CHAPTER cxlvi.

An Act to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to Forfar Water. [21st July 1891.]

A.D. 1891.

WHEREAS Her Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the General Police and Improvement (Scotland) Act, 1862; and it is necessary that the said Order shall be confirmed by Parliament:

25 & 26 Vict. c. 101.

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

Confirmation of Order in schedule.

1. The Provisional Order contained in the schedule hereto annexed shall be and the same is hereby confirmed.

Short title.

2. This Act may be cited as the Forfar Water Order Confirmation Act, 1891.

[*Price* 3*d.*]

A.D. 1891.

Forfar Water.

SCHEDULE.

Provisional Order relating to Forfar Water.

WHEREAS by the General Police and Improvement (Scotland) Act, 1862 (herein-after called "the Act of 1862"), it is, inter alia, provided (clause seventy-nine) that whenever it appears desirable to the magistrates and council or commissioners of police of any royal or parliamentary burgh, or to the commissioners for executing the Act of 1862 in any burgh, that provision should be made in order the better to apply and execute therein the provisions of that Act in whole or part, or for the future application and execution of any Acts in force therein, having relation to the purposes of the Act of 1862 or to any other matter or thing connected with the management and administration of the municipal or police affairs of such burgh, or that any such Acts, or any exemptions from rating therefrom derived, should be wholly or partially repealed or altered, the magistrates and council, or the commissioners of such burgh, may present a petition to one of Her Majesty's Principal Secretaries of State praying for such provision, repeal, and alteration as aforesaid, or for any of such things, and that after such inquiry as the said Secretary of State may direct it shall be lawful for him to issue a Provisional Order under his hand and seal of office in relation to the several things mentioned in such petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite, and to obtain confirmation of such Provisional Order by Act of Parliament:

And whereas by the Secretary for Scotland Act, 1885, all powers and duties vested in or imposed on one of Her Majesty's Principal Secretaries of State by the Act of 1862 were transferred to, vested in, and imposed on the Secretary for Scotland:

And whereas clauses seventy-nine to eighty-three, both inclusive, of the Act of 1862 have, in pursuance of the provisions of that Act, inter alia, been adopted in the royal burgh of Forfar:

And whereas the provost, magistrates, and town council of the said royal burgh as commissioners of police thereof (herein-after called "the commissioners") have presented a petition to me setting forth that by the Forfar Water Act 1878 (herein-after called "the Act of 1878") they were authorised to make and maintain reservoirs, aqueducts, and other works, and take lands, and also to take and divert waters into such reservoirs, and by means of their aqueducts, reservoirs, and other works to convey, appropriate, and use such waters for the purposes of the Act of 1878, which included a supply of water for domestic and other purposes within the burgh of Forfar, and also so much of the parishes of Forfar and Glamis as is beyond that burgh; and that they were empowered to borrow from time to time on mortgage at interest all such sums as they should think requisite for the purposes of the Act of 1878, not exceeding in the whole fifty thousand pounds, on the security of the rates and charges leviable by them under the provisions of that Act, and to mortgage the same

accordingly; that the commissioners acquired the lands and rights of wayleave necessary for and have executed the whole of the works authorised by the Act of 1878, with the exception of the aqueduct, conduit, or line of pipes, being work number two described in and authorised by section eleven of that Act, and have, in the acquisition of such lands and rights of wayleave, and in the execution of the works so constructed by them, and in defraying other necessary charges and expenses in connection therewith, borrowed and expended the whole amount of fifty thousand pounds which they were authorised to borrow under the Act of 1878, and in addition thereto have incurred debts and liabilities in relation to the said works which they cannot meet unless they are enabled to borrow additional money; that since the said works were executed the town of Forfar has increased in size, and new streets have been and are being formed necessitating extensions of the water mains and pipes of the commissioners, and that it has become necessary that powers be conferred on them to borrow additional money to meet the cost of extensions already made and the said debts and liabilities, and also to provide for the cost of further extensions of their mains and pipes:

And whereas it has been represented to me in the said petition that it is expedient and necessary that the commissioners should be authorised to borrow an additional sum of twelve thousand pounds upon the security of the rates and charges leviable by them under the Act of 1878, and that with that object that Act should be altered and amended:

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to issue a Provisional Order in the terms herein-after expressed:

Now, therefore, in pursuance of the powers contained in the Act of 1862 and transferred to and vested in me by the Secretary for Scotland Act, 1885, I, as the Secretary for Scotland, do by this Provisional Order, under my hand and seal, direct as follows:—

1. From and after the passing of the Act confirming this Order the forty-seventh section of the Act of 1878 shall be read as if the words "sixty-two thousand pounds" had been inserted therein instead of the words "fifty thousand pounds," and the fifty-ninth section of the Act of 1878 shall be construed as if the costs, charges, and expenses of and incident to the preparing for, obtaining, and confirming this Order, or otherwise in relation thereto, were part of the costs, charges, and expenses for the payment of which provision is made by that section.

2. All mortgages granted by the commissioners for securing money borrowed under the provisions of the Act of 1878, and subsisting at the passing of the Act confirming this Order, shall, during the continuance of such mortgages, have priority over all mortgages to be granted by the commissioners under the provisions of the Act of 1878 as amended by this Order for securing money borrowed after the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this twenty-ninth day of April one thousand eight hundred and ninety-one.

L.S.

Lothian.

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