# CHAP. 38.

An Act for amending the Public Health (Scotland) Act, 1867. A.D. 1871.

[13th July 1871.]

WHEREAS it has been found that the powers of assessment and borrowing contained in the Act passed in the thirtieth and thirty-first year of Her Majesty's reign, chapter one hundred and one, intituled "An Act to consolidate and amend the law relating to the Public Health in Scotland," are insufficient to enable the Local Authorities to execute the said Act, and it is expedient to amend the said Act in these respects: 30 & 31 Vict. c. 101.

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:

Certain provisions of recited Act repealed.

**1.** That from and after the passing of this Act, sub-section three of section ninety-four and sub-section two of section ninety-five of the said Act, except with regard to burghs having a population of fifty thousand or upwards, according to the census last taken, shall be and are hereby repealed, and in lieu thereof it is hereby declared, that where the provisions of the said Act with respect to water for the domestic use of the inhabitants, or with respect to sewerage and drainage, or with respect to the erection of permanent hospitals for the use of the inhabitants in terms of section thirty-nine of the said Act and of this Act, have been or shall be put in force, the assessments specified in sections ninety-three, ninety-four, and ninety-five of the said Act shall not in any year exceed the rate of two shillings and sixpence in the pound upon the annual value of lands and premises, whether such rate be payable wholly by the owners or wholly by the occupants or partly by the owners and partly by the occupants, or the rate of sixpence in the pound where none of the said enactments have been put in force: Provided always, that for the purpose of assessments imposed for providing a supply of water for the domestic use of

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the inhabitants, the annual value of all manufactories within a burgh shall be ascertained in the same manner as the annual value of mines and minerals and quarries is directed to be ascertained in section ninety-four of the said Act; provided also, that when the Local Act for police purposes of any burgh does not make suitable and sufficient provision for a supply of water for the domestic use of the inhabitants, or does not authorise an assessment to be levied for that purpose (as to which questions the decision of the sheriff, on a requisition made to him by ten inhabitants, shall be final), then such burgh shall be held to come under the provisions contained in sections eighty-nine and ninety-four of the said first-recited Act, and not under those contained in sections eighty-eight and ninety-five of the said Act.

Provisions as to hospitals.

**2.** The thirty-ninth section of the said Act shall be held to authorise the Local Authority to build or otherwise provide permanent hospitals for the use of the inhabitants in terms of the provisions of the said Act, and it shall be lawful for the Local Authority to borrow for the purpose of so building or otherwise providing permanent hospitals, on the security of the general assessments specified in sections ninety-four and ninety-five of the said Act, such sums of money and at such times as the Local Authority shall deem necessary for that purpose, and to assign the said general assessments or any of them in security of the money to be so borrowed, and the bonds to be granted on such borrowing, and transferences or assignations and discharges thereof may be in or near to the forms contained in the schedule annexed to the said Act, and such bonds shall be signed by the chairman and two members of the Local Authority, and shall constitute a lien over the general assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due from the Local Authority out of the first and readiest of the said general assessments, but no member or officer of the Local Authority shall be personally liable for the repayment of such money so borrowed, and all such obligations shall be deemed and taken to be granted on the sole security of the assessments assigned, and the money so borrowed shall be repayable either in one sum or by instalments as may be arranged between the Local Authority and the lender, but so that the same shall be wholly repaid, together with the accruing interest, within thirty-five years from the date of the loan, but the amount of such loans, including interest, shall form a charge against the general assessments of the years intervening between the date of such loans and the date of full repayment, and the money so

borrowed as aforesaid shall be applied wholly in defraying the expense of building or otherwise providing permanent hospitals for the use of the inhabitants, and to no other purpose whatsoever.

Power to borrow.

**3.** The Public Works Loan Commissioners as defined by "The Public Works Loan Act, 1853," may advance to any Local Authority for the purpose mentioned in section thirty-nine of the said Act and in this Act such sums of money as may be recommended by one of Her Majesty's Principal Secretaries of State.

This Act to be construed with recited Act.

**4.** Except so far as this Act shall alter the provisions of the said recited Act, this Act shall be construed as part of the same.

Short title.

**5.** This Act may be cited for all purposes as "The Public Health (Scotland) Amendment Act, 1871."

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