



Ceylon Government Gazette

EXTRAORDINARY

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MINUTE.

The following Draft of a proposed Ordinance is published for general information :—

An Ordinance relating to the Galle Waterworks' Loan.

Preamble.

WHEREAS by "The Galle Waterworks Ordinance, 1890," provision was made for the advance by the Governor in Executive Council, to the Municipal Council of Galle, by way of loan, of a sum not exceeding sixty thousand rupees, to be applied exclusively in the construction of waterworks for supplying water to the Fort division of the Galle municipality:

And whereas the said sum has proved insufficient for the purpose, and it is expedient that the Governor, in Executive Council, should be empowered to advance by way of loan a further sum not exceeding ten thousand rupees for the said purpose :

Be it therefore enacted by the Governor of Ceylon, by and with the advice and consent of the Legislative Council, as follows :—

Short title.

1 This Ordinance may be cited as "The Galle Waterworks Ordinance, 1891."

Repeal of Ordinance No. 2 of 1890.

2 "The Galle Waterworks Ordinance, 1890," is hereby repealed : Provided that this repeal shall not affect—

- (1) The past operation of the said Ordinance, nor anything duly done or effected under it :
- (2) Nor any right, privilege, obligation, or liability acquired, accrued, or incurred under the said Ordinance :
- (3) Nor any legal proceeding or remedy in respect of such right, privilege, obligation, or liability as aforesaid.

Governor in Executive Council may lend an additional sum of ten thousand rupees to Galle municipality.

To repay the loans a water-rate may be levied.

3 The Governor, in Executive Council, is hereby empowered to advance to the municipal council of Galle, by way of loan, in addition to the sum of sixty thousand rupees lent and advanced under "The Galle Waterworks Ordinance, 1890," a further sum not exceeding ten thousand rupees, to be applied exclusively in the construction of waterworks for supplying water to the Fort division of the Galle municipality.

4 (1) To enable the said municipal council to liquidate the principal of, and interest on, the loan of sixty thousand rupees advanced to them under "The Galle Waterworks Ordinance, 1890," and the additional loan of ten thousand rupees advanced to them under this Ordinance, it

shall be lawful for the said Council, and they are hereby authorised and empowered, to impose and levy a water-rate on the annual value of all houses, buildings, lands, and tenements, other than the property of the Crown, within the limits of the Fort division of the Galle municipality.

Rate not to exceed seven per cent.

(2) Such water-rate shall be determined from time to time by the Governor, in Executive Council, but shall not exceed seven per cent. on such annual value as aforesaid.

Rate how recovered.

(3) The provisions of any existing or future Ordinance or Ordinances, or of any by-laws lawfully enacted thereunder by the said municipal council, relating to the assessment, recovery of, and exemptions from the police rate within the limits of the Galle municipality, shall apply to the assessment, recovery of, and exemptions from such water-rate.

Rate to be a first charge on house property, and to be paid quarterly in advance.

5 Such water-rate shall be payable on the first day of each quarter in respect of the water to be supplied during the three months next ensuing, and shall be a first charge upon every house, building, land, and tenement within the limits of the said Fort division, and shall take precedence over every mortgage, hypothecation, or encumbrance thereon whatsoever. Provided always that on each occasion that a claim for arrears is made in respect of any one house, building, land, or tenement, such first charge and hypothecation shall be, and it is hereby limited to, not more than twelve months' arrears of water-rate.

Proceeds of rate to be applied in repayment of loan.

6 The proceeds of the rate so levied (after payment of the expenses annually incurred in the supply of water and in the collection of the rate) shall be applied to the liquidation of the principal and interest of the said loans, and to no other purpose whatsoever; and in the event of there being in any one year any surplus after due payment of the interest and sinking fund of the said loans in the manner hereinafter mentioned, such surplus shall be carried by the municipal council to the credit of the water-rate account, and shall not form part of the municipal fund, anything in the Ordinance No. 7 of 1887 to the contrary notwithstanding.

Loans to bear interest at five per cent. per annum.

7 The said loans shall bear interest (including the amount required for a sinking fund as hereinafter provided) at the rate of five per cent., amounting to three thousand five hundred rupees per annum, which sum shall be paid in equal half-yearly instalments to the Treasurer of this Colony by the municipal council of Galle on the thirtieth day of June and the thirty-first day of December in each and every year until the principal and interest due on the said loans have been fully liquidated.

Government to retain as interest four per cent. per annum on amount due, and to apply balance towards liquidation of debt.

8 Out of this sum of three thousand five hundred rupees the Government of this Colony shall be entitled to retain as interest four per cent. per annum upon the amount from time to time due to the Government in respect of the said loans, and the balance of the said sum of three thousand five hundred rupees shall be annually applied to the liquidation of the principal sum of seventy thousand rupees until the same be extinguished.

If municipality fail to pay instalments under section 7, Governor in Executive Council may authorise government agent to collect water-rate. Proviso.

9 In the event of the municipal council failing to collect and pay into the Colonial treasury any of the instalments declared to be payable under section 7 within thirty days of the same becoming due, it shall be lawful for the Governor, in Executive Council, to empower the government agent of the Southern Province to collect the water-rate independently of the municipal council: Provided, however, that no person who shall have paid his water-rate in respect of any quarter to the municipal collector shall be required to pay such rate in respect of the same quarter to the government agent; nor shall any person who has paid his quarter's water-rate to the government agent be required to pay such rate in respect of the same quarter to the municipal council.

Loans to be a first charge on the rates, taxes, &c., of the municipality.

10 The said loans shall be a first charge on the rates and taxes, rents, and all other income and property whatsoever of the Galle municipality, and such charge and hypothecation shall take effect from the date at which this Ordinance shall come into operation.

By His Excellency's command,
Colonial Secretary's Office, E. NOEL WALKER,
Colombo, November 21, 1891. Colonial Secretary.