



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART VII

RATING AND BORROWING POWERS.

Borrowing Powers.

139 Power of borrowing for sewers.

It shall be lawful for the local authority to borrow for the purpose of acquiring, making, enlarging, or re-constructing sewers or for the purpose of utilising sewage; and on the security of the special sewer assessments, where such exist, or the public health general assessments, as the case may be, such sums of money, and at such times, as the local authority shall deem necessary for that purpose, and to assign the said special sewer assessments and public health general assessments, as the case may be, in security of the money to be so borrowed ; and the bonds to be granted on such borrowing and transferences or assignments and discharges thereof may be in or near to the forms contained in the Second Schedule hereto annexed, and such bonds shall be signed by two members and the clerk of the local authority, and shall constitute a lien over the special sewer assessments and 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 special and general assessments; but no such member or officer 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 borrower and the lender, but so that the same shall be wholly repaid, together with the accruing interest, within thirty years from the date of the loan, but the amount of such loans, including interest, shall form a charge against the 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 for the purposes specified in this section, and for no other purpose whatsoever.

Status: This is the original version (as it was originally enacted).

140 Power of borrowing for water supply.

It shall be lawful for the local authority to borrow for the purpose of constructing, purchasing, enlarging, or reconstructing such works as are herein authorised for providing a supply of water for the use of the inhabitants of the district, or for the purpose of entering into and implementing any contract or arrangement with any person for such supply, and on the security of the special water assessments, where such exist, or of public health general assessments, as the case may be, such sums of money and at such times as the local authority shall deem necessary for that purpose, and to assign the said special water assessments and public health general assessments, as the case may be, in security of the money to be so borrowed; and the bonds to be granted on such borrowing and transferances or assignations and discharges thereof may be in or near to the forms contained in the Second Schedule hereto annexed ; and such bonds shall be signed by two members and the clerk of the local authority, and shall constitute a lien over the assessments thereby assigned, and shall entitle the creditors therein to recover, the sums thereby due out of the first, and readiest of the said assessments ; but no such member or clerk shall be personally liable for the repayment of such money so borrowed, and all such obligations shall hi deemed and taken to be granted on the sole security of the assessments thereby assigned, and the money so borrowed shall be repayable either in one sum or by instalments, as may be arranged between the borrower and the lender, but so that the same shall be wholly repaid, together with the accruing interest, within thirty years from the date of the loan; but the amount of such loans, including interest, shall form a charge against the 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 for the purposes specified in this section and for no other purpose whatsoever.

141 Power of borrowing for hospitals, &c.

It shall be lawful for the local authority to borrow for the purpose of providing offices for the use of the local authority, and for providing and furnishing such permanent hospitals, disinfecting premises and apparatus, houses of reception, or mortuaries as are herein-before authorised, and on the security of the public health general assessments, such sums of money and at such times as they shall deem necessary for that purpose, and to assign the said public health general assessments in security of the money to be so borrowed; and the bonds to be granted on such borrowing and transferances or assignations and discharges thereof may be in or near to the forms contained in the Second Schedule hereto annexed ; and such bonds shall be signed by two members and the clerk of the local authority, and shall constitute a lien over the assessments thereby assigned, and shall entitle the creditors therein to recover the sums thereby due out of the first and readiest of the said assessments ; but no such member or officer 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 thereby assigned, and the money so borrowed shall be repayable either in one sum or by instalments, as may be arranged between the borrower and the lender, but so that the same shall be wholly repaid, together with the accruing interest, within thirty years, from the date of the loan ; but the. amount of such loans, including interest, shall form a charge against the 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 for the purposes specified in this section and for no other purpose whatsoever.

142 Power to Public Works Loan Commissioners to lend to local authority for sanitary purposes.

The Public Works Loan Commissioners may, on the recommendation of the Board, make any loan to any local authority in pursuance of any powers of borrowing conferred by this Act or by the Acts hereby repealed, or by the Burgh Police (Scotland) Act, 1892, whether for works already executed or yet to be executed, on the security of any fund or rate applicable to any of the purposes of these Acts, and without requiring any further or other security, such loan to be repaid within a period not exceeding thirty years, and to bear interest at such rate as may, in the judgment of the Treasury, be necessary in order to enable the loan to be made without loss to the Local Loans

Provided as follows—

- (1) That in determining the time when a loan as aforesaid shall be repayable, the Public Works Loan Commissionera shall have regard to the probable duration and continuing utility of the works in respect of which the same is required ;
- (2) That this Act shall not extend to any loan required for the purpose of defraying expenses incurred in enforcing the performance of or in performing the duty of a defaulting local authority.

143 Audit.

The accounts of every local authority under this Act shall be made up and audited as part of and in the same manner and subject to the same provisions as the other accounts of such local authority.