CHAPTER c.

An Act to extend and enlarge the powers of the lord mayor aldermen and citizens of the city of Belfast with respect to finance and borrowing to confer further powers with respect to sanitary matters and matters of local administration and for other purposes. A.D. 1913

[15th August 1913.]

WHEREAS the city of Belfast (in this Act called "the city") is a county borough subject to the Acts relating to municipal corporations in Ireland and the lord mayor aldermen and citizens of the city (in this Act called "the Corporation") acting by the council are the urban sanitary authority for the district thereof:

And whereas it is expedient that the Corporation should be authorised to establish and maintain a fire insurance fund with reference to the buildings and property of the Corporation and an insurance fund with reference to their liability in respect of accidents to their employees:

And whereas it is expedient that further borrowing powers be conferred on the Corporation for the purposes of this Act and that the powers of the Corporation with respect to borrowing money should be extended as by this Act provided:

And whereas it is expedient that further powers be conferred upon the Corporation with respect to the construction of drains and that the provisions of this Act with reference to drains should be made:

And whereas it is expedient that the other provisions in this Act contained should be sanctioned:

And whereas the objects aforesaid cannot be attained without the authority of Parliament:

[*Price* 1*s.* 6*d.*]

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And whereas an absolute majority of the whole number of the council at a meeting held on the fourteenth day of November one thousand nine hundred and twelve after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Northern Whig a newspaper published and circulating in the city (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense in relation to promoting the Bill for this Act should be charged on the general purposes fund or rate of the city:

And whereas such resolution was published twice in the said newspaper and has received the approval of the Chief Secretary and so far as relates to matters within their jurisdiction the approval of the Local Government Board:

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the first day of January one thousand nine hundred and thirteen being not less than fourteen days after the deposit in Parliament of the Bill for this Act:

And whereas the persons qualified to vote at an election of the members of the council of the city have by resolution in the manner provided in the Borough Funds (Ireland) Act 1888 approved of the promotion of the Bill for this Act:

May it therefore please Your Majesty that it may be enacted and be it 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 (that is to say):—

PART I.

PRELIMINARY.

Short and collective titles.

1. This Act may be cited as the Belfast Corporation Act 1913 and this Act and the former Acts may be cited as the Belfast Local Acts 1845 to 1913.

Act divided into Parts.

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

Part I.—Preliminary.

Part II.—Insurance Funds.

Part III.—Financial.

Part IV.—Miscellaneous.

Interpretation.

3. In this Act unless otherwise expressly provided or the context otherwise requires—

"The city" means the city and county borough of Belfast;

"The Corporation" means the lord mayor aldermen and citizens of the city;

"The town clerk" means the town clerk of the city;

"The surveyor" means the city surveyor of the city and includes the assistant surveyor;

"The Public Health Acts" means the Public Health (Ireland) Act 1878 and any Act or Acts amending the same;

"The Local Government Board" means the Local Government Board for Ireland;

"Statutory security" means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation or other local authority as defined by section 34 of the Local Loans Act 1875 but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

"Statutory borrowing power" means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

"Revenues of the Corporation" includes the revenues of the Corporation from time to time arising from the lands undertakings and other property for the time being of the Corporation and rates and moneys leviable by or on the precept of the Corporation.

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PART II.

INSURANCE FUNDS.

Fire insurance fund.

4.—(1) The Corporation may if they think fit establish a fund to be called the Fire Insurance Fund with a view of providing a sum of money which in the event of fire shall be available for the purpose of reconstructing rebuilding repairing restoring replacing and making good any loss or damage by or in consequence of fire to any buildings works and property belonging or on loan to or under the care custody or control of the Corporation and shall carry to the credit of such fund any sums already reserved for purposes of fire insurance out of the profits of any undertaking of the Corporation.

(2) In each year after the establishment of the fire insurance fund the Corporation shall pay into that fund such a sum as would in their opinion be equal to the aggregate amount of the premiums which would be payable in the event of the Corporation fully insuring their buildings works and property or any property on loan to or under their care custody and control as aforesaid in some public fire insurance office in the United Kingdom but when the fund shall amount to the sum of one hundred thousand pounds the Corporation may if they think fit discontinue such yearly payments but so that if the fund is at any time reduced the Corporation shall recommence and continue the yearly payment until that fund be restored to the sum of one hundred thousand pounds.

(3) Nothing in this section shall prevent the Corporation effecting insurances on any such buildings works and property as aforesaid against loss or damage by fire in any such public insurance office and if the Corporation effect any such insurances on any such buildings works and property under the provisions of this subsection the yearly sums payable to the fire insurance fund shall during the continuance of any such insurance be reduced by the amount of the premiums in fact paid in respect of such insurances.

(4) The Corporation shall provide the yearly payments aforesaid by contributions from the rents and revenues of the lands buildings and undertakings or from the respective funds or rates which if the buildings works and property were insured in a public insurance office would be properly chargeable with the payment of the premiums of such insurance and if there be no rents or revenue specially chargeable then by contributions from the general purposes fund or rate.

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(5) Except so far as the fire insurance fund and the proceeds of sale of securities in which that fund is invested may be necessary to meet losses from or in consequence of fire all moneys for the time being standing to the credit of the fire insurance fund shall be invested in securities in which trustees are by law authorised to invest trust moneys and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund amounts to the sum of one hundred thousand pounds and when and so long as the fund amounts to that sum the interest and annual proceeds of the securities shall be carried to the credit of the fund or funds to which the same are properly applicable.

(6) The Corporation may at any time and from time to time resort to the fire insurance fund for any purpose mentioned in this section notwithstanding that the same may not have reached or may have been reduced below the said sum of one hundred thousand pounds.

(7) If at any time and from time to time the fire insurance fund shall be insufficient to make good any loss or damage sustained by the Corporation by or in consequence of fire they may with the sanction of the Local Government Board borrow at interest under and subject to the provisions of the section of this Act of which the marginal note is "Power to borrow" such sums of money as will be necessary to make up the deficiency.

Power to create accident fund.

5. The Corporation may if they think fit form a fund to be called the Accident Fund to provide for meeting claims upon them under the common law the Employers' Liability Act 1880 the Workmen's Compensation Act 1906 or any Act or Acts for the time being amending or extending those Acts or otherwise in respect of any accident occurring in the execution of any of their powers and such fund shall be formed by annually appropriating thereto such sums out of any of their revenues as they from time to time deem expedient and such sums shall be invested in securities in which trustees are by law authorised to invest trust moneys and the interest and annual proceeds arising from those securities shall be invested and accumulated until the fund shall amount to the sum of twenty thousand pounds Provided that the Corporation may from time to time or at any time resort to that fund for any purpose mentioned in this section notwithstanding that the same shall not then have reached or shall have been reduced below the said sum of twenty thousand pounds and if the said

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fund be reduced at any time it may in manner provided by this section be restored to the said amount.

Part III.

Financial.

Power to borrow.

6. The Corporation may in addition to any moneys which they are now authorised to borrow or to raise by the creation and issue of Belfast Corporation Stock borrow at interest upon the security of the general purposes fund and rate such sums as may be necessary for the purpose of paying the costs of this Act and in calculating the sums which the Corporation may borrow under the provisions of the Public Health Acts or any other enactment any sums they may borrow under this Act shall not be reckoned.

Prescribed periods for repayment of money borrowed under this Act.

7.—(1) The prescribed periods for the repayment of moneys borrowed under the powers of this Act shall be as follows (that is to say):—

For the purpose mentioned in the next preceding section of this Act five years from the passing of this Act;

For the purposes of Part II. of this Act such period as the Local Government Board may from time to time sanction.

(2) The first payment by instalments or to a sinking fund shall be made within twelve months after the date of the borrowing of the money in respect of which such payment is to be made.

Previous powers may be exercised by borrowing instead of creating stock.

8. Where the Corporation have any unexercised power of raising money by means of the creation and issue of Belfast Corporation Stock under any of the Acts relating to the Corporation they may exercise that power by borrowing at interest under and subject to the provisions of this Act in lieu of the creation and issue of such stock but nothing in this section shall prevent any subsequent issue of stock under the Belfast Corporation Act 1889 for the purpose of paying off any moneys so borrowed.

Provision as to mortgages.

9. Subject to the provisions of this Act as regards the form of mortgage and transfer of mortgages the following sections of the Public Health (Ireland) Act 1878 shall extend

and apply mutatis mutandis to and in relation to all mortgages granted under the powers of this Act (that is to say):— A.D. 1913.

Section 240 (Form of mortgage);
Section 241 (Register of mortgages);
Section 242 (Transfer of mortgages); and
Section 243 (Receiver may be appointed in certain cases).

Security for principal moneys.

10.—(1) All moneys borrowed or to be borrowed by the Corporation under any statutory borrowing power (including borrowing powers under this Act) and not raised by the issue of stock (all such moneys being herein-after referred to as "the principal moneys") shall be charged indifferently upon all the revenues of the Corporation and each and all such principal moneys or any of them together with the interest and all other annual sums for the time being payable thereon (such interest and other annual sums being herein-after referred to as "interest") shall rank equally and pari passu without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the raising of the money or in the date of the money becoming owing or in the date of the security issued or given in respect thereof or on any other ground whatsoever and shall also rank equally with all other securities of the Corporation.

(2) The provisions of this section shall not prejudicially affect the rights (if any) of any existing mortgagee or stock-holder of the Corporation who shall have the same rights and remedies as if this Act had not been passed nor shall the provisions of this section alter the liability of any fund rate or revenue primarily to provide for the payment of interest and the repayment of moneys borrowed whether such liability attach thereto by direct provision or by reason that it is expressly made liable as the security for such moneys.

Saving for power to sell lands &c.

11.—(1) Nothing in this Part of this Act shall affect any power or duty of the Corporation to sell lease or otherwise dispose of any land or property of the Corporation or to apply any purchase money or other money arising thereby in discharge of any charge on that land or property or the revenues thereof other than the charge of principal moneys created under this Act or affect any claim of any person under such first-mentioned charge.

(2) Land or property shall in the hands of the purchaser or other person taking the same under the sale lease or other

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disposition be by virtue of this Act absolutely freed from the charge of the principal moneys and such purchaser or other person shall not be concerned to see to the application of that purchase money or other money or be answerable for any loss or misapplication thereof.

Interest fund.

12.—(1) For payment of interest on the principal moneys there shall be established and formed a fund called the Interest Fund.

(2) In each year the Corporation shall pay into the interest fund a sum or sums equal to the aggregate amount of interest payable in that year on the principal moneys.

(3) The amount of such sum or sums shall be—

(A) in the case of principal moneys in respect of which provision for repayment is made by the payment of equal annual instalments of principal or of principal and interest combined the amount provided by the bond or mortgage creating the charge; and

(B) in the case of principal moneys in respect of which provision for repayment is made by means of a sinking fund the amount required in that behalf for payment of interest thereon and the total amount so required shall be apportioned among the several revenues of the Corporation according to the respective amounts of those principal moneys charged upon those revenues respectively.

Application of interest fund.

13. The Corporation shall from time to time apply the interest fund in paying the interest on the principal moneys.

Account of interest fund.

14. As parts of the general account of the interest fund the Corporation shall keep separate accounts distinguishing and showing in relation to each undertaking or purpose for or in respect of which any of the principal moneys are borrowed by them all moneys paid into the interest fund from the revenues of the Corporation in respect of the interest on the several amounts of the principal moneys chargeable to that undertaking or purpose.

Periods for repayment of principal moneys.

15. The Corporation shall provide for the repayment of the principal moneys within the periods prescribed by the respective Acts orders or sanctions under or by virtue of which those moneys were borrowed which periods are herein-after referred to as "the prescribed periods,"

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Method of repayment of principal moneys.

16.—(1) The Corporation shall provide for the repayment within the prescribed periods of the principal moneys or any of them either by the payment of equal annual instalments of principal or of principal and interest combined or by means of a sinking fund or by any one or more of those modes.

(2) In case the Corporation decide to repay any of the principal moneys by means of a sinking fund they shall each year throughout the prescribed periods respectively pay into such fund a sum or sums equal to the aggregate amount of all sums payable in that year for the purpose of providing within the prescribed periods respectively sums equal in amount to the respective amounts of the principal moneys for the repayment of which the fund is established.

(3) The yearly sums to be paid into the fund in respect of each amount of the principal moneys for the repayment of which the fund is established shall be either—

(A) The equal annual sum which with the accumulations thereon at compound interest at a rate not exceeding three pounds per centum per annum or such other rate as the Local Government Board shall from time to time sanction would be sufficient after payment of all expenses to repay that amount in the prescribed period; or

(B) The equal annual sum which if continued throughout the prescribed period would be sufficient without accumulations to repay that amount within the prescribed period:

The said yearly payments in respect of each amount of the principal moneys shall be continued throughout the prescribed period.

(4) If it appear to the Local Government Board at any time that the said several yearly sum or sums as aforesaid or any of them are insufficient to provide within the prescribed periods sums equal in amount to the amount of the principal moneys in respect of which such yearly sum or sums respectively are paid the amount of such yearly sum or sums shall be increased to such extent as the Board may determine and the Corporation with the consent of the Board may at any time reduce such yearly sum or sums either temporarily or permanently in any case in which it appears to the Board that such yearly sum or sums would if maintained be more than sufficient to provide within the prescribed period a sum equal

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in amount to the amount of the principal moneys in respect of which such yearly sum or sums are required to be paid and if the amount paid into the sinking fund at any time in respect of any particular amount of the principal moneys is in the opinion of the Board sufficient with the accumulations to arise thereon (if any) to provide within the prescribed period a sum equal in amount to the amount of such principal moneys the Corporation with the consent of the Board may discontinue the payment of the yearly sum or sums to the sinking fund in respect of that amount of the principal moneys.

(5) The Corporation shall transfer to the new sinking fund all sums standing to the credit of any existing sinking fund or funds.

Moneys arising from sale of land to be paid to sinking fund.

17. Unless the Local Government Board otherwise direct the Corporation shall pay into the sinking fund and then shall carry to the proper separate account forming part of the general account of the sinking fund all such money being capital or in the nature of capital and not being wholly or in part otherwise appropriated or required to be otherwise applied as shall from time to time arise from any sale lease or other disposition by the Corporation of land or other property of the Corporation in respect of or for which any of the principal moneys have been borrowed and as shall from time to time arise from any other source.

Application of sinking fund.

18. The Corporation may at any time apply the whole or any part of the sinking fund as follows (that is to say):—

(1) In or towards the discharge of the principal moneys or any of them for the repayment of which the fund is established provided that the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based:

(2) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose

any money for the time being forming part of the sinking fund and moneys so raised shall for the purposes of this Act be deemed to be moneys borrowed under a statutory borrowing power Provided that when exercising this power the Corporation shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of moneys from such sinking fund;

(B) Credit such account or accounts in the sinking fund as the Corporation may determine with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund under subsection (1) of this section;

(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal moneys equal to the sum withdrawn from the sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of this Part of this Act as to repayment and re-borrowing shall apply thereto accordingly:

(3) When any of the principal moneys are discharged by the application of any part of the sinking fund the principal moneys so discharged shall be deemed to be in respect of such one or more of the statutory borrowing powers under which the principal moneys for the repayment of which the sinking fund is established were borrowed and if in respect of more than one in such proportions as the Corporation shall determine Provided that the amount of principal moneys deemed to be discharged in respect of any statutory borrowing power shall not exceed the amount of the contributions paid into the sinking fund in respect of that borrowing power and the accumulations (if any) thereon.

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Investment of sinking fund.

19. Pending or in default of any such application of the sinking fund as aforesaid the Corporation shall invest the same in any statutory security and the dividends income and annual proceeds thereof may be applied towards paying the sums required to be paid to the sinking fund under the section of this Act the marginal note whereof is "Method of repayment of principal moneys."

Account of sinking fund.

20.—(1) As part of the general account of the sinking fund the Corporation shall keep—

(A) An account showing the securities on which all sums paid into the sinking fund are from time to time invested; and

(B) Separate accounts relative to each undertaking or purpose for or in respect of which any principal moneys for the repayment of which the sinking fund is established were borrowed; and

(C) Separate accounts relative to such last-mentioned principal moneys in respect of each statutory borrowing power so exercised:

(2) Those separate accounts shall distinguish and show—

(D) The amounts of principal moneys outstanding for the time being chargeable to each undertaking or purpose and respectively attributable to the exercise of the several statutory borrowing powers if more than one relating to that undertaking or purpose; and

(E) The several amounts of principal moneys discharged by application of the sinking fund:

(3) Those separate accounts shall further distinguish and show in relation to each undertaking or purpose—

(F) All money being capital or in the nature of capital paid into the sinking fund and in the judgment of the Corporation properly attributable to that undertaking or purpose; and

(G) All money and securities transferred to the sinking fund as having formed part of any other sinking fund; and

(H) All money paid into the sinking fund as contributions from the revenues of the Corporation in respect of the discharge of those several amounts of principal moneys.

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Payments to interest and sinking funds how to be provided.

21.—(1) The yearly sum or sums to be provided under the provisions of this Part of this Act shall be provided by contributions from the several revenues of the Corporation (if any) specially made liable to provide the same by or under any statutory borrowing power or by any resolution of the Corporation having reference to the respective borrowing powers and if as regards any statutory borrowing power there is no such specific liability then from the several revenues out of which the respective contributions would be properly payable and in default thereof or subject thereto out of such fund or rate as the Corporation may consider equitable having regard to the provisions of this Act and the objects for which the statutory borrowing power was exercised.

(2) The Corporation shall from time to time in order to raise the amounts of the several contributions as aforesaid out of their several revenues do all such acts exercise all such powers collect all such moneys and make and levy all such rates as they lawfully can or ought to do exercise collect make and levy for the purpose of or in relation to the respective statutory borrowing powers in exercise whereof the several principal moneys are raised.

Determination as to charge of moneys.

22. For the purposes of any contribution or account under this Part of this Act the Corporation if they think fit having regard to all the circumstances of the case and subject to the terms on which any principal moneys were borrowed may from time to time determine and declare on which of the Corporation revenues any of such principal moneys is or shall be deemed to be primarily or collaterally charged or determine and declare that any such principal moneys shall be apportioned as regards the charge thereof between or among any of the Corporation revenues and every such determination and declaration shall be effectual to all intents.

Power to re-borrow.

23. The Corporation shall except as herein-after provided have power to re-borrow for the purpose of paying off any of the principal moneys which have not been repaid and are intended to be forthwith repaid or in respect of any of the principal moneys which have been repaid by the temporary application of funds at the disposal of the Corporation and which at the time of the repayment it was intended to re-borrow :

Provided that the Corporation shall not have power to re-borrow for the purpose of paying off any of the principal moneys repaid by instalments or annual payments or by means

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of a sinking fund or out of moneys derived from the sale of land or out of any capital moneys properly applicable to the purpose of such repayment other than moneys borrowed for that purpose Provided also that any of the principal moneys re-borrowed shall be deemed to form the same loan as the money for the repayment of which the re-borrowing has been made and shall be repaid within the prescribed period.

Application of money borrowed.

24. All moneys from time to time borrowed by the Corporation shall be applied only for the purposes for which the same are respectively authorised to be borrowed excepting that moneys which may have been borrowed in excess of the amount required shall be applied in such manner as the Corporation with the approval of the Local Government Board determine.

Return respecting sinking fund to Local Government Board.

25.—(1) The town clerk shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any of the principal moneys as defined by the section of this Act of which the marginal note is "Security for principal moneys" and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the town clerk showing for the year next preceding the making of such return or for such other period as the Local Government Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the sums applied under the section of this Act whereof the marginal note is "Application of sinking fund" and the total amount (if any) remaining invested at the end of the year and in the event of his failing to make such return the town clerk shall for each offence be liable to a penalty not exceeding forty shillings

a day during the continuance of the default which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health (Ireland) Act 1878 in a summary manner may be recovered by parties aggrieved within the meaning of that Act and notwithstanding the recovery of such penalty the making of the return shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any sum required for any sinking fund (whether such instalment or annual payment or sum is required by this Act or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Corporation not to regard trusts.

26. The Corporation shall not be bound to see to the execution of any trust whether express or implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register book of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon and the Corporation shall not be bound to see to the application of the money paid on any such receipt or be answerable or accountable for any loss misapplication or non-application of any of such money.

Protection of lender from inquiry

27. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any of the provisions of this Act or be bound to see

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to the application or be answerable for any loss misapplication or non-application of the money lent or any part thereof.

Expenses of execution of Act.

28. The Corporation shall pay the expenses incurred by them in carrying into effect the provisions of this Act other than such expenses as may be properly chargeable to capital account out of the general purposes fund or rate.

Temporary investment of moneys raised but not immediately required.

29. The Corporation may and if required by the Local Government Board shall from time to time invest temporarily on statutory securities any sum raised upon mortgage under this Act and not for the time being required for the purpose for which it is raised.

Power to borrow temporarily.

30. For the purpose of providing temporarily during any financial year for their current expenses as a municipal or sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their electricity gas and tramway undertakings respectively and after the commencement of such year it shall be lawful for the Corporation to borrow by way of temporary loan or overdraft from any bank or on temporary loan on deposit receipt from any person such sums as they may from time to time resolve not exceeding in each case an amount equal to one third of the amount of the before-mentioned expenses for the immediately preceding financial year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed pari passu with any corporation stock bond or mortgage affecting the same and it shall further be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have on hand crediting the said sinking funds with such fair rate of interest not being less than three per centum per annum as they may resolve Provided that—

(A) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case the same shall be repaid out of the income on the credit of which the sum was borrowed within three months after the expiration of such financial year:

(B) The town clerk shall within forty-two days after the end of each financial year furnish to the Local Government

Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require:

(c) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

Power to use one form of mortgage for all purposes.

31.—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the corporate seal of the Corporation and may be made in the form contained in the schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and out of which they would have been repayable respectively if this section had not been enacted.

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(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed Every such register shall be open to public inspection during office hours at the said office without fee or reward and the town clerk or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the town clerk who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the town clerk wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Closing of transfer books.

32.—(1) The town clerk with the approval of the Corporation may as regards any mortgages close the transfer books or the register of transfers (as the case may be) on any day in the month next before that in which interest under those mortgages is payable but so that the books be not at any time kept closed for more than fifteen days.

(2) The persons who on the day of such closing are registered as mortgagees shall as between them and the transferees be entitled to the interest next payable thereon.

PART IV.

MISCELLANEOUS.

Provision in lieu of section 19 of Public Health Acts Amendment Act 1890.

33.—(1) Where two or more houses or premises are connected with a single private drain which conveys their drainage into a public sewer watercourse cesspool or other receptacle the Corporation may exercise the powers conferred by section 51 of the Public Health (Ireland) Act 1878 notwithstanding that no complaint shall have been made to the Corporation that such drain is a nuisance or injurious to health and the Corporation may recover any expenses incurred by them in executing any works under the powers conferred on them by that section from the owners of the houses in such proportions as shall be settled by the surveyor or (in case of dispute) by arbitration under the said Act of 1878 or by a court of summary jurisdiction and such expenses shall be recoverable summarily as a civil debt or the Corporation may declare them to be private improvement expenses and may recover them accordingly.

(2) Section 19 of the Public Health Acts Amendment Act 1890 shall cease to be in force within the city.

(3) For the purposes of this section the expression "drain" includes a drain used for the drainage of more than one building whether owned or occupied by the same person or not.

Inquiries by Local Government Board.

34.—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred upon them by or the giving of any consents under this Act and the

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inspectors of the Local Government Board shall for the purposes of any such inquiries have all such powers as inspectors of the Local Government Board have for the purposes of inquiries directed by that Board under the Public Health (Ireland) Act 1878.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

Powers of Act cumulative.

35. All the powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.

Costs of Act.

36. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons or otherwise in relation thereto shall be paid by the Corporation out of the general purposes fund and rate of the city.

The SCHEDULE referred to in the foregoing Act.

Form of Mortgage.

City of Belfast.

By virtue of the Belfast Corporation Act 1913 and of other their powers in that behalf them enabling the lord mayor aldermen and citizens of the city of Belfast (herein-after referred to as "the Corporation") in consideration of the sum of pounds paid to the treasurer of the city by (herein-after referred to as "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his] executors administrators and assigns from the day of the date of these presents until the said sum of pounds shall be fully paid and satisfied with interest for the same (subject as herein-after provided) at the rate of per centum per annum from the day of one thousand nine hundred and until payment of the said principal sum such interest to be paid half-yearly on the day of and the day of in each year And it is hereby agreed that the said principal sum of pounds shall be repaid at the city hall in the said city [(subject as herein-after provided) on the day of one thousand nine hundred and] [by]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed upon and mentioned in an endorsement to be made hereon under the hand of the lord mayor and town clerk of the city for the time being respectively and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their corporate seal to be hereunto affixed this day of one thousand nine hundred and .

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THE ENDORSEMENT WITHIN REFERRED TO.

The within-named consenting the within-mentioned time for repayment of the within-mentioned principal sum of one thousand is hereby extended to the day of [and the interest to be paid thereon on and from the day of one thousand nine hundred and is hereby declared to be at the rate of per centum per annum].

Dated this day of one thousand nine hundred and .

FORM OF TRANSFER OF MORTGAGE.

I [the within-named] of in consideration of the sum of pounds paid to me by of (herein-after referred to as "the transferee") do hereby transfer to the transferee [his] executors administrators and assigns [the within-written security] [the mortgage number of the revenues of the lord mayor aldermen and citizens of the city of Belfast bearing date the day of] and all my right and interest under the same subject to the several conditions on which I hold the same at the time of the execution hereof and I the transferee for myself my executors administrators and assigns do hereby agree to take the said mortgage security subject to the same conditions.

Dated this day of one thousand nine hundred and .

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