



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART VII

RATING AND BORROWING POWERS.

Assessments.

133 Special sewer assessment.

In any burgh, or where any special drainage district has been formed under this Act or any of the Acts hereby repealed, the expense incurred by the local authority for sewerage or drainage within the same or for the purposes thereof, and the sums necessary for payment of any money borrowed therefor either before or after the passing of this Act, together with the interest thereof, shall be paid out of a special sewer assessment which the local authority shall raise and levy on and within such burgh or special district, in the same manner and with the same remedies and modes of recovery as are herein-after provided for the public health general assessment.

Provided that where a special drainage district has been formed under the provisions of this Act or any of the Acts hereby repealed or of any Act, and the drainage works therein have been executed and are maintained under the authority of such Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of making sewers and drainage works in other parts of the district of the local authority.

134 Special water assessment.

In any, burgh, or where any special water supply district has been formed under this Act or any of the Acts hereby repealed, the expense incurred by the local authority for water supply within the same or for the purposes thereof, and the sums necessary for payment of any money borrowed therefor either before or after the passing of this Act, together with the interest thereof, shall be paid out of a special water assessment which the local authority shall raise and levy on and within such burgh or special district, in the same manner and with the same remedies and modes of recovery as are

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herein-after provided for the public health general assessment. Provided that where a special water supply district has been formed under the provisions of this Act or any of the Acts hereby repealed or of any Act, and a sufficient supply of water has been obtained and is maintained under the authority of such Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of supplying water to other parts of the district of the local authority.

135 General assessments in districts other than burghs.

With respect to districts other than burghs, all charges and expenses incurred by or devolving on the local authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before provided, may be defrayed out of an assesment (in this Act referred to as the public health general assessment) to be levied by the local authority upon all lands and heritages within the district or in the case of counties not divided into districts within the county, in the like manner as, but as a separate assessment from, the assessment herein-after mentioned in this section; that is to say, the said assessment shall be assessed, levied, and recovered in like manner and under like powers as—

The assessment for the maintenance of roads under the provisions of the Roads and Bridges (Scotland) Act, 1878, or, where there is no such assessment, by an assessment levied in like manner as an assessment might have been levied for the maintenance of roads under that Act.

Nothing contained in this Act shall affect or prejudice the provisions of the Agricultural Rates, Congested Districts and Burgh Land Tax Relief (Scotland) Act, 1896.

136 General assessments in burghs.

With respect to burghs subject to the provisions of the Burgh Police (Scotland) Act, 1892, or having a local Act for police purposes—

All charges and expenses incurred by or devolving on the local authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before provided, may be defrayed, out of an assessment (in this Act referred to as the public health general assessment) to be levied by the local authority along with but as a separate assessment from the assessment herein-after mentioned; that is to say, the said assessment shall be assessed, levied, and recovered in like manner and under the like powers, but without any limit, except as in the immediately succeeding section provided as—

The general improvement rate under the Burgh Police (Scotland) Act, 1892, or, when there is no such rate, by a rate levied in like manner as the general improvement rate under the last-mentioned Act.

Provided also, that where a special drainage district has been formed, under the provisions of any Act, and the drainage works therein have been executed and are maintained under the authority of such Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of making sewers and drainage works in other parts of the district of the local authority.

137 Limit of assessment.

The public health general assessment by this Act authorised, which shall be imposed upon all lands and heritages within the district, including any special drainage or special water supply district, shall not exceed the rate of one shilling in the pound.

The special sewer assessment, and the special water assessment, exclusive of the public health general assessment, shall not in any burgh or special drainage or special water supply district exceed the rate of three shillings in the pound. Provided that if the produce of a rate of three shillings in the pound in any burgh or special drainage or special water supply district shall not be sufficient to meet the expenditure bona fide incurred or contemplated within such burgh or special district, it shall be lawful to increase such rate to such extent as may have been approved by the Board ; provided also, that it shall not be lawful to impose any rate in respect of the expenditure within any special district upon any premises without such special district.

138 Burghs not to be assessed for public health rate in counties.

Notwithstanding anything contained in the Local Government (Scotland) Act, 1889, or in this Act, the ratepayers of a burgh shall not be assessed for any charges or expenses incurred by a county council for the salaries or expenses of the medical officer or sanitary inspector appointed for the county, and no representative of a burgh shall in a district committee or on the county council act or vote in any matter relating to this Act or to public health for which the ratepayers in such burgh are not liable to be assessed.

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 transferances 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.

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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.