



CHAPTER xxvii.

An Act to empower the Corporation of Royal Leamington Spa in the County of Warwick to raise money for the improvement of their Pump Room Baths and Pleasure Grounds; and for other purposes. [4th June 1886.] A.D. 1886.

WHEREAS Her most Gracious Majesty by Royal Charter dated the 13th day of April 1875 was pleased to grant and declare that the inhabitants of the town of Leamington Spa which is co-extensive with the whole of the parish of Leamington Priors in the county of Warwick and their successors should be for ever thereafter one body politic to be called the Mayor Aldermen and Burgesses of the Borough of Royal Leamington Spa :

And whereas the said borough is a municipal borough under the government of the mayor aldermen and burgesses thereof (in this Act referred to as the Corporation) acting under the authority of the said Royal Charter and of the Municipal Corporations Act 1882 :

And whereas the Corporation are owners of the pump room baths and pleasure grounds within the borough and the proper and efficient maintenance of the same is a matter of great importance to the welfare of the borough :

And whereas considerable alterations additions or improvements of or to or in connexion with the said pump room baths and pleasure grounds are urgently required and it is expedient that for those purposes the Corporation be empowered to raise money in manner by this Act provided :

And whereas the objects of this Act cannot be attained without the authority of Parliament :

And whereas an absolute majority of the whole number of the council of the said borough at a meeting held on the 16th day of October 1885 after ten days clear notice by public advertisement of such meeting and of the purposes thereof in the "Leamington Spa Courier" a local newspaper published or circulating in the said borough (such notice being in addition to the ordinary notices required for summoning such meeting) resolved that the expense

A.D. 1886. in relation to promoting the Bill for this Act should be charged on the borough fund or borough rate or district fund and general district rate :

And whereas such resolution was published twice in the "Leamington Advertiser" a local newspaper circulating in the said borough and has received the approval of the Local Government Board :

And whereas the propriety of the promotion of the Bill for this Act was confirmed by an absolute majority of the whole number of the said council at a further special meeting held in pursuance of a similar notice on the eleventh day of January one thousand eight hundred and eighty-six being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the owners and ratepayers of the borough by resolution in the manner provided by Schedule III annexed to the Public Health Act 1875 consented to the promotion of the Bill for this Act :

May it therefore please Your Majesty that it may be enacted and 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 (that is to say) :

Short title.

1. This Act may be cited as the Leamington Corporation Act 1886.

Power of Corporation to borrow for improvement of pump room &c.

2. The Corporation are hereby empowered to borrow with the sanction of the Local Government Board for the purposes of the enlargement alteration and improvement of their pump room baths and pleasure grounds such sums as they may from time to time require not exceeding in the whole twenty thousand pounds and for the purpose of defraying the costs charges and expenses preliminary and of and incidental to the preparation and obtaining of this Act such sums as may be requisite. Any expenses incurred by the Local Government Board in holding a local inquiry for the purposes of this Act including a reasonable sum not exceeding three guineas a day for the services of their inspector shall be paid by the Corporation and be recoverable by the Board in a summary manner.

Security and mode of raising moneys.

3. All or any sums which the Corporation are authorised by this Act to borrow may be borrowed by them on the security of the district fund and general district rate leviable under the Public Health Act 1875.

Form of mortgages.

4. (1.) All the mortgages of the Corporation under this Act shall rank together without any priority on account of the date of the deed or on any other account :

(2.) The provisions contained in sections two hundred and thirty-six to two hundred and thirty-nine (both included) of the Public Health Act 1875 with respect to the mortgages to be executed by a local authority shall apply in the case of all mortgages granted under this Act except where any such provisions are expressly altered or varied by this Act and for the purposes of such application the term local authority in the said provisions shall be construed to mean the Corporation. A.D. 1886.

5. (1.) All sums borrowed on mortgage by the Corporation in pursuance of this Act shall be repaid by them within such period or periods as may be sanctioned by the Local Government Board either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund : Discharge of money borrowed on mortgage.

(2.) If the Corporation establish a sinking fund they shall appropriate and carry to that fund such equal yearly or half-yearly sums as being invested in securities in which trustees are by law for the time being empowered to invest or in the mortgages bonds debentures or stock of any local authority within the meaning of the Local Loans Act 1875 (other than the Corporation) and accumulated in the way of compound interest at the rate of three pounds ten shillings per centum per annum will be sufficient to discharge the loan or portion of a loan to the discharge of which it is applicable within the prescribed period :

(3.) Any such sinking fund or any part thereof may be from time to time applied by the Corporation in repayment of the principal moneys borrowed :

(4.) Provided that whenever any of such principal moneys have been so paid off the Corporation shall thenceforward until the whole of such principal moneys have been paid off pay into the sinking fund every year in addition to the other sums herein-before required to be set apart and appropriated a sum equal to the annual interest of the principal moneys so paid off :

(5.) Provided further that whenever and so long as the yearly income arising from the sinking fund shall be equal to the annual interest of the principal moneys then due and outstanding the Corporation may in lieu of investing the said yearly income apply the same in payment of such interest and may during such periods discontinue the payment to the sinking fund of the yearly sums herein-before required to be paid thereto.

6. (1.) The Corporation may if they see fit in manner provided by the Local Loans Act 1875 borrow at interest on the security of the district fund and general district rate leviable under the Public Health Act 1875 any sums authorised to be borrowed under this Act. Power to borrow under Local Loans Act.

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(2.) Any loan borrowed in manner provided by that Act shall be discharged within such period or periods as may be sanctioned by the Local Government Board not exceeding fifty years after the same was borrowed and the periods so determined shall be respectively the prescribed periods within the meaning of the Local Loans Act 1875 :

(3.) The Corporation may raise the loan or any part thereof by the issue of debenture stock.

Power to
re-borrow.

7. If the Corporation pay off any moneys borrowed by them under this Act otherwise than by means of a sinking fund or by appropriations instalments or annual repayments in the nature of a sinking fund they may re-borrow the same and so from time to time Provided that all moneys so re-borrowed shall be repaid within the time prescribed for the repayment of the moneys in lieu of which such re-borrowing is made and any amounts from time to time re-borrowed shall be deemed to form the same loan as the moneys in lieu of which such re-borrowing has been made and the obligations of the Corporation with respect to the repayment of such moneys by means of a sinking fund or by appropriations instalments or annual repayments shall not be in any way affected by such re-borrowing.

Application
of borrowed
moneys.

8. All moneys borrowed by the Corporation shall be applied by them to purposes of this Act to which capital is properly applicable.

Protection
of lenders
from inquiry.

9. A person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act or be bound to see to the application or be answerable for any loss misapplication or non-application of the money lent or of any part thereof.

Annual
return to
Local
Government
Board with
respect to
sinking fund.

10. (1.) The borough treasurer shall within twenty-one days after the expiration of each year during which any sum is required to be set apart by the Corporation for a sinking fund or paid as an instalment under this Act transmit to the Local Government Board a return in such form and verified in such manner as that Board may from time to time prescribe showing the amount which has been paid by instalments or invested for the purpose of such sinking fund during the year next preceding the making of such return and the description of the securities upon which the same has been invested and the purposes to which any portion of the moneys invested for the sinking fund or the interest thereof has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any wilful default in making such return the said treasurer shall be liable to a penalty not exceeding twenty pounds which shall be paid to the Local Government Board and shall be recoverable by that Board in

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the same manner as penalties recoverable under the Public Health Act 1875 in a summary manner may be recovered by parties aggrieved within the meaning of that Act :

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(2.) If it appears to the Local Government Board by such return or otherwise that the Corporation have failed to pay any instalment or to set apart the sum required by this Act for any sinking fund or have applied any portion of the moneys set apart for that fund or the interest thereof to any other purposes than those authorised by this Act the Local Government Board may by order direct that a sum not exceeding double the amount in respect of which such default shall have been made shall be set apart and invested or applied by the Board as part of the sinking fund and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the Queen's Bench Division of the High Court of Justice.

11. The costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act including the costs charges and expenses preliminary to and of and connected with the obtaining of the resolution of owners and ratepayers aforesaid as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the borough fund and borough rate or district fund and general district rate of the borough or out of money borrowed under the authority of this Act or partly by one and partly by another of the foregoing methods as the Corporation may determine.

Costs of
Act.

