

[42 VICT.] *General Police and Improvement (Scotland) [Ch. iv.]
Act, 1862, Order Confirmation (Inverness) Act, 1879.*



CHAPTER iv.

An Act to confirm a Provisional Order under the General Police and Improvement (Scotland) Act, 1862, relating to the Burgh of Inverness. A.D. 1879.
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[23d May 1879.]

WHEREAS the Secretary of State for the Home Department, being one of Her Majesty's Principal Secretaries of State, has under the provisions of the General Police and Improvement (Scotland) Act, 1862, duly made the Provisional Order which is contained in the schedule to this Act annexed; and it is provided by the said Act that no such Order shall be of any validity unless the same has been confirmed by Act of Parliament, and it is expedient that the said Order should be so confirmed: 25 & 26 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:

1. The Provisional Order contained in the schedule to this Act annexed shall be and is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, be as valid and have the like force and effect as if the same were specially enacted in this Act. Confirmation
of Provi-
sional Order.

2. This Act may be cited as the General Police and Improvement (Scotland) Act, 1862, Order Confirmation (Inverness) Act, 1879. Short title.

A.D. 1879.

SCHEDULE.

General Police and Improvement (Scotland) Act, 1862.

(25 & 26 Vic. cap. 101.)

WHEREAS by the General Police and Improvement (Scotland) Act, 1862, it is, inter alia, provided (clause 79) that whenever it appears desirable to the magistrates and council, or commissioners of police of any royal or parliamentary burgh, or to the commissioners for executing that Act in any burgh, that provision should be made in order the better to apply and execute therein the provisions of the said Act in whole or in part, or for the future application and execution of any Acts in force therein, having relation to the purposes of that Act, or to any other matter or thing connected with the management and administration of the municipal or police affairs of such burgh, or that any such Acts, or any exemption from rating therefrom derived, should be wholly or partially repealed or altered, the magistrates and council, or the commissioners of such burgh, may present a petition to one of Her Majesty's Principal Secretaries of State, praying for such provision, repeal, and alteration as aforesaid, or for any of such things; and that after such inquiry as the said Secretary of State may direct, it shall be lawful for him to issue a Provisional Order under his hand and seal of office, in relation to the several things mentioned in such petition, either in accordance with the prayer thereof, or with such modifications or alterations as may appear to him to be requisite, and obtain confirmation of such Provisional Order by Act of Parliament:

And whereas the General Police and Improvement (Scotland) Act, 1862, has, in pursuance of the provisions of that Act, been adopted in the royal burgh of Inverness:

And whereas the provost, magistrates, and town council as commissioners of police of the said royal burgh of Inverness, acting under the Inverness Burgh Act, 1847 (herein-after called the Act of 1847), and the General Police and Improvement (Scotland) Act, 1862 (herein-after called the Act of 1862), have presented a petition to me, as one of Her Majesty's Principal Secretaries of State, setting forth that by the Inverness Water and Gas Act, 1875 (herein-after called the Act of 1875), they, as commissioners of police acting under the Act of 1847, were empowered to purchase the undertaking of the Inverness Gas and Water Company, and to make and maintain waterworks and gasworks, and to supply the burgh and places adjacent with water and gas, and were authorised to borrow, for the purposes of the waterworks undertaking, any sum, not exceeding 41,000*l.*, on the security of water rates, assessments, and charges by the said Act authorised; and for the purposes of the gas undertaking, any money, not exceeding 40,000*l.*, on the security of their gasworks undertaking, and the rents, charges, and revenues to arise from the supply of gas and the sale of residual products. And that they had purchased the undertaking of the Inverness Gas and Water Company, but the cost of such purchase, and of carrying into execution the Act of 1875, have considerably exceeded the amount at

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which it was estimated at the time of the application for the Act of 1875, and the moneys which they were authorised to borrow by that Act, and have borrowed for the purposes of the said water and gas supply and of that Act, are insufficient to defray the cost thereof, and they are indebted in various sums on account of such cost. A.D. 1879.

And whereas it has been represented to me in the said petition that it is expedient that the said commissioners should be authorised to borrow, for the purposes of the said waterworks undertaking, an additional sum of money, not exceeding 20,000*l.*, on the security of their water rates, assessments, and charges by the Act of 1875 authorised, and an additional sum, not exceeding 15,000*l.*, for the purposes of their gasworks undertaking, on the security of the rents, charges, and revenues to arise from the supply of gas and the sale of residual products, and that with that object the Act of 1875 should be altered.

And whereas due inquiry having been directed and held in respect of the matters mentioned in the said petition, I have resolved to issue a Provisional Order in the terms herein-after expressed.

Now, therefore, in pursuance of the powers vested in me by the General Police and Improvement (Scotland) Act, 1862, I, as one of Her Majesty's Principal Secretaries of State, do by this Provisional Order direct as follows:—

1. From and after the time of the passing of the Act confirming this Order the 74th section of the Act of 1875 shall be read as if the words fifty-six thousand pounds had been inserted instead of the words forty-one thousand pounds; and the 75th section of the Act of 1875 shall be read as if the words forty-five thousand pounds had been inserted therein instead of the words forty thousand pounds; and the 82nd section of that Act shall be construed as if the costs, charges, and expenses of and incident to the preparing for, obtaining, and confirming this Order were part of the costs, for the payment of which provision is made by that section.

2. All mortgages granted by the commissioners for securing money borrowed under the provisions of the Act of 1875, and subsisting at the time of the passing of the Act confirming this Order, shall have priority over all mortgages granted by the commissioners under the provisions of the said sections for securing money borrowed after the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this twentieth day of March one thousand eight hundred and seventy-nine.

RICHD. ASSHETON CROSS.

L.S.

