

**CHAPTER viii.**

An Act to confirm a Provisional Order under the A.D. 1929.
 Burgh Police (Scotland) Act 1892 relating to —
 Kilmarnock Water. [26th July 1929.]

WHEREAS one of His Majesty's Principal Secretaries
 of State has made the Provisional Order set forth
 in the schedule hereunto annexed under the provisions
 of the Burgh Police (Scotland) Act 1892 as read with 55 & 56 Vict.
 the Secretaries of State Act 1926 and it is requisite that c. 55.
 the said Order should be confirmed by Parliament : 16 & 17
Geo. 5. c. 18.

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 Confirma-
 hereunto annexed shall be and the same is hereby tion of
 confirmed. Order in
schedule.
2. This Act may be cited as the Kilmarnock Water Short title.
 Order Confirmation Act 1929.

A.D. 1929.

SCHEDULE.

KILMARNOCK WATER.

Provisional Order.

WHEREAS by sections 45 and 46 of the Burgh Police (Scotland) Act 1892 as read with the Secretaries of State Act 1926 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 one of His Majesty's Principal Secretaries of State for a Provisional Order and that after such inquiry as the Secretary of State 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 called "the burgh") :

And whereas by the Kilmarnock Corporation Water Act 1892 (hereinafter 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 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 Water Acts 1892 to 1925 the borrowing powers of the Corporation for the purposes of their water undertaking were increased by sums amounting together to one hundred and sixty thousand pounds :

And whereas the said respective sums of thirty thousand pounds and one hundred and sixty thousand pounds have been duly raised and expended by the Corporation for the purposes of their water undertaking : A.D. 1929.
 —

And whereas the Corporation have borrowed a sum of nine hundred and thirty-five pounds in excess of the sums hereinbefore referred to for the purpose of mains and service pipes :

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 further mains and the improvement of the existing mains and other works of the Corporation in connection with their water undertaking and it is expedient that the Corporation should for such purpose be empowered to borrow an additional sum not exceeding twenty thousand pounds inclusive of the above-mentioned sum of nine hundred and thirty-five pounds upon the security of their water undertaking :

And whereas the Corporation have presented to me as Secretary of State 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 as read with the Secretaries of State Act 1926 I as Secretary of State do by this Provisional Order direct as follows :—

1. This Order may be cited as the *Kilmarnock Water Order 1929.* Short title and citation.

The *Kilmarnock Water Acts 1892 to 1927* and this Order may be cited together as the *Kilmarnock Water Acts 1892 to 1929.*

2. In addition to the sum of one hundred and ninety thousand pounds which the Corporation are already authorised to borrow under the *Kilmarnock Water Acts 1892 to 1925* for the purposes of their water undertaking the Corporation may borrow the sum of twenty thousand pounds on the security of the revenues of the said undertaking and may mortgage the same accordingly. Power to borrow.

3. All moneys borrowed by the Corporation under the authority of this Order shall be applied only to the purposes for which the same are authorised to be borrowed and to which capital is properly applicable. Application of moneys borrowed.

4. All mortgages granted by the Corporation for securing money borrowed under the provisions of the *Kilmarnock Water Acts 1892 to 1925* for the purposes of their water undertaking Priority of existing mortgages.

A.D. 1929. — 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. The Corporation shall by means of the sinking fund directed to be formed by section 22 (Repayment of borrowed money) of the Kilmarnock Corporation Water Order 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 said Order of 1907. Provided that all money borrowed under the authority of this Order shall be repaid within forty years from the date or dates of borrowing. Provided further that the payments to the sinking fund in respect of moneys borrowed temporarily in anticipation of the authority conferred by this Order shall run from the date of such temporary borrowing the amount in arrear being carried to the sinking fund at or before Whitsunday one thousand nine hundred and twenty-nine.

Annual
return to
Secretary of
State.

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

Costs of
Order.

7. 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 and the moneys they are by this Order authorised to borrow and if paid out of moneys 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 twenty-fourth day of April One thousand nine hundred and twenty-nine.

(L.S.)

(Signed) JOHN GILMOUR.

Printed by EYRE and SPOTTISWOODE, LTD.,

FOR

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

To be purchased directly from H.M. STATIONERY OFFICE at the following addresses;
Adastral House, Kingsway, London, W.C.2; 120, George Street, Edinburgh;
York Street, Manchester; 1, St. Andrew's Crescent, Cardiff;
15, Donegall Square West, Belfast;
or through any Bookseller.