



CHAPTER xxxiii.

An Act to authorise the Waterworks Commissioners of A.D. 1886.
Kirkcaldy and Dysart to raise additional money; and for
other purposes. [4th June 1886.]

WHEREAS by the Kirkcaldy and Dysart Waterworks Act, 1867 30 & 31 Vict.,
(in this Act called "the Act of 1867"), a body corporate was c. cxxxix.
created, under the name and style of "the Waterworks Commissioners
of Kirkcaldy and Dysart" (in this Act called "the Commissioners"),
for the purpose of supplying water to the parliamentary burghs of
Kirkcaldy and Dysart, and suburbs and places adjacent:

And whereas by the Act of 1867 the Commissioners were autho-
rised to borrow thirty-eight thousand pounds for the purposes of
that Act:

And whereas by the Kirkcaldy and Dysart Waterworks Amend- 33 & 34 Vict.,
ment Act, 1870 (in this Act called "the Act of 1870"), the c. lxvi.
Commissioners were authorised to borrow a further sum of fifteen
thousand pounds, for the purposes of the Act of 1867 and the Act of
1870, and the Act of 1867 was amended, and further powers were
conferred on the Commissioners:

And whereas by the Kirkcaldy Burgh and Harbour Act, 1876 (in 39 & 40 Vict.,
this Act called "the Act of 1876"), the boundaries of the burgh of c. clxxix.
Kirkcaldy were extended, and the limits for the compulsory supply
of water, as defined in the Act of 1867, were extended so as to
include such portions of the said extended burgh of Kirkcaldy as
were not within such limits:

And whereas by the Kirkcaldy and Dysart Waterworks (Additional 44 & 45 Vict.,
Powers) Act, 1881 (in this Act called "the Act of 1881"), the c. lx.
Commissioners were empowered to construct an additional reservoir,
filter beds, and other works, and by contract to supply water in
bulk to any owners and occupiers of lands and heritages, and to
any local board of health, police commissioners, parochial board, or
other public authority within the county of Fife, and within one
mile of any part of the aqueducts, conduits, or lines of pipes by the

A.D. 1886. Act of 1881 authorised, or any of them, and to borrow a further sum of forty thousand pounds :

And whereas a considerable portion of the works which the Commissioners were authorised to execute under the Act of 1881 have not yet been constructed, and the moneys which they were authorised to borrow under the Act of 1881 are insufficient for the completion thereof, and it is expedient that the Commissioners should be authorised to borrow a further sum of money to enable them to complete the said works, and for the general purposes of their undertaking :

And whereas it is further expedient that the area within which the Commissioners are authorised by the Act of 1881 to supply water by contract in bulk to the persons and bodies before mentioned, should be extended :

And whereas the purposes of this Act cannot be effected without the authority of Parliament :

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 :—

Short title.

1. This Act may be cited as the *Kirkcaldy and Dysart Waterworks Act, 1886.*

Recited Acts and this Act to be construed as one Act.

2. The Act of 1867, the Act of 1870, sections sixty-two and sixty-three of the Act of 1876, and the Act of 1881, as each of such Acts is varied and amended by any other of such Acts, and by this Act, shall, together with this Act, be read and construed and shall have effect as one Act.

Definition of terms.

3. In this Act the word "Commissioners" shall mean the Commissioners for the time being constituted and incorporated by the Act of 1867, the expression "the undertaking" shall have the same meaning as it has in the Act of 1881, and the expression "the recited Acts" shall mean the Act of 1867, the Act of 1870, sections sixty-two and sixty-three of the Act of 1876, and the Act of 1881.

Power to borrow additional money.

4. In addition to the moneys which the Commissioners are authorised to borrow under the Act of 1867, the Act of 1870, and the Act of 1881, the Commissioners may, from time to time, borrow on mortgage any sums not exceeding in the whole twenty-five thousand pounds, and may make and grant mortgages of the several rates and charges leviable by them under the provisions of the recited Acts, and this Act, in security of the payment of the money so borrowed and interest thereon ; and if, after having borrowed the said sum, or

any part thereof, the Commissioners pay off the same otherwise than by means of the sinking fund herein-after mentioned, it shall be lawful for them again to borrow the amount so paid off and so from time to time.

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5. The Commissioners may accept and take from any bank or banking company credit on a cash account, to be opened and kept with such bank or banking company in the name of the Commissioners according to the usage of bankers in Scotland, to the extent of the sum which the Commissioners are authorised to borrow as aforesaid, or any part thereof, and may make and grant mortgages of the several rates and charges leviable by them under the recited Acts and this Act, in security of the payment of the amount of such credit, or of the sums advanced from time to time on such cash account, with interest thereon: Provided always, that the whole principal sums due and owing by the Commissioners on such cash account, and for money borrowed by them on mortgage as aforesaid, shall not, when taken together, exceed the sums by the Acts of 1867, 1870, 1881, and this Act authorised to be borrowed.

Commis-
sioners may
borrow on
cash account.

6. The Commissioners may fund the whole or any part of the sums to be raised on mortgage under the authority of this Act, under the powers and provisions with the rights and privileges and subject to the restrictions and conditions which are contained in sections ninety-five to ninety-nine, both inclusive, of the Act of 1867.

Debt may be
funded.

7. Sections ninety-one, ninety-two, ninety-four and one hundred and three of the Act of 1867 shall be and are hereby made applicable to the money to be borrowed, and the mortgages, interest warrants, drafts or orders and discharges to be granted, under the authority of this Act, in the same manner as if the money to be borrowed, and the mortgages, interest warrants, drafts or orders and discharges to be granted, under the authority of this Act had been borrowed or granted under the authority of the Act of 1867.

Provisions
as to mort-
gages, &c.,
in Act of
1867 to be
applicable to
this Act.

8. Sections one hundred, one hundred and one, and one hundred and two of the Act of 1867 shall be and are hereby made applicable to the money to be borrowed or raised, and to the mortgages and certificates of funded debt to be granted and issued, under the authority of this Act, in the same manner as if the money to be borrowed or raised under the authority of this Act had been borrowed or raised under the authority of the Act of 1867.

Provisions as
to judicial
factor, &c.,
to be appli-
cable to this
Act.

9. The several sums borrowed or raised by the Commissioners on mortgage, or by means of the funded debt, under the authority of

Application
of money
borrowed or
raised.

A.D. 1886. this Act, shall be applied for the purposes of the completion of such of the works as they have been authorised and shall resolve to construct, and to the other purposes of their undertaking to which capital is properly applicable, and to no other purpose whatsoever: Provided that with the exception of the cost of enlarging or increasing the number of mains and pipes, and of extending the works, mains and pipes, the several sums borrowed or raised by the Commissioners under the authority of this Act shall not be applied to any of the purposes to which the rates and charges by the recited Acts and this Act authorised to be levied are by this Act specially made applicable.

Priority of
existing
mortgages
and
securities.

10. All mortgages, certificates of funded debt, and securities granted by the Commissioners, in pursuance of the powers of the Act of 1867, the Act of 1870, and the Act of 1881, before the passing of this Act, and which shall be subsisting at the time of the passing of this Act, shall, during the continuance of such mortgages, funded debt and securities, have priority over any mortgages, funded debt or securities to be granted or created by them under this Act.

Persons
lending not
bound to
inquire as to
observance
of Acts.

11. Any person lending or paying money under the Act of 1867, the Act of 1870, the Act of 1881, or this Act, to the Commissioners, shall not be bound to inquire as to the observance by the Commissioners of any of the provisions of the recited Acts, or this Act, or be bound to see to the application, or be answerable for any loss or non-application of such money, or of any part thereof.

Annual
estimate to
include
interest and
annuity on
money
borrowed or
funded.

12. In estimating and fixing, once in every year, the amount of money necessary to be levied for the purposes mentioned in section sixty-seven of the Act of 1867, the Commissioners shall include the interest on the money and annuity of funded debt that may be borrowed or created under the authority of this Act, and the rates by the recited Acts and this Act authorised shall be assessed and levied to such an amount as will be sufficient to meet the same, in addition to the purposes mentioned in the said section of the Act of 1867, and the amount so levied shall be applied in payment thereof.

Sinking
fund.

13. The Commissioners may and they are hereby required annually, after the passing of this Act, to set apart as a sinking fund a sum not less than one pound ten shillings per centum per annum on the amount which may have been from time to time borrowed under the powers of this Act, as from the date of each respective borrowing, and such sinking fund and the accumulations thereof shall be from time to time applicable to the redemption of mortgages, and of the annuity of funded debt authorised by this Act, and

to no other purposes whatsoever: Provided that no part of the said sinking fund shall be applied in the redemption of such annuity until the whole mortgages of the Commissioners, granted under the authority of this Act, shall have been redeemed.

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14. The Treasurer of the Commissioners shall, within two months after the expiration of each financial year, during which any sum is by this Act required to be set apart as a sinking fund, transmit to the Secretary for Scotland a return in such form as may be prescribed by the Secretary for Scotland, and verified by statutory declaration if so required by him, showing the amount which has been so set apart in respect of that year, and also showing the purposes to which any portion of such sinking fund, and the interest thereof, has been applied during the same period, and the total amount remaining to the credit of such fund at the end of the same period; and in the event of any wilful default in making such return, the treasurer of the Commissioners shall be liable to a penalty not exceeding twenty pounds, recoverable by the Secretary for Scotland as a debt to the Crown is recoverable. If it appear to the Secretary for Scotland, by such return or otherwise, that the Commissioners have failed to set apart the sum required by this Act as a sinking fund, or have applied any portion of the moneys set apart for that fund, or any interest thereof, to any purposes other than those authorised by this Act, the Secretary for Scotland 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 as part of the sinking fund, and such order shall be enforceable by decree of either Division of the Inner House of the Court of Session in Scotland, pronounced in a summary application presented for that purpose.

Annual re-
turn to
Secretary for
Scotland
with respect
to sinking
fund.

15. The rates and charges levied or leviabie under the authority of the recited Acts, and the other income of the Commissioners, whether arising under the recited Acts or this Act, shall be applied in the following order of priority, that is to say:—

Application
of rates and
charges.

First. In defraying the expenses of management and maintenance of the undertaking, including the salaries and other payments to the officers and servants of the Commissioners, and the annual costs, charges and expenses of providing and supplying water, and in payment of any feu duties or ground annuals exigible in respect of any lands, streams or property forming part of the undertaking;

Second. In payment of the interest of money which may have been or may be borrowed, and of the annuity on the funded debt which may have been or may be issued, under the authority

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of the Act of 1867, the Act of 1870, the Act of 1881, and this Act, or under any of them ;

Third. In payment of such portion of the cost of enlarging and increasing the number of mains and pipes, and of extending the works, mains and pipes from time to time, as the Commissioners shall think it reasonable to charge against the revenue for the year, and of any other necessary annual expenditure ; and

Lastly. In payment of the sums by the Act of 1867, the Act of 1870, the Act of 1881, and this Act, directed to be set apart as a sinking fund.

Extending
limits for
supply of
water in
bulk.

16. Section fourteen of the Act of 1881 shall be read and have effect as if it enabled the Commissioners to supply water in manner therein provided to the parishes of Leslie, Markinch, Kinglassie, Auchterderran, Dysart, Kirkcaldy, Abbotshall and Kinghorn, in the county of Fife, although the whole or part of such parishes, or of one or more of them, is beyond one mile of any part of the aqueducts, conduits, or lines of pipes by the Act of 1881 authorised, or any of them.

Powers
under re-
cited Acts
extended
to purposes
of this Act.

17. All the powers and provisions vested in and applicable to the Commissioners by the recited Acts, or any of them, with reference to their undertaking, in so far as they are not repealed or altered by this Act, shall be, and the same are hereby, in so far as applicable, extended and applied to the purposes of this Act.

Costs of Act.

18. All costs, charges and expenses of and incident to the preparing for, obtaining and passing of this Act, or otherwise in relation thereto, shall be paid by the Commissioners out of the rates to be levied by them, and the other revenues of the Commission or the moneys to be borrowed on the security of the same, or which shall be or come into the hands of the Commissioners.