CHAPTER lxxxvi.

An Act to confirm a Provisional Order under the Burgh Police (Scotland) Act 1892 relating to Hamilton Burgh Water and Town Hall. [21st July 1903.]

A.D. 1903.

WHEREAS His Majesty's Secretary for Scotland has made the Provisional Order set forth in the schedule hereunto annexed under the provisions of the Burgh Police (Scotland) Act 1892 and it is requisite that the said Order should be confirmed by Parliament:

55 & 56 Vict. c. 55.

Be it therefore 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:—

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

Confirmation of Order in schedule.

2. This Act may be cited as the Hamilton Burgh Order Confirmation Act 1903.

Short title.

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SCHEDULE.

PROVISIONAL ORDER.

WHEREAS by section 45 of the Burgh Police (Scotland) Act 1892 (herein-after called "the Police Act") as read with the Town Councils (Scotland) Act 1900 it is provided that whenever it shall appear to the town council of any burgh to which the first cited Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of gas or water or to the roads and streets or to drainage or sewers or the utilisation of sewage in addition to the powers conferred by the Public Health Acts or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of or for the repeal of any exemption from rating derived from the Police Act or any general or local Act or to other matters cognate to the purposes of the Police Act they may apply to the Secretary for Scotland for a Provisional Order and (section 46) that after such inquiry as the Secretary for Scotland may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him requisite but no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament:

And whereas the Police Act is in force within the burgh of Hamilton (herein-after called "the burgh"):

And whereas the provost magistrates and councillors of the burgh (herein-after called "the Corporation") are by virtue of the Hamilton Burgh Act 1878 the commissioners for executing within the burgh the purposes of the following Acts namely:—

The Hamilton Waterworks Act 1854;
The Hamilton Waterworks Amendment Act 1863;
The Hamilton Water Act 1875;
The Hamilton Water Act 1888; and
The Hamilton Water Act 1898 (herein-after called "the Act of 1898"):

And whereas by the Act of 1898 the Corporation were authorised to construct the additional waterworks therein described and to borrow for the purposes of that Act an additional sum not exceeding forty-five thousand pounds inclusive of a sum of ten thousand pounds which the Corporation were thereby authorised to advance on loan towards the purposes of the water undertaking of the burgh:

And whereas the works authorised by the Act of 1898 are not yet completed and it has been found necessary for the more efficient supply of water to certain portions of the burgh to construct additional mains and filters and to acquire additional land for those purposes:

And whereas the Corporation have borrowed and applied for the purposes of the Act of 1898 the whole amount which they are by that Act authorised to borrow and it is expedient that the Corporation should be authorised to borrow additional money for the purpose of defraying the cost of completing the works authorised by the Act of 1898 and constructing the additional works herein-before referred to:

And whereas in the year one thousand eight hundred and sixty a town hall and police buildings were erected within the burgh and the cost thereof was defrayed out of money borrowed upon the security of the common good of the burgh and it is expedient to make provision for the repayment of the unpaid balance of the money so borrowed:

And whereas the existing town hall and public offices of the burgh are inadequate for the requirements of the increased population of the burgh and for the proper administration of the affairs of the burgh:

And whereas the Corporation are empowered by section 315 of the Police Act after resolution by special order as therein defined to acquire land and erect thereon a public hall and offices and to borrow upon the security of the general improvement assessment of the burgh such sum as they may require for such purposes and for the furnishing and fitting up of the said public hall and offices:

And whereas the assessable rental of the burgh is low relative to the population thereof and in consequence the general improvement assessment of the burgh is having regard to the other purposes of the burgh to which it is applicable insufficient to enable the Corporation to borrow the money necessary for erecting the said public hall and offices and it is expedient to authorise the Corporation to borrow the money required for that purpose in manner and upon the security provided by this Order:

And whereas the Corporation have presented a petition to me as Secretary for Scotland setting forth the matters herein-before recited:

And whereas after due inquiry I have resolved to issue a Provisional Order in the terms herein-after expressed:

Now therefore in pursuance of the powers vested in me by the Police Act I as Secretary for Scotland do by this Provisional Order direct as follows:—

Short title.

1. This Order may be cited as the Hamilton Burgh Order 1903 and the Hamilton Burgh Acts 1878 to 1901 and this Order may be cited together as the Hamilton Burgh Acts 1878 to 1903.

Amendment of section 38 of Act of 1898.

2.—(1) From and after the passing of the Act confirming this Order section 38 of the Act of 1898 shall be read as if the words one hundred and five thousand pounds had been inserted therein instead of the words forty-five thousand pounds.

(2) All moneys borrowed by the Corporation under the authority of this section shall be applied only for purposes for which money was authorised to be borrowed by the Act of 1898 or for the purpose of constructing the

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works specified in the schedule to this Order and all works necessary for the proper working and use of the same and for the purchase of land and wayleaves for the purposes of any of such works.

Redemption of debt on existing town hall and offices.

3. The Corporation shall within twenty years from the passing of the Act confirming this Order pay off by equal annual instalments of principal and interest out of the general improvement assessment of the burgh or the revenue of the common good of the burgh (including the gas rates leviable and gas rents and revenues receivable by the Corporation under the Hamilton New Gas Light Act 1846 and the Hamilton Burgh Act 1878 so far as the same are not required for the purposes of those Acts) or either of them and in such proportions as the Corporation think fit all moneys borrowed by the Corporation for the purposes of the existing town hall and offices and remaining unpaid at the passing of the Act confirming this Order.

Power to borrow for public hall and offices.

4.—(1) Subject to the provisions of this Order the Corporation may after resolution by special order in terms of the Police Act for the purposes of the acquisition of land for a public hall and offices and of the erection furnishing and fitting up of the same borrow any sums not exceeding thirty-five thousand pounds and may make and grant mortgages bonds or other dispositions for securing the money so borrowed and the interest thereon of or over the general improvement assessment and of or over the revenue of the common good of the burgh including the gas rates rents and revenues herein-before mentioned.

(2) In the event of the general improvement assessment and the revenue of the common good of the burgh (including as aforesaid) being found insufficient to enable the Corporation to borrow the money required for the purposes of the said public hall and offices (of which a certificate under the hand of the treasurer of the burgh shall be conclusive evidence) the Corporation may include the burgh general assessment of the burgh in any mortgage bond or other disposition granted by the town council for securing the money borrowed for those purposes.

(3) All money borrowed under the authority of this section may be borrowed on terms providing for the repayment thereof by annuity instalment or otherwise.

Corporation may re-borrow.

5. If after having borrowed the money required for the purposes of the said public hall and offices or any part thereof the Corporation shall pay off the same or any part thereof otherwise than by means of annuities or instalments or of the sinking fund herein-after mentioned it shall be lawful for the Corporation again to borrow the amount so paid off upon the same securities as those upon which the moneys so paid off were authorised to be borrowed and so from time to time.

Corporation may borrow on cash account.

6. The Corporation may in lieu of borrowing the money required for the purposes of the said public hall and offices on mortgage or other like security accept or take from any bank or banking company credit on a cash account to be opened or kept with such bank or banking company in the name of the Corporation according to the usage of bankers in Scotland to the extent

of the aggregate amount which the Corporation are herein-before authorised to borrow for the purposes of the said public hall and offices or any part thereof Provided that the principal sums owing by the Corporation on such cash account and for money already borrowed by them on mortgage or otherwise for the purposes aforesaid shall not together exceed the sum authorised by this Order to be borrowed for those purposes.

Sinking fund.

7.—(1) The Corporation may and in the event of their borrowing the money required for the purposes of the said public hall and offices otherwise than on terms of repayment by annuity or instalment shall within twelve months from the date of borrowing and annually thereafter set apart as a sinking fund out of the general improvement assessment and the revenue of the common good of the burgh (including as aforesaid) and out of the burgh general assessment in the event of that assessment being included in the security for the money borrowed for the said purposes in pursuance of the power herein-before contained in such proportions as the Corporation think reasonable such a sum as shall by accumulation with compound interest thereon at the rate of three per centum per annum be sufficient to pay off the money borrowed for the said purposes within sixty years from the date at which the same was borrowed Provided that in the event of such repayment being made by way of annuity or instalment the annual amount of such annuity or instalment shall be sufficient to pay off such money within the said period of sixty years.

(2) The Corporation may at any time apply the sinking fund or any part thereof to the repayment of the money borrowed for the said purposes Provided that the Corporation shall in each year thereafter in addition to the sums to be annually set aside to the sinking fund as aforesaid pay into the fund and accumulate as herein-before provided until the whole of such money has been discharged a sum equal to three per centum on the aggregate amount so applied.

(3) The sums paid into the sinking fund and the interest thereof shall until applied in manner herein-before provided be invested in any security in which trustees are for the time being authorised to invest trust money.

How long assessments to be applied.

8. Nothing in this Order contained shall entitle the Corporation to apply the general improvement assessment for a period exceeding twenty years or the burgh general assessment for a period exceeding thirty-three years to the purposes of the public hall and offices aforesaid or any part thereof or to grant mortgages bonds or other dispositions of or over the said assessments for periods exceeding those herein respectively specified.

Application of borrowed money.

9. All money borrowed under this Order shall be applied only for the purposes of this Order for which such money is authorised to be borrowed and to which capital is properly applicable.

Priority of existing mortgages.

10. All mortgages or other securities granted by the Corporation before the passing of the Act confirming this Order and then subsisting shall without

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prejudice to their priorities inter se have priority over all mortgages and securities granted by the Corporation for securing money borrowed under the authority of this Order.

Costs of Order.

11. All costs charges and expenses of and incident to the preparing for obtaining and confirming this Order shall be paid by the Corporation out of the general improvement assessment of the burgh the burgh general assessment or the revenue of the common good of the burgh.

As witness my hand and seal at Whitehall this twenty-sixth day of May one thousand nine hundred and three.

(L.S.) BALFOUR OF BURLEIGH.

SCHEDULE.

New main conduit from Cadzow Reservoir down Strathaven Road.

New filters alongside Strathaven Road.

Extension and renewal of mains and pipes in the burgh.

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