CHAPTER xv.

An Act to authorise the Right Honourable the Lord Mayor Aldermen and Burgesses of Dublin to raise further moneys by borrowing and for other purposes. A.D. 1893.

[29th April 1893.]

WHEREAS the city of Dublin (hereinafter called "the city") is governed by the Right Honourable the Lord Mayor Aldermen and Burgesses of Dublin (hereinafter called "the Corporation") and the Corporation acting by the council are the urban sanitary authority for the city under the Public Health (Ireland) Act 1878:

And whereas by the Local Government Board (Ireland) Provisional Order Confirmation (No. 10) Act 1892 (hereinafter called "the Act of 1892") the Dublin Main Drainage Provisional Order 1892 being a provisional order made by the Local Government Board for Ireland authorising the Corporation to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement with reference to certain lands and premises required for the purposes of certain sewers and other works for the drainage of the city was confirmed and by the said Act (section two) it was provided that if within one year from the passing thereof it should become necessary for the Corporation to borrow for the purposes in the said order set forth the Corporation might borrow and the Commissioners of Public Works in Ireland might lend upon such terms and subject to such conditions as the Treasury might impose a sum not exceeding one hundred thousand pounds for such purposes notwithstanding any restriction contained in section two hundred and thirty-eight sub-section two of the Public Health (Ireland) Act 1878 and that in calculating the amount which the Corporation might borrow under the last-mentioned Act the said sum should not be reckoned:

And whereas by the Dublin Corporation Waterworks Act 1861 and other Acts relating to the city the Corporation were authorised

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to construct and have constructed waterworks whereby the city and surrounding districts are supplied with water and the Corporation require and it is expedient that they should be authorised to borrow further sums for waterworks purposes:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the third day of October one thousand eight hundred and ninety-two after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Daily Express a local newspaper published or circulated in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the council should promote the Bill for this Act and that the expense of and in connection with such promotion should be defrayed out of the funds of the city and district:

And whereas such resolution was published in the said Daily Express newspaper and has received the approval of the Local Government Board for Ireland:

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 sixth day of February one thousand eight hundred and ninety-three being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas the propriety of the promotion of the Bill for this Act was approved by a special resolution of the persons qualified to vote at an election of members of the council passed at a meeting summoned and held in conformity with the provisions of section seven of the Borough Funds (Ireland) Act 1888:

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 (that is to say):—

Short title.

1. This Act may be cited for all purposes as the Dublin Corporation Act 1893.

Interpretation.

2. In this Act—

"The Corporation" means the Right Honourable the Lord Mayor Aldermen and Burgesses of Dublin;

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

"The Act of 1892" means the Local Government Board (Ireland) Provisional Order Confirmation (No. 10) Act 1892.

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As to period within which money may be borrowed under Act of 1892 and section 238 of Public Health (Ireland) Act not to apply to any money so borrowed.

3. Section two of the Act of 1892 shall be amended and shall be construed and have effect as if for the words "one year" in the said section the words "two years" were substituted and the restriction contained in section two hundred and thirty-eight subsection two of the Public Health (Ireland) Act 1878 shall not apply to any sums which the Corporation may borrow for the purposes of the Dublin Main Drainage Provisional Order 1892 whether under the last-mentioned Act or the Act of 1892 and in calculating the amount which they may borrow under the Public Health (Ireland) Act 1878 any sums borrowed for the purposes aforesaid shall not be reckoned.

Power to borrow for waterworks purposes.

4.—(1.) The Corporation may from time to time (in addition to any moneys which they are now authorised to borrow) borrow at interest for waterworks purposes such sum or sums of money as they think fit not exceeding one hundred and twenty thousand pounds and in order to secure the moneys so borrowed they may mortgage "the domestic water rate" "the public water rate" and all other rates and revenues of their water undertaking or any of such rates and revenues.

(2.) Money borrowed under this section shall be applied only to waterworks purposes to which capital is properly applicable.

(3.) Money borrowed under this section shall be repaid within sixty years from the borrowing of the same.

Re-borrowing.

(4.) If having borrowed any money under the provisions of this section the Corporation pay off the same or any part thereof otherwise than by instalments or by means of a sinking fund or out of the proceeds of the sale of land or other property or out of fines or premiums on leases or out of other money received on capital account not being borrowed money they may re-borrow the same and so from time to time Provided that all money so re-borrowed shall be repaid within the period prescribed for the repayment of the money in lieu of which such re-borrowing has been made and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Corporation with respect to the repayment of the loan shall not be diminished by reason of such re-borrowing.

(5.) The powers of borrowing money conferred by this section shall not be restricted by any of the regulations contained in section two hundred and thirty-eight of the Public Health (Ireland) Act 1878 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this section shall not be reckoned.

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Provisions as to mortgages.

5. The following sections of the Public Health (Ireland) Act 1878 shall extend and apply to mortgages granted under this Act (that is to say):—

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

Sinking fund.

6. The Corporation shall pay off all moneys borrowed by them under the powers of this Act either by equal annual instalments or by equal annual contributions to a sinking fund appropriated for that purpose and with the accumulations thereof (if any) from time to time applied for that purpose.

Protection of lender from inquiry.

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

Annual return to Local Government Board with respect to sinking fund.

8. The town clerk shall within twenty-one days after the expiration of each year during which any sum is required to be set apart for a sinking fund or any instalment is required to be paid under this Act transmit to the Local Government Board for Ireland a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing the amount which has been paid as an instalment or invested for the purpose of such sinking fund during the year preceding the making of such return and the description of the securities upon which the same has been invested and also showing the purposes to which any portion of the moneys invested for the sinking fund and the interest thereof have been applied during the same period and the total amount remaining invested at the end of the year and in the event of any wilful default in making such return the town clerk shall be liable to a penalty not exceeding twenty pounds which shall be paid to the said 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 If it appear to the said Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for the sinking fund or have applied any portion of the moneys set apart for that fund or any interest thereof to any purposes other than those authorised by this Act the said Local Government Board may by order direct that a sum not exceeding double

the amount in respect of which default shall have been made shall be set apart and invested as part of the sinking fund and such order shall be enforceable by writ of mandamus to be obtained by the Local Government Board out of the High Court.

Saving for existing charges.

9. Nothing in this Act shall prejudicially affect any charge on the rates funds revenues or property of the Corporation subsisting at the passing of this Act and every mortgagee or other person for the time being entitled to the benefit of any such charge shall have the same priority of charge and all the like rights and remedies in respect of any rate fund revenue or property subject to his charge as if this Act had not been passed.

Moneys may be raised by issue of Corporation stock.

10. The Corporation may raise all or any sums of money which they are by this Act authorised to borrow by the creation and issue of Dublin Corporation redeemable stock in the manner provided by the Dublin Corporation Loans Act 1889.

Costs of Act.

11. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto including the costs incurred by the Corporation in complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act shall be paid by the Corporation out of such of their funds and rates and in such proportions as the Corporation think fit or out of moneys to be borrowed on the security of all or any of such funds and rates which moneys the Corporation are hereby authorised to borrow and required to repay if borrowed by means of a sinking fund or by equal annual instalments within ten years from the date or respective dates of borrowing the same.

Printed by Eyre and Spottiswoode,
FOR
T. Digby Pigott, Esq., C.B., the Queen's Printer of Acts of Parliament.

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