CHAPTER xcviii.

An Act to confer further borrowing powers upon the mayor aldermen and burgesses of the borough of Plymouth. [22nd July 1904.]

A.D. 1904.

WHEREAS the borough of Plymouth in the county of Devon (in this Act called "the borough") is a county borough under the government of the mayor aldermen and burgesses of the borough of Plymouth (in this Act called "the Corporation"):

And whereas the balance of the outstanding loans of the Corporation which were contracted for the purposes of the Public Health Acts or are otherwise subject to the restrictions of section 234 of the Public Health Act 1875 amounts in the whole to nearly the assessable value for two years of the premises assessable within the borough for the purposes of the Public Health Acts:

And whereas on various dates prior to the thirty-first day of March one thousand nine hundred and three it became necessary for the Corporation to expend and the Corporation expended the sums mentioned in the First Schedule to this Act for the purposes mentioned in that Schedule and the margin of borrowing powers of the Corporation under the Public Health Act 1875 being insufficient to allow them to borrow the said sums under that Act they were raised by the Corporation by means of temporary loans from their bankers and it is expedient to empower the Corporation to borrow money for the repayment of the said loans:

And whereas the Corporation have expended the sums stated in the third column of the Second Schedule to this Act for the purposes mentioned in that Schedule the sums being raised by the Corporation by means of loans from their bankers and carried to suspense accounts and the Corporation have repaid out of revenue

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the sums stated in the fourth column of the said Schedule and it is expedient to empower the Corporation to borrow money for the repayment of the balance now outstanding:

And whereas in order that the borrowing powers of the Corporation for the purposes of the Public Health Acts may not be unduly restricted it is expedient to exclude from calculations of the maximum amount which the Corporation are empowered to borrow under those Acts the sums already borrowed or which may hereafter be borrowed by the Corporation for the purposes of the Electric Lighting Act 1882 or of the Plymouth Corporation Electric Lighting Order 1894 which was confirmed by the Electric Lighting Orders Confirmation (No. 3) Act 1894:

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

And whereas an absolute majority of the whole number of the council of the borough at a meeting held on the eighteenth day of January one thousand nine hundred and four after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Western Daily Mercury a local newspaper published and circulating in the borough 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 district fund and general district rate of the borough (in this Act called respectively "the district fund" and "the general district rate"):

And whereas such resolution was published twice in the said newspaper 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 twenty-second day of February one thousand nine hundred and four being not less than fourteen days after the deposit of the Bill in Parliament:

And whereas in relation to the promotion of the Bill for this Act the requirements contained in the First Schedule of the Borough Funds Act 1903 have been observed:

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):—

Short title.

1. This Act may be cited as the Plymouth Corporation Act 1904.

Power to borrow.

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

(*a*) For the repayment of the temporary loans mentioned in the First Schedule to this Act the sums stated in the third column of that Schedule:

(*b*) For the repayment of the outstanding balances of the sums mentioned in the Second Schedule to this Act the sums stated in the fifth column of that Schedule:

(*c*) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose.

(2) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards money borrowed for the repayment of the temporary loans mentioned in the First Schedule to this Act the respective rates and revenues mentioned in the fourth column of that Schedule:

As regards money borrowed for the repayment of the outstanding balances of the sums mentioned in the Second Schedule to this Act the respective rates and revenues mentioned in the sixth column of that Schedule:

As regards money borrowed for paying the costs charges and expenses of this Act the district fund and the general district rate.

(3) The Corporation 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 the sums borrowed for the repayment of the temporary loans mentioned in the First Schedule to this Act within the respective periods from the passing of this Act mentioned in the fifth column of that Schedule:

As to the sums borrowed for the repayment of the outstanding balances of the sums mentioned in the Second Schedule to this Act within the respective periods from the passing of this Act mentioned in the seventh column of that Schedule:

As to money borrowed for paying the costs charges and expenses of this Act within five years from the passing of this Act.

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Incorporation of sections of Plymouth Corporation Act 1897.

3. The following sections of the Plymouth Corporation Act 1897 shall extend and apply with the necessary modifications in regard to moneys borrowed under the provisions of this Act except that the prescribed periods for the payment off of such moneys shall be those prescribed in this Act:—

Section 34 Certain regulations of Public Health Act as to borrowing not to apply;

Section 35 Provisions of Public Health Act as to mortgages to apply;

Section 37 Mode of payment off of money borrowed;

Section 38 Sinking fund;

Section 39 Protection of lender from inquiry;

Section 40 Corporation not to regard trusts;

Section 41 Appointment of receiver;

Section 42 Power to re-borrow;

Section 43 Annual return to Local Government Board; and

Section 45 Application of money borrowed.

Exclusion of electric lighting loans from calculations under Public Health Act 1875.

4.—(1) In calculating the amount which the Corporation may borrow under the Public Health Act 1875 the sums already borrowed and the sums which may hereafter be borrowed by the Corporation for the purposes of the Electric Lighting Act 1882 or of the Plymouth Corporation Electric Lighting Order 1894 shall not be reckoned.

(2) The provisions of section 43 (Annual return to Local Government Board) of the Plymouth Corporation Act 1897 shall extend and apply to all sums borrowed by the Corporation for the purposes mentioned in subsection (1) of this section.

Inquiries by Local Government Board.

5.—(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 or the giving of any consents under this Act and the inspectors of the Local Government Board shall for the purposes of any such inquiry have all such powers as they have for the purposes of inquiries directed by that Board under the Public Health Act 1875.

(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.

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Audit of accounts.

6. From and after the thirty-first day of March one thousand nine hundred and five sections 25 26 and 27 of the Municipal Corporations Act 1882 and section 246 of the Public Health Act 1875 shall not apply to the accounts of the Corporation or of the borough treasurer or of the officers of the Corporation but the accounts of the Corporation and of the borough treasurer and the officers of the Corporation under any public or private Act of Parliament shall be audited by an auditor appointed by the Local Government Board in like manner as accounts of an urban authority and their officers under sections 247 and 250 of the Public Health Act 1875 and those sections and all enactments amending them or applying to audit by district auditors including the enactments imposing penalties and providing for the recovery of sums shall apply in like manner as if so far as they relate to an audit of the accounts of an urban authority and the officers of such authority they were herein re-enacted with the necessary modifications and accordingly all burgesses of the borough and all ratepayers and owners of property in the borough shall have the like rights and there shall be the same appeal as in the case of such audit Provided that this section shall not apply to the audit of the accounts of the Corporation or of the borough treasurer or of the officers of the Corporation for the financial year ending the thirty-first day of March one thousand nine hundred and five and those accounts shall be audited in like manner as if this section had not been enacted.

Power to Corporation to apply funds for certain purposes.

7.—(1) The Corporation may out of their borough fund—

(*a*) Pay reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and of purchasing reports of the proceedings of any such conferences or meetings;

(*b*) Pay the reasonable expenses of the Corporation in providing public entertainments on the occasion of public ceremony or rejoicing and in the reception and entertainment of distinguished persons residing in or visiting the borough;

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(*c*) Make reasonable subscriptions not exceeding in the whole twenty guineas in any one year to the funds of hospitals established and maintained in the borough for the use and benefit of the public;

(*d*) Make reasonable subscriptions in aid of local volunteer corps brigades and other institutions established in or connected with the borough for the purpose of rendering national or public services;

(*e*) Pay the reasonable expenses of maintaining the office of lord high steward of the borough and other ancient offices privileges and ceremonies;

(*f*) Pay the reasonable expenses of employing a borough organist.

(2) The Corporation may out of the district fund pay the reasonable expenses of employing or make reasonable contributions towards the employment of a band or bands of music to perform in public places Provided that the amount defrayed in any year in pursuance of this subsection shall not exceed the amount which would be produced by a rate of a farthing in the pound on the property in the borough assessable to the general district rate.

Costs of Act.

8. 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 Corporation out of the district fund or the general district rate or out of moneys borrowed under the provisions of this Act.

THE FIRST SCHEDULE.

1	2	3	4	5
—	Purpose for which Sum has been expended.	Period during which Sum has been expended.	Amount.	Security upon which Loan is to be raised.	Period for repayment of Loan.
			£ s. d.		
1	Electricity—Extension of buildings machinery and mains.	1899—1903	41,465 1 5	The revenue of the electric lighting undertaking of the Corporation and the district fund and the general district rate or either of those securities.	22 years.
2	Housing of the working classes—Prince Rock erection of buildings for displaced persons of the labouring classes.	1902—1903	1,305 16 0	The district fund and the general district rate.	59 do.
3	Victoria Park—Filling in old lake and laying out park.	1893—1903	9,193 2 11	do.	23 do.
4	Westwell Street Ground Improvement - -	1900—1902	433 4 6	do.	18 do.
5	St. Andrew's Churchyard Improvement - -	1897—1898	300 0 0	do.	54 do.
6	Prince Rock Estate—Balance of purchase money for land.	1894—1895	5,681 19 1	do.	36 do.
7	Do. Street works and development	1898—1903	5,803 15 8	do.	36 do.
8	Construction of a sewer for added area of Pennycross	1899—1902	5,903 4 7	do.	27 do.

THE FIRST SCHEDULE—*continued.*

1	2	3	4	5
— Purpose for which Sum has been expended.	Period during which Sum has been expended.	Amount.	Security upon which Loan is to be raised.	Period for repayment of Loan.
		£ s. d.		
9 Sewer outfall works—Little Prince Rock - -	1901—1903	885 18 3	The district fund and the general district rate.	27 years.
10 Main drainage works - - - - -	1902—1903	26,719 9 8	do.	40 do.
11 Street improvements—North Hill House Purchase of land and widening of road.	1900—1903	5,124 15 3	do.	56 do.
12 Do. —Tavistock Road Purchase of land and widening of road.	1900—1903	9,209 19 8	do.	54 do.
13 Do. —Old Town Street Purchase of land and widening of road.	1901—1903	57,492 10 2	do.	57 do.
14 Market Reconstruction - - - - -	1899—1903	1,170 7 7	The borough fund and borough rate of the borough.	50 do.
15 Erection of Police and Fire Station at Laira -	1902—1903	335 7 6	do.	17 do.
	£	171,024 12 3		

THE SECOND SCHEDULE.

—	1 Purpose for which Sum has been expended.	2 Period during which Sum has been expended.	3 Amount expended.	4 Amount repaid.	5 Balance outstanding 31st March 1903.	6 Security upon which Loans may be raised.	7 Period for repayment of Loan.
			£ s. d.	£ s. d.	£ s. d.		
1	Purchase of lamp posts from gas company.	1899—1900	2,500 0 0	1,700 0 0	800 0 0	The district fund and the general district rate.	5 years.
2	Costs in connection with the Plymouth (Extension) Order 1896.	1893—1898	12,297 16 9	7,644 0 0	4,653 16 9	The borough fund and borough rate of the borough.	5 do.
3	Furniture in municipal buildings.	1892—1895	800 0 0	288 0 0	512 0 0	do.	5 do.
4	Purchase of steam roller and scarifier.	1896—1897	450 0 0	162 0 0	288 0 0	The district fund and the general district rate.	4 do.
5	Construction of public conveniences.	1899—1902	541 16 1	268 0 0	273 16 1	do.	12 do.
6	Guildhall—Alteration to building heating and warming and electric wiring.	1898—1901	538 7 8	107 0 0	431 7 8	The district fund and the general district rate and the borough fund and borough rate of the borough.	6 do.
7	Hoe—Construction of bathing houses.	1900—1902	680 15 6	336 0 0	344 15 6	The district fund and the general district rate.	30 do.

THE SECOND SCHEDULE—*continued.*

1 —	2 Purpose for which Sum has been expended.	3 Period during which Sum has been expended.	4 Amount expended.	5 Amount repaid.	6 Balance outstanding 31st March 1903.	7 Security upon which Loans may be raised.	8 Period for repayment of Loan.
			£ s. d.	£ s. d.	£ s. d.		
8	Purchase of lanterns burners posts and accessories (conversion from ordinary into incandescent lights).	1899—1902	4,225 4 9	1,448 15 7	2,776 9 2	The district fund and the general district rate.	5 years.
9	Construction of Phœnix Wharf (in excess of sanction).	1896—1897	406 2 11	276 13 9	129 9 2	do.	40 do.
10	Fitting up hospital ship "Maud."	1892—1896	866 1 9	589 13 0	276 8 9	do.	7 do.
11	Erection of buildings 3 5 and 7 Bedford Street	1893—1895	1,345 15 10	941 13 0	404 2 10	do.	30 do.
12	Re-metalling and caulking hospital ship "Maud."	1892—1893	639 3 11	213 1 4	426 2 7	do.	7 do.
13	Water—Interest on loan during construction of reservoir &c.	1893—1899	8,122 17 7	2,848 2 6	5,274 15 1	The revenue of the water undertaking of the Corporation and the borough fund and borough rate of the borough or either of those securities.	5 do.
				£	16,591 3 7		

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