CHAP. 100.

An Act to facilitate the borrowing money in certain cases for the purpose of The Sanitary Act, 1866, and the Acts amending the same; and for other purposes. A.D. 1869.

[11th August 1869.]

WHEREAS by the Sanitary Act, 1866, the Sewage Utilization Act, 1867, and the Sanitary Act, 1868, one of Her Majesty's Principal Secretaries of State is empowered, in case of any sewer authority, local board, or nuisance authority making default in performing their duty in relation to the sanitary matters therein mentioned, to appoint a person to perform the same, and it is by the said Acts provided that the person so appointed should be invested in the performance of his duties with all the powers of the authority in default, and that the expenses of the performance of such duties shall be a debt due from the authority in default and repayable out of any local rate leviable by them:

And whereas it is expedient to give further facilities to the said Secretary of State in carrying into effect the provisions of the said Act:

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:

Short title.

1. This Act may be cited as "The Sanitary Loans Act, 1869."

Application of Act.

2. This Act shall not extend to Scotland or Ireland.

Definition of "local authority."

3. "Sewer authority," "local board," and "nuisance authority" shall have the same meaning as they respectively have in the Sanitary Act, 1868, and "local authority" shall include all the said authorities.

"Local rate" shall have the same meaning as it has in the eighth section of the Sanitary Act, 1868.

A.D. 1869.

Certificate of Secretary of State as to expenses and loans.

4. One of Her Majesty's Principal Secretaries of State may, from time to time, certify under his hand the amount of expense that has been incurred, or an estimate of the expenses about to be incurred, by any person appointed by the Secretary of State for the purpose of performing the duty of a defaulting local authority; he may also, from time to time, certify under his hand the amount of any loan required to be raised for the purpose of defraying any expense that may have been so incurred, or is estimated as about to be incurred; and the certificate of the said Secretary of State shall be conclusive as to the matters to which it refers.

Power of Secretary of State to borrow money for sanitary purposes.

5. Whenever the said Secretary of State certifies any loan to be required for the purpose of defraying any expenses incurred or to be incurred in the performance of the duty of a defaulting local authority, the Public Works Loan Commissioners, as defined for the purposes of the Public Works Loan Act, 1853, may, in manner and subject to the provisions of the said Act, and the other enactments relating to the said Commissioners and applicable to the case, advance to the said Secretary of State, or to any person appointed by him as aforesaid, the amount of the loan so certified to be required on the security of the local rate, without requiring any other security, and the said Secretary of State, or the person so appointed as aforesaid, may, by any instrument under his hand, charge the local rate with the repayment of the principal and interest due in respect of such loan, and any such charge shall have the same effect as if the defaulting local authority were empowered to raise such loan on the security of the local rate, and had duly executed an instrument charging the same upon the local rate; and the certificate of the Secretary of State certifying any loan to be required or appointing a person to perform the duty of a defaulting local authority shall be taken as conclusive evidence that all the requirements of the forty-ninth section of the Sanitary Act, 1866, and of any other enactment relating thereto, have been duly complied with, and that the person appointed to perform the duty of the defaulting local authority has been duly appointed.

Remedy for principal and interest.

6. Any principal money or interest for the time being due in respect of any loan under this Act made for payment of the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority shall be taken to be a debt due from such authority, and, in addition to any other remedies, may be enforced in the manner in which a debt due from a defaulting authority may be enforced in pursuance of the said eighth section of the Sanitary Act, 1868.

Application of surplus of loan.

7. If the amount of any loan raised for defraying the expenses incurred or to be incurred in the performance of the duty of a defaulting local authority is not wholly expended in defraying such expenses, the overplus (if any), the amount to be ascertained by a certificate of the Secretary of State, shall be paid to or to the order of the defaulting authority.

Secretary of State may change person performing duties of local authority.

8. The said Secretary of State may from time to time, by order under his hand, change the person appointed by him to perform the duty of a defaulting local authority.

Power of Secretary to order payments.

9. The Secretary of State may make order for the payment of the costs of all inquiries or proceedings directed by him in pursuance of the Local Government Act, 1858, the Sanitary Acts, 1866, 1868, the Sewage Utilization Acts, 1865, 1867, or any of such Acts, and as to the parties by whom or the rates out of which such costs shall be borne; and such orders may be enforced in the same way as orders for costs of appeals under the eighty-first section of the Local Government Act, 1858.

Definition of expenses.

10. "Expenses" for the purposes of this Act shall include all sums payable by or by the order of the Secretary of State, or the person appointed by him, on the occasion of a default being made by any local authority in the performance of its duties in relation to sanitary matters.

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