity of water passing daily over or through each of the foresaid measuring gauges and all persons having a legal interest in the said compensation water shall be entitled to examine the said books and records and the measuring gauges herein-before referred to at all reasonable times and such persons shall have a right to demand and the Waterworks Commissioners shall be bound to supply whenever demanded copies of the said records relating to each of the said measuring gauges for any reasonable period that may be specified in such demand.

(7.) For the further protection of millowners and riparian proprietors below the proposed reservoir the Waterworks Commissioners shall in the event of failure to supply the said seven hundred and fifty thousand gallons of compensation water in the manner stipulated in any seven days occurring in any period of seven consecutive weeks (provided that such failure is not due to an accident to the works which can be repaired) be bound to provide additional storage accommodation and in such event the following conditions shall apply :—

- (A) The Waterworks Commissioners shall promote in the first session of Parliament following their failure to supply the compensation water as aforesaid a Bill for power to make an additional reservoir and works within the drainage area of the reservoir by this Act authorised ;
- (B) The said additional reservoir shall have a storage capacity sufficient to guarantee to the millowners and others having a legal interest in the said compensation water the full quantity of compensation water provided for in subsection (1) of this section and if any millowner or other person having a legal interest in such compensation water shall consider the capacity of the reservoir which the Waterworks Commissioners shall propose to provide insufficient they shall be entitled to apply to the Board of Trade to appoint an engineer to determine what the capacity of the said additional reservoir should be and the charges and expenses of such engineer in the matter shall be in his discretion awarded against the Waterworks Commissioners or the parties making the application or one or other of them or divided among them.

A.D. 1898.

Works to form part of water undertaking.

17. The works authorised by this Act shall form part of the water undertaking of the Waterworks Commissioners and all the powers and provisions vested in and applicable to the Waterworks Commissioners by the Hamilton Water Acts with reference to their water undertaking shall be and the same are hereby in so far as applicable extended to and applied to the waterworks authorised by this Act.

Restriction on taking houses of labouring class.

18. The Waterworks Commissioners shall not under the powers of this Act purchase or acquire in any district within the meaning of the Public Health (Scotland) Act 1897 ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Secretary for Scotland ten or more houses which were not so occupied on the fifteenth day of December but have been or shall be subsequently so occupied.

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.

Period for compulsory purchase of lands.

19. The powers of the Waterworks Commissioners for the compulsory purchase of lands for the purposes of this Act shall cease after the expiration of three years from the passing of this Act.

Period for completion of works.

20. If the works authorised by this Act and shown on the deposited plans are not completed within seven years from the passing of this Act then on the expiration of such period the powers by this Act granted to the Waterworks Commissioners for executing the same or in relation thereto shall cease except as to so much thereof as is then completed but nothing herein shall restrict the Waterworks Commissioners from extending enlarging altering or renewing any of their engines machinery weirs tanks pipes and other works from time to time as occasion requires for supplying water within the burgh or beyond the same as authorised by the Hamilton Water Acts and this Act.

Power to hold lands needful to prevent fouling and to protect water.

21. The Waterworks Commissioners may hold any lands acquired by them under the powers of the Hamilton Water Acts or this Act and which they may deem necessary for the purpose of preventing the fouling of the water of any stream flowing into any of their waterworks or for the protection of their waterworks against nuisances encroachments or injury and so long as such lands shall

be so held they shall not be deemed to be superfluous lands within the meaning of the Lands Clauses Acts Provided that the Waterworks Commissioners shall not upon any such lands create or permit any nuisance or erect or authorise or permit the erection of any buildings other than buildings connected with their waterworks.

A.D. 1898.

22. The Waterworks Commissioners may on any lands or in any stream or watercourse to which they now have right or which they may hereafter acquire under the powers of the Hamilton Water Acts or this Act or otherwise construct all such drains channels and other works as they think necessary or desirable for preventing sewage or polluting liquids from entering or polluting any of the reservoirs conduits or watercourses of the Waterworks Commissioners or any waters flowing into the same.

For protection of reservoirs from pollution.

23. Subject to the provisions of the Lands Clauses Consolidation (Scotland) Act 1845 with respect to the sale of superfluous lands the Waterworks Commissioners may from time to time if they think fit sell or lease or otherwise dispose of in such way and manner and on such terms and conditions as they may deem proper any lands vested in or acquired by them which may not be required for the purposes of or in connexion with their undertaking.

Commissioners may sell or lease lands.

24. On the sale by the Waterworks Commissioners of any lands they may reserve to themselves all or any part of the water or water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to use of water noxious trades or discharge or deposit of manure sewage or other impure matters as they think fit.

Reservation of water rights.

25. In addition to and without prejudice to the provisions contained in the Hamilton Water Acts and this Act with regard to the misuse of water supplied by the Waterworks Commissioners no person supplied by the Waterworks Commissioners with water for domestic purposes shall use such water or suffer the same to be used for the purposes of affording power to or in connexion with any machinery or apparatus whatsoever and every person offending against this enactment shall for every such offence forfeit and pay to the Waterworks Commissioners a penalty not exceeding five pounds.

Water supplied for domestic purposes not to be used for other purposes.

26. The Waterworks Commissioners may require any person or company supplied with water for other than domestic purposes to take and pay for his supply by measure and if so required by any such person shall supply him with water by measure for other

Water to be supplied by measure if required in certain cases.

A.D. 1898. — than domestic purposes In every case a meter for ascertaining the quantity consumed shall be provided by the Waterworks Commissioners at a reasonable rate for the same.

Power to sell or let meters.

27. The Waterworks Commissioners may sell and dispose of meters and any water fittings upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit and may let for hire any meters for ascertaining the quantity of water consumed or supplied and any water fittings for such remuneration in money and on such terms and conditions with respect to the repair maintaining and protection of such meters and fittings and for securing safe access to and the safety and return to the Waterworks Commissioners of such meters and fittings as may be agreed upon between the hirer and the Waterworks Commissioners.

Register of meter to be primâ facie evidence.

28. Where water is supplied by measure the register of the meter shall be primâ facie evidence of the quantity of water consumed.

Power to Commissioners to supply materials.

29. The Waterworks Commissioners may if requested by any person supplied or about to be supplied by them with water furnish to him and from time to time repair or alter any such pipes valves cocks cisterns baths meters soil pans waterclosets apparatus and receptacles as are required or permitted by their regulations and may provide all materials and do all work necessary or proper in that behalf and the reasonable charges of the Waterworks Commissioners in providing such materials and executing such work shall be paid by the person requiring the same.

Meters not to be connected or disconnected without notice.

30. No person shall connect any meter with any pipe through which any water is supplied by the Waterworks Commissioners to such meter or disconnect any meter from any such pipe unless he shall have given to the Waterworks Commissioners not less than forty-eight hours notice in writing of his intention so to do and all alterations or repairs to and the connecting or disconnecting of meters shall be done at his cost and be performed under the superintendence of an officer of or person authorised by the Waterworks Commissioners or if the Waterworks Commissioners in any case so elect may be done by the Waterworks Commissioners and the cost thereof recovered from the person requiring the same or on whose behalf the same were performed and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding five pounds.

Commissioners not bound to supply several tenements by one pipe.

31. The Waterworks Commissioners shall not be bound to supply more than one tenement of houses by means of the same service pipe but they may if they think fit require that a separate pipe from the main be laid into each tenement of houses supplied by them with water.

32. Where several houses or parts of houses in the occupation of several persons are supplied by one common pipe the several owners or occupiers of such houses or parts of houses shall be liable to the payment of the same assessments or rates for the supply of water as they would have been liable to if each of such several houses or parts of houses had been separately supplied with water from the works of the Waterworks Commissioners by a distinct pipe and nothing in this Act shall render it obligatory upon the Waterworks Commissioners to give or continue a supply of water through or from one common pipe.

A.D. 1898.

Where several houses supplied by one pipe each to pay.

33. Where there is a pair of tenements or there are several tenements in a row or group no tenant or occupier of any one of the tenements nor any person on his behalf shall take or use the water laid on by the Waterworks Commissioners to any other of such tenements.

Supply of water to tenements in a row.

34. The Waterworks Commissioners may if at any time it shall appear to them that any house within the limits of this Act is without a proper or sufficient supply of water at or near the same compel the owner to obtain a supply of water from the Waterworks Commissioners and to defray the expense of all such works as may be necessary for that purpose.

In case of insufficient supply Commissioners may require owner to take supply.

35. Any notice to be served on a person supplied with water shall be sufficiently authenticated by the name of the clerks or clerk of the Waterworks Commissioners or if it be a notice to pay any charge in respect of the supply of water by the name of the collector of the Waterworks Commissioners and any such notice may be served on such person either personally or by sending the same through the post by a prepaid letter addressed to him by name at his last known place of abode or business or by delivering the same to some inmate of his last known or usual place of abode or business or to any inmate of the premises supplied or if such premises be unoccupied and the place of abode of the person to be served is after diligent inquiry unknown it shall be sufficient to affix it or a copy thereof upon some conspicuous part of such premises.

Form and service of notices by Commissioners.

36. A notice to the Waterworks Commissioners from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing and be left at or sent by post to the office for the time being of the Waterworks Commissioners.

Notice of discontinuance.

37. The Waterworks Commissioners may apply to any of the purposes of this Act to which capital is properly applicable any funds which under the Hamilton Water Acts or this Act belong to or are authorised to be borrowed by them and which may not be required for the purposes for which the same were authorised to be borrowed or directed to be applied.

Power to apply capital already authorised.

A.D. 1898.

Power to
borrow on
mortgage.

38. In addition to the moneys already authorised to be borrowed by the Waterworks Commissioners under the authority of the Hamilton Water Acts the Waterworks Commissioners may from time to time borrow on mortgage any sum or sums not exceeding in the whole forty-five thousand pounds which sum shall include the sum of ten thousand pounds which the corporation are by this Act authorised to advance on loan to the Waterworks Commissioners and may make and grant mortgages and assignments of the water undertaking and of the several water rates and charges authorised and leviable under the provisions of those Acts and this Act in security of the payment of the money so borrowed and interest thereon and if after having so borrowed the said sums or any part thereof the Waterworks Commissioners pay off the same otherwise than by means of a sinking fund it shall be lawful for them again to borrow the amount so paid off or any part thereof and so from time to time.

Commis-
sioners may
borrow on
cash credit.

39. The Waterworks Commissioners may accept and take from any bank or banking company credit on a cash account to be opened and kept with such bank or banking company in the name of the Waterworks Commissioners according to the usage of bankers in Scotland to the extent of the moneys which the Waterworks Commissioners are by this Act authorised to borrow or any part thereof and may make and grant mortgages or assignments of the rates by the Hamilton Water Acts and this Act authorised in security of the payment of the amount of such credit or of the moneys advanced from time to time on such cash account with interest thereon. Provided that the whole moneys due and owing by the Waterworks Commissioners on any cash account and for money borrowed by them on mortgages or assignments of the said rates or any part thereof shall not when taken together exceed the aggregate amount of the moneys authorised to be borrowed under the Hamilton Water Acts and the moneys which they are authorised to borrow under this Act from any parties other than the corporation.

Existing
mortgages to
have priority.

40. All mortgages granted by the Waterworks Commissioners before the passing of this Act and which shall be subsisting at the time of the passing of this Act shall during the continuance of such mortgages have priority over any mortgages to be granted by virtue of this Act.

Application
of money
borrowed.

41. The several sums borrowed by the Waterworks Commissioners under the authority of this Act shall be applied for the purposes of the waterworks and the supply of water authorised by the Hamilton Water Acts and by this Act and otherwise to the

purposes of the Waterworks Commissioners being in every case purposes to which capital is properly applicable and to no other purpose whatsoever. A.D. 1898.

42. Subject to the provisions of this Act all the powers provisions and directions of the Hamilton Water Acts with respect to the manner of borrowing the sums thereby authorised to be borrowed and to the mortgages and securities to be granted therefor and to the borrowing of sums to pay off existing securities and to the transfer or assignment of securities and to the power of the mortgagees to apply for the appointment of a judicial factor are hereby made applicable to the moneys to be borrowed and the mortgages or assignments in security to be granted by the Waterworks Commissioners under the authority of this Act in the same manner as if the moneys to be borrowed by them under this Act had been borrowed under the authority of those Acts. Powers of existing Acts to apply to money borrowed by Commissioners under this Act.

43. No person lending money to the Waterworks Commissioners shall be bound to inquire as to the observance by the Waterworks Commissioners of any provision of this Act or be bound to see to the application or be answerable for any loss or non-application of such money or any part thereof. Protection of lender from inquiry.

44. The corporation may out of the burgh funds or common good of the burgh or out of the annual revenue thereof advance on loan to the Waterworks Commissioners on the security of the water undertaking and of the rates and charges by the Hamilton Water Acts and this Act authorised (but postponed to the other sums by those Acts authorised to be borrowed) and upon such terms for such periods and at such rate of interest not exceeding three per centum per annum as may be agreed such sum or sums of money not exceeding in the whole ten thousand pounds as they shall think fit towards the purposes of the water undertaking. Corporation may contribute out of common good.

45. The Waterworks Commissioners shall annually after the expiration of three years from the passing of this Act set apart as a sinking fund out of the rates and charges and other moneys received by them from or on account of the water undertaking (other than money borrowed) such equal sums as shall by accumulation with compound interest thereon at the rate of three per centum per annum be sufficient to pay off the money so borrowed within sixty years from the time of borrowing such money. Sinking fund.

46. The Waterworks Commissioners may from time to time apply the whole or any part of the said sinking fund in or towards the discharge of the principal moneys borrowed under the powers of this Act Provided that they pay in each year into the said fund Application of sinking fund.

A.D. 1898. — and accumulate until the whole of the principal moneys so borrowed shall have been discharged a sum equivalent to the interest of the sinking fund or part of the sinking fund so applied. Provided also that whenever and so long as the yearly income arising from the said sinking fund shall be equal to the annual interest of such principal moneys then outstanding the Waterworks Commissioners may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to such sinking fund of the yearly sums by this Act required to be so paid thereto.

Investment
of sinking
fund.

47. The Waterworks Commissioners shall invest the said sums so to be set apart as a sinking fund in the public funds or in any bank in Scotland incorporated by Act of Parliament or by Royal Charter or on heritable security until such sinking fund shall be applied in manner herein-before provided.

Increase of
domestic
water rate.

48. The rate per annum which the Waterworks Commissioners may demand and recover for water supplied for domestic use shall be ninepence per pound upon the rackrent or annual value of the premises so supplied with water including the office houses yards and pertinents of the same and section 31 of the Act of 1854 shall accordingly be read as if a rate of ninepence instead of sixpence had been inserted therein.

Application
of rates.

49. The rates and charges levied under the authority of the Hamilton Water Acts and this Act shall be applied in manner following (that is to say) :—

First In defraying the expenses of the management and maintenance of the water undertaking including salaries and other payments to officers and servants and the annual costs charges and expenses of providing and supplying water and in payment of any feu duties or ground annuals and other annual payments exigible in respect of any lands streams or property forming part of the water undertaking :

Secondly In payment of the interest of money borrowed under the authority of the Hamilton Water Acts and of this Act in connexion with the water undertaking :

Thirdly In payment of the sums by the Hamilton Water Acts and this Act directed to be set apart as sinking funds in connexion with the water undertaking :

Lastly In payment of such portion of the cost of enlarging or increasing and renewing and from time to time extending their works mains and pipes as the Waterworks Commissioners shall think it reasonable to charge against the revenue for the year and of any other necessary annual expenditure.

50. The costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Waterworks Commissioners out of the rates to be levied or out of the moneys to be borrowed under the authority of the Hamilton Water Acts and this Act.

A.D. 1898.
Costs of Act.

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY FIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.