CHAPTER ii.

An Act to empower the Urban District Council of the Urban District of Ilford to make further provision in regard to the future collection of the local rates and for other purposes. [6th June 1899.] A.D. 1899.

WHEREAS the district of Ilford in the county of Essex is an urban district within the meaning of the Local Government Act 1894 and is under the management and control of the Ilford Urban District Council (in this Act called "the Council"):

And whereas all rates leviable within the district (except rates for the relief of the poor within the parish of Ilford) are now made levied and collected by the Council and it would tend greatly to the economical and efficient collection of all local rates and charges if such collection were made by one set of officers appointed by the Council:

And whereas by an order of the Local Government Board dated the nineteenth day of December one thousand eight hundred and ninety-five the power of appointing and revoking the appointment of any assistant overseer was vested in the Council:

And whereas the present collector of poor rates is appointed by the guardians of the Romford Union and is paid by way of poundage and it is desirable that such collector should in future be appointed by the Council and be paid by way of salary:

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 ninth day of November one thousand eight hundred and ninety-eight after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Ilford Guardian a local newspaper published and circulating in the urban district such notice being in addition to the ordinary notices required for summoning such meeting

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resolved that the expense in relation to promoting the Bill for this Act should be charged on the district fund and general district rate:

And whereas such resolution was published twice in the said Ilford Guardian and has received 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 nineteenth day of January one thousand eight hundred and ninety-nine being not less than fourteen days after the deposit of the Bill for this Act in Parliament:

And whereas the owners and ratepayers of the urban district by resolution in the manner provided in the Third Schedule of the Public Health Act 1875 consented to 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 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):—

Preliminary.

Short title.

1. This Act may be cited as the Ilford Urban District Council (Rates) Act 1899.

Interpretation.

2. 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 And in this Act unless the subject or context otherwise requires—

"The Council" means the Urban District Council of the Urban District of Ilford;

"The district" means the Urban District of Ilford;

"The clerk" "the district fund" and "the general district rate" mean respectively the clerk of the council the district fund and the general district rate of the district.

Execution of Act.

3. This Act shall be carried into execution by the Council.

Collection of Local Rates.

As to collection of local rates.

4.—(1) From and after the passing of a resolution in that behalf by the Council the powers and duties of any assistant overseer or collector of poor rates appointed by the vestry or the guardians of the Romford Union and the power of the guardians to appoint collectors of poor rates in respect of the parish of Ilford shall cease.

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(2) Any assistant overseer of or for the parish of Ilford who was in office before the passing of the resolution referred to in the preceding sub-section of this section and for whom no equivalent office shall be found by the Council shall be deemed to be an officer entitled to compensation within the meaning of section 120 of the Local Government Act 1888 and that section shall with the necessary modifications and with the substitution of the "Local Government Board" for the "Treasury" and the "Council" for the "county council" apply accordingly provided that the non-acceptance of any office offered shall not be a bar to the right of any officer to compensation Provided that the award of compensation to any officer under this section shall not entitle such officer to a superannuation allowance under section 2 of the Poor Law Officers Superannuation Act 1896.

(3) From and after the passing of the resolution referred to in sub-section 1 of this section the Council shall appoint and continue to employ the present collector of poor rates Joseph Lamb as collector of rates of the district at a salary of five hundred pounds per annum and shall not remove him from such office except for misconduct Provided that when the said Joseph Lamb has attained the age of sixty-five years or prior to that date if he shall become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body it shall be competent for the Council if in the opinion of the Local Government Board it would be in the interests of the public service that he should cease to hold his office or employment to require him to retire upon payment to him of a superannuation allowance during life of two hundred and fifty pounds per annum charged upon the rates of the district and on attaining the age of sixty-five years the said Joseph Lamb shall be entitled if he so desires to retire and to receive and be paid the said superannuation allowance Provided also that if within one month from the passing of the resolution referred to in sub-section 1 of this section the said Joseph Lamb shall by writing under his hand addressed to the Council refuse to accept office as collector of rates under the Council then he shall be entitled to compensation for loss of office as collector of poor rates and such compensation may at the option of the said Joseph Lamb be by way of an annuity or payment of a sum in gross and the amount of such annuity or sum in gross shall failing agreement be determined by the Local Government Board Provided further that the award of compensation to the said Joseph Lamb under this sub-section shall not entitle him to a superannuation allowance under section 2 of the Poor Law Officers Superannuation Act 1896.

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Form of rate demand note.

5. The Local Government Board may prescribe the form of rate to include the poor rate district rate or any other rate or rent and they may in respect of such rates and rents prescribe a form of demand note rate book receipt and other necessary documents in respect of such rates and rents and any forms so prescribed shall be sufficient in law.

Finance.

Power to borrow.

6.—(1) The Council may independently of any other borrowing power borrow at interest money for the following purposes (that is to say):—

(A) For paying any compensation payable to any assistant overseer or collector of poor rates of or for the parish of Ilford under section 4 of this Act the sum requisite for that purpose;

(B) For paying the costs and expenses of this Act as herein-after provided the sum requisite for that purpose.

(2) In order to secure the repayment of the moneys borrowed under this section and the payment of the interest thereon the Council may mortgage or charge the district fund and general district rate.

Certain regulations of Public Health Act as to borrowing not to apply.

7. The powers of borrowing money by this Act given shall not be restricted by any of the regulations contained in section 234 of the Public Health Act 1875 and in calculating the amount which the Council may borrow under that Act any sums which they may borrow under this Act shall not be reckoned.

Mode of raising money.

8. The Council may raise all or any moneys which they are authorised to borrow under this Act by mortgage or by the issue of debentures or annuity certificates under and subject to the provisions of the Local Loans Act 1875 or partly in one way and partly in another or others Provided that the provisions contained in the section of this Act whereof the marginal note is "Sinking fund" shall apply to sinking funds formed for the repayment of moneys borrowed under the Local Loans Act 1875 instead of the provisions of section 15 of that Act.

Provisions of Public Health Act as to mortgages to apply.

9. Sections 236 to 238 of the Public Health Act 1875 (as to the form register and transfer of mortgages) shall extend and apply to mortgages granted under this Act.

Periods for repayment of money borrowed.

10. The Council shall pay off all money borrowed by them under this Act within the respective periods (in this Act referred to as "the prescribed periods") following (that is to say):—

As to money borrowed for the purpose (A) mentioned in the section of this Act the marginal note whereof is "Power to

borrow" within twenty years from the date or dates of the borrowing of the same;

As to money borrowed for the purpose (b) in the said section mentioned within ten years from the date or dates of the borrowing of the same.

Mode of payment off of money borrowed.

11. The Council shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them and subject to the provisions of this Act the payment of the first instalment or the first payment to the sinking fund shall be made within one year from the date of borrowing the sum in respect of which the payment is made.

Sinking fund.

12.—(1) If the Council determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such sinking fund shall be formed and maintained either—

(a) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is herein-after called "a non-accumulating sinking fund"; or

(b) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is herein-after called "an accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed be immediately invested in statutory securities the Council being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Council towards the equal annual payments to the fund.

(4) The Council may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed Provided that in the case of an accumulating sinking fund the Council shall pay into the fund

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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 so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5) (A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Council:

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Council in addition to the payments provided for by this Act.

(7) If it appears to the Council at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will probably not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Council to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose Provided always that if it appears to the Local Government Board that any such increase is necessary the Council shall increase the payments to such extent as the Board may direct.

(8) If the Council desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in any sinking fund with the future payments thereto in accordance with the provisions of this Act together with the accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Council may reduce the payments to be made to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay the loan in respect of which it is formed within the prescribed period the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Local Government Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose as the Council with the consent of the Local Government Board may determine.

Protection of lender from inquiry.

13. A person lending money to the Council under this Act shall not be bound to inquire as to the observance by the Council of any provision of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Council not to regard trusts.

14. The Council shall not be bound to see to the execution of any trust whether express 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 of mortgages of the Council shall be sufficient discharge to the Council in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Council have had express or implied notice of any such trust or of any charge or incumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Appointment of a receiver.

15. The mortgagees of the Council by virtue of this Act may enforce the payment of arrears of interest or of principal or of principal and interest by the appointment of a receiver In order to authorise the appointment of a receiver in respect of arrears of principal the amount owing to the mortgagees by whom the application for a receiver is made shall not be less than five hundred pounds in the whole The application for the appointment of a receiver shall be made to the High Court.

Power to re-borrow.

16. If the Council pay off any moneys borrowed by them under this Act 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 moneys received on capital account not being borrowed moneys they may re-borrow

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the same but all moneys so re-borrowed shall be repaid within the prescribed period and shall be deemed to form the same loan as the moneys originally borrowed and the obligations of the Council with respect to the repayment of the loan and to the provision to be made for such repayment shall not be diminished by reason of such re-borrowing.

Annual return to Local Government Board.

17.—(1) The clerk shall within twenty-one days after the thirty-first day of March in each year during which 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 transmit to the Local Government Board a return in such form as may be prescribed by that Board and verified by statutory declaration if so required by them showing for the year next preceding the making of such return or for such other period as the 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 of the sum accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the clerk shall be liable to a penalty not exceeding twenty pounds to be recovered by action on behalf of the Crown in the High Court.

(2) If it appear to the Local Government Board by that return or otherwise that the Council 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 by this Act for any sinking fund 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 shall have 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.

Application of money borrowed.

18. All moneys borrowed by the Council under the powers of this Act shall be applied only to the purposes for which they are authorised to be borrowed and to which capital is properly applicable.

Costs of Act.

19. 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 shall be paid by the Council and may be paid in the first instance out of any moneys in their hands but shall be charged to and recouped by the moneys which the Council are authorised to borrow under the powers of this Act.

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