



CHAPTER xi.

An Act to confirm a Provisional Order under the A.D. 1922.
Burgh Police (Scotland) Act 1892 relating to
Kilmarnock Water. [31st May 1922.]

WHEREAS His Majesty's Secretary for Scotland
has made the Provisional Order set forth in the
schedule hereunto annexed under the provisions of the
Burgh Police (Scotland) Act 1892 and it is requisite that
the said Order should be confirmed by Parliament: 55 & 56 Vict.
c. 55.

Be it therefore enacted by the King'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 Confirmation
hereunto annexed shall be and the same is hereby of Order in
confirmed. schedule.

2. This Act may be cited as the Kilmarnock Water Short title.
Order Confirmation Act 1922.

A.D. 1922.

SCHEDULE.

KILMARNOCK WATER.

Provisional Order.

WHEREAS by sections 45 and 46 of the Burgh Police (Scotland) Act 1892 it is (inter alia) provided that whenever it shall appear to the commissioners of any burgh to which that Act applies that they require additional powers for the better carrying out of the purposes of that Act and specially powers relating to the supply of water or for the repeal or amendment of any local Acts of Parliament relating to such subjects or their adaptation and adjustment to the provisions of the Act now in recital or for the other purposes therein mentioned they may apply to the Secretary for Scotland for a Provisional Order and that after such inquiry as the Secretary for Scotland may direct it shall be lawful for him to issue a Provisional Order either in accordance with the prayer of the application or with such modifications or alterations as may appear to him to be requisite but no Provisional Order shall be of any validity unless the same has been confirmed by Act of Parliament :

And whereas the Burgh Police (Scotland) Act 1892 is in force within the burgh of Kilmarnock (hereinafter referred to as "the burgh") :

And whereas by the Kilmarnock Water Act 1892 (in this Order called "the Act of 1892") the undertaking of the Kilmarnock Water Company was transferred to and vested in the provost magistrates and councillors of the burgh (hereinafter called "the Corporation") and the Corporation were authorised to construct additional waterworks and to supply water within the burgh the suburbs thereof and places adjacent comprehended within the parishes of Kilmarnock Riccarton Kilmaurs and Fenwick in the county of Ayr and in addition to the sums authorised to be borrowed in respect of the acquisition of the said undertaking the Corporation were authorised to borrow for the purposes of those works and of their water undertaking the sum of thirty thousand pounds :

And whereas by the Kilmarnock Corporation Water Act 1896 (in this Order called "the Act of 1896") and the Kilmarnock Corporation Order 1901 (in this Order called "the Order of 1901") the Corporation were authorised to borrow for the purposes of their water undertaking further sums of thirty thousand pounds and twenty-five thousand pounds respectively :

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Order Confirmation Act, 1922.

And whereas by the Kilmarnock Corporation Water Order 1907 (in this Order called "the Order of 1907") the Corporation were authorised to construct additional waterworks and to borrow for the purposes thereof and of their water undertaking a further sum of twenty-five thousand pounds : A.D. 1922.

And whereas of the said sums authorised by the Act of 1892 the Act of 1896 the Order of 1901 and the Order of 1907 amounting together to the sum of one hundred and ten thousand pounds there has been expended by the Corporation for the purposes of their water undertaking the sum of one hundred and seven thousand and three pounds :

And whereas the demand for water in the burgh and the suburbs thereof and places adjacent has increased and is increasing necessitating the laying of a second main from Craigendunton Reservoir to Kilmarnock Cross and the improvement of the existing mains filters and other works of the Corporation in connection with their water undertaking :

And whereas estimates have been prepared by the Corporation for the construction of the said additional waterworks and such estimates are as follows :—

	£
Main from Craigendunton Reservoir to	
Kilmarnock Cross - - - - -	50,000
Extension of filters and distribution pipes	20,000

And whereas for the purpose of defraying the cost of the said additional waterworks it is expedient that the Corporation should be authorised to borrow an additional sum not exceeding seventy thousand pounds upon the security of the revenues of their water undertaking :

And whereas the Corporation have presented to me as Secretary for Scotland a petition setting forth the matters hereinbefore recited :

And whereas after due inquiry I have resolved to issue a Provisional Order in the terms hereinafter expressed :

Now therefore in pursuance of the powers vested in me by the Burgh Police (Scotland) Act 1892 I as Secretary for Scotland do by this Provisional Order direct as follows :—

1. This Order may be cited as the Kilmarnock Water Order 1922. Short title.

2. In addition to the sum of one hundred and ten thousand pounds which the Corporation are already authorised to borrow under the Act of 1892 the Act of 1896 the Order of 1901 and the Order of 1907 for the purposes of their water undertaking the Corporation may borrow the sum of seventy thousand pounds on the security of the revenues of the said undertaking and may mortgage the same accordingly. Power to borrow additional money.

A.D. 1922.

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Application
of money
borrowed.

3. All money borrowed by the Corporation under the authority of this Order for the purposes of their water undertaking shall be applied only to the purposes for which it is authorised to be borrowed and to which capital is properly applicable.

Priority of
existing
mortgages.

4. All mortgages granted by the Corporation for securing money borrowed under the provisions of the Act of 1892 the Act of 1896 the Order of 1901 and the Order of 1907 for the purposes of their water undertaking and subsisting at the passing of the Act confirming this Order shall while subsisting and without prejudice to their priorities have priority over any mortgages granted by the Corporation under the authority of this Order for the purposes of their water undertaking.

Repayment
of money
borrowed.

5.—(1) The Corporation shall by means of the sinking fund directed to be formed by section 22 (Repayment of borrowed money) of the Order of 1907 pay off all money borrowed by them under the authority of this Order as if it were money borrowed under the authority of the Order of 1907.

(2) The provisions of section 17 (Annual return to Secretary for Scotland with respect to sinking fund) of the Order of 1901 shall apply to money borrowed by the Corporation under the authority of this Order.

Costs of
Order.

6. The costs charges and expenses of and incident to the preparing for obtaining and confirming this Order or otherwise in relation thereto shall be paid by the Corporation out of their water revenues or the money they are by this Order authorised to borrow and if paid out of money so borrowed shall be repaid within five years from the passing of the Act confirming this Order.

Given under my hand and seal at Whitehall this twentieth day of April one thousand nine hundred and twenty-two.

(L.S.)

(Signed)

ROBERT MUNRO.

 Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

 WILLIAM RICHARD CODLING, Esq., C.V.O., C.B.E., the King's Printer of
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