



Public Health (Scotland) Act 1897

1897 CHAPTER 38

PART VII

RATING AND BORROWING POWERS.

Assessments.

133 Special sewer assessment.

In any burgh, or where any special drainage district has been formed under this Act or any of the Acts hereby repealed, the expense incurred by the local authority for sewerage or drainage within the same or for the purposes thereof, and the sums necessary for payment of any money borrowed therefor either before or after the passing of this Act, together with the interest thereof, shall be paid out of a special sewer assessment which the local authority shall raise and levy on and within such burgh or special district, in the same manner and with the same remedies and modes of recovery as are herein-after provided for the public health general assessment.

Provided that where a special drainage district has been formed under the provisions of this Act or any of the Acts hereby repealed or of any Act, and the drainage works therein have been executed and are maintained under the authority of such Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of making sewers and drainage works in other parts of the district of the local authority.

134 Special water assessment.

In any, burgh, or where any special water supply district has been formed under this Act or any of the Acts hereby repealed, the expense incurred by the local authority for water supply within the same or for the purposes thereof, and the sums necessary for payment of any money borrowed therefor either before or after the passing of this Act, together with the interest thereof, shall be paid out of a special water assessment which the local authority shall raise and levy on and within such burgh or special district, in the same manner and with the same remedies and modes of recovery as are

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herein-after provided for the public health general assessment. Provided that where a special water supply district has been formed under the provisions of this Act or any of the Acts hereby repealed or of any Act, and a sufficient supply of water has been obtained and is maintained under the authority of such Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of supplying water to other parts of the district of the local authority.

135 General assessments in districts other than burghs.

With respect to districts other than burghs, all charges and expenses incurred by or devolving on the local authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before provided, may be defrayed out of an assesment (in this Act referred to as the public health general assessment) to be levied by the local authority upon all lands and heritages within the district or in the case of counties not divided into districts within the county, in the like manner as, but as a separate assessment from, the assessment herein-after mentioned in this section; that is to say, the said assessment shall be assessed, levied, and recovered in like manner and under like powers as—

The assessment for the maintenance of roads under the provisions of the Roads and Bridges (Scotland) Act, 1878, or, where there is no such assessment, by an assessment levied in like manner as an assessment might have been levied for the maintenance of roads under that Act.

Nothing contained in this Act shall affect or prejudice the provisions of the Agricultural Rates, Congested Districts and Burgh Land Tax Relief (Scotland) Act, 1896.

136 General assessments in burghs.

With respect to burghs subject to the provisions of the Burgh Police (Scotland) Act, 1892, or having a local Act for police purposes—

All charges and expenses incurred by or devolving on the local authority in executing this Act or any of the Acts hereby repealed, and not recovered as herein-before provided, may be defrayed, out of an assessment (in this Act referred to as the public health general assessment) to be levied by the local authority along with but as a separate assessment from the assessment herein-after mentioned; that is to say, the said assessment shall be assessed, levied, and recovered in like manner and under the like powers, but without any limit, except as in the immediately succeeding section provided as—

The general improvement rate under the Burgh Police (Scotland) Act, 1892, or, when there is no such rate, by a rate levied in like manner as the general improvement rate under the last-mentioned Act.

Provided also, that where a special drainage district has been formed, under the provisions of any Act, and the drainage works therein have been executed and are maintained under the authority of such Act, the lands and premises situated within such special district shall not be liable to assessment for the expense of making sewers and drainage works in other parts of the district of the local authority.

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137 Limit of assessment.

The public health general assessment by this Act authorised, which shall be imposed upon all lands and heritages within the district, including any special drainage or special water supply district, shall not exceed the rate of one shilling in the pound.

The special sewer assessment, and the special water assessment, exclusive of the public health general assessment, shall not in any burgh or special drainage or special water supply district exceed the rate of three shillings in the pound. Provided that if the produce of a rate of three shillings in the pound in any burgh or special drainage or special water supply district shall not be sufficient to meet the expenditure bona fide incurred or contemplated within such burgh or special district, it shall be lawful to increase such rate to such extent as may have been approved by the Board ; provided also, that it shall not be lawful to impose any rate in respect of the expenditure within any special district upon any premises without such special district.

138 Burghs not to be assessed for public health rate in counties.

Notwithstanding anything contained in the Local Government (Scotland) Act, 1889, or in this Act, the ratepayers of a burgh shall not be assessed for any charges or expenses incurred by a county council for the salaries or expenses of the medical officer or sanitary inspector appointed for the county, and no representative of a burgh shall in a district committee or on the county council act or vote in any matter relating to this Act or to public health for which the ratepayers in such burgh are not liable to be assessed.