



CHAPTER xviii.

An Act to amend and define the borrowing powers of the Rathmines and Rathgar Improvement Commissioners to enable the Commissioners to borrow an additional sum of money and for other purposes. [20th May 1892.] A.D. 1892.

WHEREAS by the Rathmines Improvement Act 1847 the Rathmines and Rathgar Improvement Commissioners (herein-after called "the Commissioners") were constituted and by that Act and by divers subsequent Acts powers were conferred on them for better paving cleansing draining regulating lighting and improving the township of Rathmines and Rathgar in the county of Dublin (herein-after called "the township") :

And whereas under the provisions of the Public Health (Ireland) Act 1878 (herein-after called "the Public Health Act") the Commissioners are constituted and declared to be the urban sanitary authority of the township :

And whereas by the Public Health Act section 237 the Commissioners are authorised to borrow money with the sanction of the Local Government Board for Ireland (herein-after called "the Local Government Board") for the purpose of defraying any costs charges and expenses incurred or to be incurred by them in the execution of the Sanitary Acts as defined in the said Act or of the Public Health Act or for the purpose of discharging any loans contracted under the Sanitary Acts or the Public Health Act and by the Public Health Act section 238 it is provided that the sum borrowed shall not at any time exceed with the balances of all the outstanding loans contracted by the sanitary authority under the Sanitary Acts and the Public Health Act in the whole twice the net value of the premises assessable within the township :

And whereas by the Rathmines and Rathgar Water Act 1880 (herein-after referred to as "the Act of 1880") the Commissioners were authorised to improve the water supply of the township and by

A.D. 1892. — the Rathmines and Rathgar Improvement Act 1885 (herein-after called "the Act of 1885") the powers of the Commissioners were extended :

And whereas by section 63 of the Act of 1880 for the purpose of defraying the expenses of the Commissioners or for the general purposes of water supply within the township the Commissioners were authorised to make and levy a special rate to be called "the Rathmines and Rathgar water rate" and by section 66 of the Act of 1880 as amended by section 31 of the Act of 1885 to borrow on mortgage of the rates rents and moneys coming to the Commissioners under the Act of 1880 any sum not exceeding one hundred and forty thousand pounds for waterworks purposes And by the Act of 1885 (section 34) the Commissioners were authorised to borrow an additional sum not exceeding twenty thousand pounds on the security of the Rathmines and Rathgar township rate for the purchase of lands and for the purposes mentioned in "Part V Lands" of that Act :

And whereas the Commissioners have borrowed under the Acts of 1880 and 1885 the said sum of one hundred and forty thousand pounds and have expended the same together with a further sum of about twenty thousand pounds for the purposes of waterworks and the supply of water as provided by the Act of 1880 additional cost having been entailed through the treacherous nature of the ground at certain points and the difficulties thereby created both during and after the construction of the works :

And whereas the Commissioners have also borrowed under the Act of 1885 the said sum of twenty thousand pounds for the purposes of Part V. of that Act but under the pressure of urgent necessity and for the security of the waterworks the Commissioners temporarily applied the sum of thirteen thousand pounds (part of the said sum of twenty thousand pounds) to waterworks purposes :

And whereas the Commissioners made application to the Local Government Board under the Public Health Act for their sanction to borrow an additional sum of money for defraying the extra expenditure as aforesaid and for other requirements of the township :

And whereas the Local Government Board refused to sanction any loan in relation to the township on the ground that they have no power to do so as the amount borrowed by the Commissioners under the Sanitary Acts as defined in section 2 of the Public Health Act (and including the Acts of 1880 and 1885) exceeds the limit fixed by section 238 of the Public Health Act :

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And whereas the Commissioners are therefore unable to borrow any money under the Public Health Act and their borrowing powers under the Acts of 1880 and 1885 have been fully exercised :

And whereas the Commissioners have been compelled as hereinbefore recited to incur unforeseen expenditure for waterworks purposes and further and immediate expenditure is required upon subsidiary works and on additional pipes for providing the supply of water requisite for the township and for other purposes :

And whereas it is accordingly expedient that the Commissioners should be authorised to borrow an additional sum of money in manner by this Act authorised :

And whereas it is expedient to provide that in calculating the amount which the Commissioners may borrow under the Public Health Act (notwithstanding anything in that Act contained) moneys borrowed by the Commissioners for waterworks purposes under the Acts of 1880 and 1885 or this Act shall not be reckoned :

And whereas it is expedient that the Commissioners should be enabled to recoup to the proper account the said sum of thirteen thousand pounds borrowed by them for the purposes of "Part V Lands" of the Act 1885 but applied to waterworks purposes :

And whereas in the manner provided by the Borough Funds (Ireland) Act 1888 an absolute majority of the whole number of the Commissioners at a meeting held on the seventeenth day of February 1892 after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the Daily Express a newspaper circulating in the township such notice being in addition to the ordinary notices required for summoning such meeting resolved that the expenses attending the promoting of the Bill for this Act should be paid and defrayed out of the Rathmines and Rathgar water rate or other funds rates and revenues under the control of the Commissioners :

And whereas such resolution was published twice in the said newspaper and has received the approval of the Local Government Board as to matters within their jurisdiction and of the Chief Secretary for Ireland as regards other matters :

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 Commissioners at a further special meeting held in pursuance of a similar notice on the sixteenth day of March one thousand eight hundred and ninety-two being not less than fourteen days after the deposit of the Bill for this Act in Parliament :

And whereas a meeting of the persons qualified to vote at the election of the Commissioners of the township called in the manner

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And whereas the objects 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 for all purposes as the Rathmines and Rathgar Township Act 1892.

Certain regulations of Public Health (Ireland) Act 1878 as to borrowing not to apply.

2. In calculating the sum which the Commissioners shall be at liberty to borrow under the Public Health Act (anything in that Act to the contrary notwithstanding) the sums borrowed or authorised to be borrowed by them for waterworks purposes under the Acts of 1880 and 1885 and this Act shall not be reckoned nor shall any limit of amount or other restrictions under the Public Health Act apply to the sum necessary to be borrowed for defraying the costs charges and expenses of this Act. The provisions of this section shall extend and apply to the nominal amount of township stock which has been or which may hereafter be created and issued in respect of sums borrowed by the Commissioners for waterworks purposes under the Acts of 1880 and 1885 and this Act and similarly to any township stock created and issued in respect of the sum necessary for defraying the costs charges and expenses of this Act.

Increase of borrowing powers for water purposes.

3. Section 66 (Power to borrow on mortgage) of the Act of 1880 and section 31 (Increase of amount authorised to be borrowed by Water Act 1880) of the Act of 1885 shall be construed and have effect as though the sum by the said sections authorised to be borrowed instead of one hundred and forty thousand pounds had been one hundred and eighty thousand pounds being an additional sum of forty thousand pounds. And the provisions of the Acts of 1880 and 1885 as to the said sum of one hundred and forty thousand pounds with reference to the sinking fund and to other purposes shall be applicable to the said sum of thirteen thousand pounds borrowed for the purposes of "Part V Lands" of the Act of 1885 but applied to water purposes and also to the sum of twenty-seven thousand pounds being the remainder of the said sum of forty thousand pounds after deducting therefrom the said sum of thirteen thousand pounds to be applied in recoupment as aforesaid as if these sums of thirteen thousand pounds and twenty-seven thousand

pounds respectively had been originally borrowed under the said sections of the Acts of 1880 and 1885 or either of them for water-works and water supply purposes Provided always that it shall not be necessary for the Commissioners to pay off or make any appropriation for a sinking fund in respect of the said sum of twenty-seven thousand pounds or of the said sum necessary for defraying the costs charges and expenses of or in relation to this Act until after the expiration of one year from the date at which such moneys respectively shall have been borrowed by the Commissioners under and by virtue of the authority of this Act.

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4. All moneys borrowed by the Commissioners under the authority of this Act shall belong to the same class and possess the like incidents as moneys borrowed by them under the authority of the Acts of 1880 and 1885 respectively and for that purpose Part VI (Borrowing Powers) and Part VII (Township Stock) of the Act of 1885 shall be incorporated with this Act and any such power of borrowing as aforesaid shall be and be deemed "a statutory borrowing power" within the meaning of section 40 of the Act of 1885.

Moneys borrowed under this Act to belong to the same class as the former loans.

5. Notwithstanding anything in this Act the Commissioners shall apply thirteen thousand pounds part of the said additional sum of forty thousand pounds authorised to be borrowed by this Act towards recouping the said sum of thirteen thousand pounds borrowed by the Commissioners under the Act of 1885 for the purposes mentioned in "Part V Lands" of that Act but withdrawn temporarily from that fund and applied towards water purposes and the said sum so recouped shall be applied by the Commissioners towards the purposes of "Part V Lands" of the Act of 1885 and the provisions of the Act of 1885 with reference to the sum thereby authorised to be borrowed for the purposes of "Part V Lands" as to the sinking fund and other purposes shall be applicable to the sum so recouped and the Commissioners shall adjust the accounts as between the water fund and the funds for the purposes of "Part V Lands" of the Act of 1885 accordingly and from and after such adjustment shall have been made and signed by the Commissioners the said accounts shall by virtue of this Act operate and have effect in all respects as if the funds respectively had each been duly applied to its own authorised purpose from the beginning.

Commissioners to recoup and adjust certain funds borrowed.

6. The moneys borrowed by the Commissioners under the authority of this Act shall be applied—

Application of moneys borrowed.

(A.) As to the said sum of thirteen thousand pounds towards the purposes of recoupment as herein-before directed;

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(B.) As to the said sum of twenty-seven thousand pounds towards the execution of any of the works or purposes authorised by the Act of 1880 as amended by Part IV of the Act of 1885 and this Act;

(c.) As to the said further sum authorised to be borrowed in respect of costs charges and expenses in payment thereof.

Expenditure on water-works not to be questioned because partly made out of other funds.

7. All moneys expended by the Commissioners upon strengthening and securing their waterworks as herein-before recited or upon or in connexion with any subsidiary works filter beds additional lines of pipes mains or works of distribution connected therewith shall be deemed to have been expended regularly in all respects and in accordance with the provisions of the Acts of 1880 and 1885 and this Act notwithstanding that the said works or some of them or portions thereof may have been in fact executed and the cost thereof in part defrayed out of moneys borrowed under and for the purposes of "Part V Lands" of the Act of 1885.

Costs of Act.

8. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Commissioners out of the Rathmines and Rathgar water rate or other their funds rates or revenues applicable to water purposes and such costs charges and expenses shall include the costs incurred by the Commissioners in complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act and the Commissioners may for the purpose of paying the said costs charges and expenses borrow the amount necessary in manner herein-before authorised with respect to the said sum of forty thousand pounds and the Commissioners shall pay off the amount so borrowed within ten years from the date of borrowing the same and section 68 of the Act of 1880 with respect to the sinking fund shall be applicable to the sum borrowed under this section except as to the period within which the said sum is to be paid off as if it had been part of the sum authorised to be borrowed for waterworks purposes under the Acts of 1880 and 1885.

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