



## CHAPTER ccxi.

An Act to confer powers on the Corporation of Plymouth for the acquisition of the Fish Market works and undertaking authorised by the Sutton Harbour Act 1889 and for other purposes. A.D. 1890.  
[14th August 1890.]

**W**HEREAS by the Sutton Harbour Act 1889 the Sutton Harbour Improvement Company (in this Act called "the Company") were authorised to construct within the borough of Plymouth (in this Act called "the borough") a quay called Market Quay and a roadway and on the site of the said quay to erect and provide market buildings and to establish and hold a fish market for sale of fish on the said quay or in the market buildings so provided :

And whereas the said Act (section fifty-one) enacted to the effect that the mayor aldermen and burgesses of the borough of Plymouth (in this Act called "the Corporation") should have the option of purchasing all the estate and interest of the Company in the lands shown on the plans deposited for the purposes of the said Act as forming the site of the works by the said Act authorised together with all the said buildings and other market works for the consideration and on and subject to the terms and provisions contained in the said Act :

And whereas one of those terms and provisions is (section fifty-three) that the Corporation shall not exercise the power of purchase conferred by the said Act unless and until they shall have obtained parliamentary powers authorising them to borrow and expend the moneys necessary for that purpose and it is expedient to confer those powers on the Corporation :

And whereas it is desirable to make such other provisions as this Act contains :

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 members of the council at a meeting held on the seventh day of

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November one thousand eight hundred and eighty-nine after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the *Western Morning News* a local paper published or circulating in the borough such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expense in relation to promoting the Bill for this Act should be charged on the borough fund or rate the district fund or rate or such other rate or rates as the council shall deem advisable :

And whereas such resolution was published twice in the *Western Daily Mercury* a newspaper published and circulating in the 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 members of the council at a further special meeting held in pursuance of a similar notice on the fifteenth day of January one thousand eight hundred and ninety being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas the owners and ratepayers of the borough by resolution passed in the manner prescribed by the Public Health Act 1875 (Schedule III.) have consented to the promotion of the Bill for this Act so far as regards the provisions hereinafter contained :

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 *Plymouth Corporation Act 1890.*

Act to be executed by Corporation.

2. This Act shall be carried into execution by the Corporation acting by the council with all the powers privileges duties and obligations of the Corporation as a municipal authority and in accordance with the *Municipal Corporations Act 1882.*

Borrowing powers for acquisition of fish market.

3.—(1.) For the purpose of enabling the Corporation to exercise the option of purchase conferred by section fifty-one of the *Sutton Harbour Act 1889* the Corporation may borrow at interest such sums as they may require to pay the consideration for the purchase stipulated by the said section and for that purpose they may mortgage or charge the borough fund and borough rate.

(2.) All sums borrowed by the Corporation under this Act shall be expended by them in payment of the said consideration and not otherwise.

4. The Corporation may raise all or any sums of money which they are authorised to borrow under this Act either by mortgage or by the creation and issue of adequate amounts of Corporation stock and the following sections of the Public Health Act 1875 shall extend and apply to mortgages granted under this Act (that is to say):—

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Mode of raising moneys.

Section 236. Form of mortgage ;

Section 237. Register of mortgages ;

Section 238. Transfer of mortgages ;

Section 239. Receiver may be appointed in certain cases.

5. The Corporation shall pay off all money borrowed by them under this Act within fifty years from the time or respective times of borrowing the same.

Period for payment off of money borrowed.

6. Sections twenty-one to twenty-seven (both included) of the Plymouth Corporation Act 1887 shall apply in the case of moneys borrowed by the Corporation under this Act except that as regards section twenty-four the yearly sums payable to the Plymouth Corporation loans fund shall be payable out of the borough fund and borough rate :

Application of sections 21 to 27 of the Plymouth Corporation Act 1887.

For the purposes of the above-mentioned sections of the Act of 1887 the prescribed period shall be fifty years :

Provided always that any contract or agreement for composition for the payment of stamp duty shall be made in accordance with the provisions of the Customs and Inland Revenue Act 1887.

7. Notwithstanding anything in the Plymouth Corporation Act 1887 or this Act contained the Corporation shall not invest any sinking fund created under the said Act of 1887 or this Act in any statutory security of the Corporation.

Corporation not to invest sinking fund in their own securities.

8. The Corporation may pay or advance to the Company any moneys which are or may become payable to them under this Act or under sections 51 and 56 of the Sutton Harbour Act 1889 before the respective times of payment provided for by those enactments and the Corporation and the Company may enter into and carry into effect agreements for determining the times and modes of payment of any moneys payable by the Corporation to the Company under this Act or the Sutton Harbour Act 1889 and the conditions on which any such payments or advances shall or may be made.

Power to pay or advance moneys to Company prior to completion of sewerage works or purchase of market.

9. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act 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 out of moneys to be borrowed

Costs of Act.

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A.D. 1890. under the provisions of this Act and the Corporation may for such purposes borrow in the manner provided by this Act on the security of the borough fund and borough rate such sums as they may require provided that all sums borrowed under this section shall be repaid within ten years of the time or respective times of borrowing the same.

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