PART II.

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CHAPTER 55.

An Act to make provision with respect to Advances for the benefit of Wicklow Harbour. [6th August 1897.]

WHEREAS the Commissioners of Public Works in Ireland (in this Act referred to as "the Board of Works") in pursuance of the Relief of Distress (Ireland) Amendment Act, 1880, and the Irish Loans Act, 1880, agreed to advance to the Wicklow Harbour Commissioners (in this Act referred to as "the Harbour Commissioners") a sum not exceeding forty thousand pounds (in this Act referred to as "the forty thousand pounds advance") on having the repayment thereof with interest secured by mortgage of the port and harbour of Wicklow, and all piers, quays, wharfs, and other works connected therewith, and tolls and dues and other moneys leviable by or payable to the Harbour Commissioners, the repayment to be made by instalments as provided by the mortgage deeds, and also secured by the guarantee of the baronies of Arklow, Newcastle, South Ballinacor, Shillelagh, and North Ballinacor, in the county of Wicklow, given in pursuance of the said Acts:

43 & 44 Vict. c. 14.
43 & 44 Vict. c. 44.

And whereas there is due in respect of the forty thousand pounds advance the sum of thirty-five thousand nine hundred and two pounds six shillings and fivepence on account of principal, and also a sum of one thousand five hundred and twenty-five pounds and seventeen shillings on account of interest up to the first day of May one thousand eight hundred and ninety-seven, the payment of which is to be provided for under the provisions for the repayment of the loan having effect before the passing of this Act:

And whereas it is expedient that the Board of Works should be authorised to advance for the purpose of the improvement of Wicklow Harbour, such further sum as with the sums due at the time of making the advance on account of the forty thousand pounds advance or interest thereon shall not exceed the sum of sixty-five thousand pounds:

And whereas it is expedient that the debt on account of the principal of the forty thousand pounds advance, and any interest accruing due after the first day of May one thousand eight hundred

and ninety-seven and remaining unpaid, and also any debt for the time being due on account of any further sums advanced under this Act should be consolidated into a single debt, secured in manner provided by this Act upon the rates of the town of Wicklow and upon the grand jury cess of the baronies of Arklow, Newcastle, South Ballinacor, Shillelagh, and North Ballinacor (in this Act called "the contributing baronies"), and also upon the harbour of Wicklow:

And whereas the objects of this Act cannot be obtained without the authority of Parliament:

Be it therefore 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:

Special meeting to consider charging town rates and grand jury cess.

1.—(1.) A special meeting shall be held in the Court House in Wicklow on some day to be appointed by the Board of Works within two months after the passing of this Act, of the Town Commissioners of the town of Wicklow (in this Act referred to as the Town Commissioners), and of the justices and associated cesspayers entitled to attend at the presentment sessions of the contributing baronies.

(2.) Notice of the meeting shall be given once in each of two consecutive weeks before the day fixed for the meeting in two or more newspapers circulating in the county of Wicklow.

(3.) At the meeting a person nominated by the Board shall preside, and the Town Commissioners and the justices and associated cesspayers for each barony shall separately declare their opinion as to the expediency of charging the rates of the town of Wicklow or the grand jury cess of the barony (as the case may be) with the repayment of the debt on account of the forty thousand pounds advance, and any sums advanced under this Act, and interest thereon, as provided in this Act.

(4.) The chairman presiding at the meeting shall ascertain, by taking a vote in such manner as he thinks fit, the opinion of the Town Commissioners and the justices and associated cesspayers, and if the opinion of the Town Commissioners and of the justices and associated cesspayers of each of the baronies is in favour of the charge, shall report to that effect to the Board of Works.

Power to advance and to charge advance on town and baronies.

2.—(1.) The Treasury may, at any time after such a report is made, authorise the Board of Works to advance to the Harbour Commissioners such sums as they think fit, so that the total sum advanced does not, with the amount for the time being due on account of the principal and interest of the forty thousand pounds advance, at any time exceed sixty-five thousand pounds.

(2.) From the date of that authority being given by the Treasury (in this Act referred to as "the date of consolidation") the debt on account of any sums advanced under this section shall rank with, and be consolidated into one debt with, the debt on account of the principal of the forty thousand pounds advance, and any interest which on that date has accrued due thereon since the first day of May one thousand eight hundred and ninety-seven

and has not been paid; and the debt so consolidated is in this Act referred to as the consolidated debt.

(3.) The consolidated debt, with interest thereon at the rate of three and a half per centum per annum, shall, by virtue of this Act, be a charge on the rates of the town of Wicklow, and on the grand jury cess of each of the contributing baronies, in such proportions as the Board of Works declare by order, provided that—

(*a*) the sum charged on the rates of the town of Wicklow, in pursuance of the order, shall not exceed two thousand five hundred pounds; and

(*b*) the charge on the rates of the town of Wicklow shall not affect the liability of that town on account of the charge on the grand jury cess of any of the contributing baronies of which it forms part.

Repayment of consolidated debt.

3. The consolidated debt shall be repaid to the Board of Works as follows, and not otherwise, namely, by the payment in respect of each advance composing the debt of an annual sum of four pounds five shillings and fourpence for each one hundred pounds of the advance (and so in proportion for any less sum) for a period of fifty years from the date of the advance, or where the advance was made before the passing of this Act, for a period of fifty years from the date of consolidation.

Payments by town of Wicklow and contributing baronies.

4. There shall be paid out of the rates of the town of Wicklow and out of the grand jury cess of each of the contributing baronies in each year the annual sum due for the repayment of the proportion of the consolidated debt charged upon the rates or grand jury cess, as the case may be, and that sum shall be paid by equal half-yearly payments on the first day of November and the first day of May in each year, the first half-yearly payment to be made on the first of those days which occurs after the date of the advance, or, if the advance was made before the passing of this Act, on the first of these days which occurs after the date of consolidation.

Such apportionment as may be necessary shall be made in respect of the first and last such half-yearly payment under this section in respect of any advance.

Charge upon harbour undertaking.

5.—(1.) The consolidated debt, in addition to being charged on the rates of the town of Wicklow, and the grand jury cess of the contributing baronies, shall also by virtue of this Act be a first charge, having priority over all other charges, on the Wicklow Harbour, and all piers, quays, wharfs, and other works connected therewith, and on the revenue of the harbour.

(2.) If in any year after the date of consolidation there is any excess of income over expenditure in respect of the Wicklow Harbour, that excess shall be paid to the Board of Works, and applied by them—

(*a*) in reduction of the payments for that year made by or due from the town of Wicklow in respect of the proportion of the consolidated debt charged upon the rates of the town; and

(*b*) if more than sufficient for that purpose, in reduction rateably of the payments for that year, made by or due from the

contributing baronies, in respect of the proportion charged upon the grand jury cess of the baronies.

If there is any surplus after such application, the amount of the surplus shall be repaid to the Harbour Commissioners.

Accounts of Harbour Commissioners and audit. 10 & 11 Vict. c. 16.

6. The following provisions shall have effect after the date of consolidation :—

(i.) The Harbour Commissioners shall keep such accounts as are required to be kept by Commissioners under the Commissioners Clauses Act, 1847 :

(ii.) The Board of Trade may appoint a permanent auditor of the accounts of the Harbour Commissioners and fix his salary, and the salary so fixed shall be paid as part of the expenditure in respect of the Wicklow Harbour :

(iii.) The auditor shall have all the powers of an auditor under the Commissioners Clauses Act, 1847, and any person interested in the accounts shall have the like power of objecting to the accounts and appealing therefrom as under that Act :

(iv.) The auditor shall certify if there is any excess of income over expenditure in respect of the Wicklow Harbour and the amount of the excess, if any.

Mode of raising sums payable by town of Wicklow and contributing baronies.

7.—(1.) The Board of Works shall, twice in each year after the date of consolidation, certify the amount due from the town of Wicklow in respect of the proportion of the consolidated debt charged on the rates of the town, and transmit that certificate to the Town Commissioners.

(2.) The sums specified in the certificates shall be raised by the Town Commissioners by means of a special rate levied in addition to any rate which they are empowered to make under the Public Health (Ireland) Act, 1878; and all the provisions of that Act which relate to the making and enforcing of rates, and to the partial exemption of certain classes of property, shall apply to the special rate so authorised. 41 & 42 Vict. c. 52.

(3.) The Board of Works shall, before each assize after the date of consolidation, make out a certificate of the amount due from each contributing barony in respect of the proportion of the consolidated debt charged on the grand jury cess of the barony, and lay the certificate before the grand jury, and the grand jury shall, without any previous application to presentment sessions, make a presentment for the amount specified in the certificate, and, in default of such a presentment, the amount shall be raised on an order of the judge of assize, the order having the force of a presentment.

(4.) Any certificate of the Board of Works under this section, shall be conclusive as to the matter certified.

(5.) The money raised under this section shall be paid to the Board of Works in such manner as the Treasury direct.

Application of advances.

8. All money advanced under this Act to the Harbour Commissioners shall be applied by them for the improvement and repair of Wicklow Harbour, and of the works connected therewith, and not for any other purposes.

Application of 1 & 2 Will. 4. c. 33.

9. Except as otherwise provided by this Act, all the terms and conditions applying in the case of a loan made by the Board of Works under the Public Works (Ireland) Act, 1831, shall apply in the case of the consolidated debt under this Act.

Provision as to old security.

10. From and after the date of consolidation the provisions of this Act regulating the repayment and charge of, and the interest on, the forty thousand pounds advance as part of the consolidated debt, shall be substituted for the provisions, whether under statute or contract, which regulated such repayment and charge and interest before the passing of this Act, and these latter provisions shall cease to have effect, except as regards the payment of any interest due on the advance up to the first day of May one thousand eight hundred and ninety-seven.

Short title.

11. This Act may be cited as the Wicklow Harbour Advances Act, 1897.

CHAPTER 56.

An Act to amend the Law respecting the Metropolitan Water Companies. [6th August 1897.]

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:

Complaint may be made to Railway and Canal Commission.

1.—(1.) Any water consumer or any local authority may complain to the Railway and Canal Commission that any of the metropolitan water companies has failed to perform some statutory duty of the company, and the Commission may hear and determine that complaint, and if satisfied of such failure order the company within the time limited by the order to fulfil the duty, and may, if they think fit, by any such order, impose any penalty for such failure which can be imposed under any Act, and enforce any such order in like manner as any other order of the Commission.

(2.) If at any time complaint as to the quantity or quality of the water supplied by any of the metropolitan water companies for domestic use is made to the Railway and Canal Commission, by any water consumer or local authority, the Commission may hear and determine such complaint, and if satisfied that the complaint is well founded, may order the company, within such reasonable time as is specified in the order, to remove the ground of such complaint, and may enforce such order in like manner as any other order of the Commission, and may award damages to the complainant.

57 & 58 Vict. c. 54

(3.) All enactments relating to the Railway and Canal Commission (except section two of the Railway and Canal Traffic Act, 1894, which restricts the power to award costs) shall, with the necessary modifications, apply to the Railway and Canal Commission for the purpose of their jurisdiction under this Act