

CHAPTER 67.

FREETOWN MUNICIPALITY BUILDING SCHEME.

ARRANGEMENT OF SECTIONS.

SECTION.

1. Short title and construction.
2. Establishment of a Building Scheme Fund.
3. Administration of the Fund.
4. Objects to which fund may be applied.
5. Applications for advances.
6. Advances to be made on good security and subject to conditions.
7. Repayment of moneys advanced and interest thereon.
8. Agreements to be drawn up and signed.
9. Agreements to be registered free of charge and without payment of any stamp duty.
10. Moneys advanced to be a first charge on the premises concerned on registration of the agreement.
11. Charge to cease on repayment of advance.
12. Enforcement of security.
13. Sale by public auction.
14. Conveyance of premises to purchaser and application of purchase money.
15. Suits by City Council to recover advances.
16. Inspection of receipts, etc., by owners of charged premises.
17. City Council may take additional or collateral security for repayment of advances.
18. Accounts of the Building Scheme Fund.
19. Power of Governor in Council to make rules.

SCHEDULE.

CHAPTER 67.

FREETOWN MUNICIPALITY BUILDING SCHEME.

An Ordinance to enable the City Council of Freetown to advance moneys for the erection, repair and improvement of buildings within the City. 17 of 1933.
1 of 1945.

[1ST AUGUST, 1933.]

1. This Ordinance may be cited as the Freetown Municipality Building Scheme Ordinance, and shall be read and construed as one with the Freetown Municipality Ordinance (hereinafter referred to as the principal Ordinance).

Short title
and
construction.

Cap. 65.

Establishment of a Building Scheme Fund.

2. (1) On the coming into operation of this Ordinance there shall be established a fund to be known as the Freetown Municipality Building Scheme Fund (hereinafter referred to as the Building Scheme Fund) which shall consist of—

(a) six thousand pounds to be transferred thereto from the City Fund,

(b) such other moneys as the City Council may, from time to time, with the approval of the Governor in Council, transfer thereto from the City Fund, and

(c) such moneys as the City Council may, from time to time, with the approval of the Governor in Council, borrow at interest from the Government or any other person for the purposes of the Building Scheme Fund.

(2) The provisions of section 71 of the principal Ordinance shall be deemed to extend and apply to all moneys borrowed for the purposes of the Building Scheme Fund under sub-section (1) (c).

Administration of the Fund.

3. The Building Scheme Fund shall be administered by the City Council.

Objects to which fund may be applied.

4. (1) The Building Scheme Fund shall be utilised to advance moneys to the use of owners of lands or buildings within the City for any one or more of the following purposes in connection with lands or buildings within the City—

(a) the erection of new buildings;

(b) the completion, extension or reconstruction of existing buildings;

(c) the repair or reconditioning of existing buildings;

(d) the painting and decorating of new or existing buildings;

(e) the installation of electric light or power in new or existing buildings;

(f) any other works whereby such premises may be improved.

(2) The City Council may also advance moneys out of the said Fund for the purpose of insuring all or any part of any premises, in respect of which advances made under sub-section (1) are outstanding, against loss or damage by fire, and all moneys advanced under this sub-section shall be deemed and taken to be payments made on behalf of the owner of the premises and at his request.

5. (1) Applications for advances under section 4 (1) shall be made in the Form A in the schedule and shall be addressed to the Mayor of Freetown who may, if he thinks fit, require the applicant to make statutory declaration verifying the particulars stated in his application.

Applications for advances.

(2) The Mayor shall lay all such applications before the City Council, and the City Council shall consider each application on its merits and deal with the same in its absolute discretion subject, however, to the provisions of this Ordinance.

6. No advance shall be made from the Building Scheme Fund except upon good and sufficient security, and all moneys advanced thereout for any of the purposes specified in section 4 (1) shall be paid direct to the contractor or other person appointed by the City Council to do the work either (i) upon completion of such work to the satisfaction of the City Council's representative appointed for the purpose, or (ii) from time to time during the progress of such work but subject always to the same condition as to satisfaction.

Advances to be made on good security and subject to conditions.

7. All moneys advanced for any of the purposes specified in section 4 shall bear interest at a rate to be fixed by the City Council being not more than 8 per centum per annum, compound interest, and shall be repayable at such time and either in a lump sum or by such instalments as the City Council and the applicant shall agree.

Repayment of moneys advanced and interest thereon.

8. On the City Council deciding to make an advance and agreeing the amount thereof and the terms and conditions on which the same is to be made with the applicant, an agreement in the Form B in the schedule, with such variations as circumstances may require, shall be drawn up and signed by the Mayor and the applicant. The applicant shall be entitled to a copy of such agreement.

Agreements to be drawn up and signed.

9. Notwithstanding the provisions of the Registration of Instruments Ordinance, all such agreements, when duly completed as aforesaid, shall be registered free of charge in the Registrar General's Office in a special book to be kept for the purpose, and such book shall be open to the public for inspection on payment of a fee of one shilling for each half hour. The Stamp Duty Ordinance shall not apply to such agreements.

Agreements to be registered free of charge and without payment of any stamp duty.

Cap. 256.

Cap. 274.

Moneys advanced to be a first charge on the premises concerned on registration of the agreement.

10. Upon registration of any such agreement all moneys advanced to the within-named applicant under section 4, together with interest thereon as provided, shall become a first charge on the premises specified in the said agreement enforceable against all persons into whose hands such premises may come so long as any part of such moneys remains outstanding:

Provided that such charge shall be subject to (i) all encumbrances, estates, interests, rights and servitudes affecting such premises and subsisting or outstanding on the date of such registration as aforesaid, and (ii) any charge arising under section 92 of the principal Ordinance.

Charge to cease on repayment of advance.

11. Upon payment by the owner of all moneys due and owing to the City Council under any such agreement the City Treasurer shall give a receipt for the same and thereupon the charge created by section 10 shall be released and the Registrar General shall, upon production to him of such receipt, endorse on the registered copy of the agreement relating to such advance a note to the effect that such charge has been released, and the Registrar General shall sign such note.

Enforcement of security.

12. If any owner shall make default in the payment of any moneys due under such agreement as aforesaid, it shall be lawful for the City Council to order a sale of the premises specified therein, or any part thereof, subject nevertheless to all such encumbrances, estates, interests, rights, servitudes and charges as are mentioned in the proviso to section 10 and are still subsisting or outstanding:

Provided that the City Council shall not exercise the said power of sale unless, and until a notice in writing requiring the payment of the moneys due has been served on the owner and default has been made in the payment of the same or of any part thereof for two months after such service.

Sale by public auction.

13. Every sale made in pursuance of the power of sale conferred by section 12 shall be by public auction and be made by the City Bailiff. Thirty days notice of each intended sale shall be given as provided in section 96 of the principal Ordinance and the Mayor may, at any time before any such intended sale, postpone the same either generally or to some specified future date.

14. Whenever any premises shall have been sold by public auction under the provisions of section 13, the Mayor shall convey the same by deed to the purchaser, and the premises therein described shall become the property of the purchaser subject only to any encumbrances, estates, interests, rights or servitudes to which the sale has been made subject, and the purchase money shall be applied as follows:—first, in or towards payment of all moneys due and owing to the City Council in respect of the premises, whether under this Ordinance or under Part XIV of the principal Ordinance; secondly, in or towards payment of all costs, charges and expenses properly incurred and incidental to the sale or any postponed or attempted sale under the provisions of section 13; and thirdly, the residue (if any) of the purchase money shall be paid to the person legally entitled thereto.

Conveyance of premises to purchaser and application of purchase money.

15. All moneys due and owing by an owner of any premises on account of any advance made under section 4 (1) may be recovered in a Court of competent jurisdiction at the suit of the City Council.

Suits by City Council to recover advances.

16. Every person upon whose premises advances made under section 4 are charged shall be entitled to inspect all receipts, policies of insurance and other documents in the possession of the City Council relating to such advances free of charge.

Inspection of receipts, etc., by owners of charged premises.

17. Nothing hereinbefore in this Ordinance contained shall operate to prevent the City Council from taking any additional or collateral security for the repayment of moneys advanced by them out of the Building Scheme Fund, and the Stamp Duty Ordinance shall not apply to any such securities.

City Council may take additional or collateral security for repayment of advances. Cap. 275.

18. All accounts relating to the Building Scheme Fund shall be kept separately by the City Treasurer, but all transactions of the said Fund shall be reflected in the general account of revenue and expenditure to be kept by him under section 58 of the principal Ordinance, and the provisions of sections 58 to 60 thereof shall apply, *mutatis mutandis*, to such separate accounts.

Accounts of the Building Scheme Fund.

19. The Governor in Council may, from time to time, make rules for the better carrying out of the provisions and purposes of this Ordinance.

Power of Governor in Council to make rules.

SCHEDULE.

FORM A.

THE FREETOWN MUNICIPALITY BUILDING SCHEME ORDINANCE.

Application for an advance from the Building Scheme Fund by the owner of the premises commonly known as.....situate in theWard of the City and numbered.....in the Valuation List of that Ward for the year 19.....

1. Name of applicant.....
 2. Address.....
 3. Occupation
 4. Purposes for which an advance is required.....
 5. (a) Amount (if any) which the applicant is prepared to contribute to the total cost
 - (b) Amount of advance required
- | | | |
|------------|--------|-------|
| Total cost | | |
|------------|--------|-------|
6. Approximate annual income of applicant
 7. Maximum monthly amount applicant can repay
 8. Estate or interest of the applicant in the above-mentioned premises
 9. Incumbrances thereon, if any
 10. Whether or no the above-mentioned premises are insured against loss or damage by fire
 11. What collateral security (if any) the applicant is prepared to offer

Dated the.....day of.....19.....

.....
(Signature of applicant).

I the said.....do solemnly and sincerely declare that all the particulars furnished by me in respect of the above-mentioned items 1 to 4 inclusive and 5 to 10 inclusive are correct. And I make this solemn declaration conscientiously believing the same to be true and by virtue of the Statutory Declarations Act, 1835.

Declared at Freetown this.....day of.....19.....

.....
(Signature of applicant).

Before me.....
A Justice of the Peace.

FORM B.

THE FREETOWN MUNICIPALITY BUILDING SCHEME ORDINANCE.

It is hereby agreed by and between the City Council and.....
 (hereinafter referred to as the applicant) that the City Council shall pay
 £.....out of the Building Scheme Fund to.....or such
 other person or persons as they shall appoint for the purpose of doing the
 works next hereinafter mentioned on the applicant's premises commonly
 known as.....situate in the.....Ward of the City and
 numbered.....in the Valuation List for that Ward for the year
 19.....:—

Payment of the said amount may be made by instalments during the progress
 of the work or in a lump sum on completion thereof but subject, in either case,
 to the work having been done to the satisfaction of the City Council's
 representative.

And it is hereby further agreed by and between the said parties that the
 City Council shall advance moneys out of the said Fund for the purpose of
 insuring and keeping insured all or any of the buildings on the said premises
 against loss or damage by fire in their name in the sum of £....., and
 any moneys which may be recovered under such insurance shall be applied in
 making good the loss or damage or in repayment of the amount outstanding
 on this security at the option of the City Council.

And I the applicant hereby acknowledge that my said premises are
 charged with the repayment of all sums actually paid by the City Council in
 respect of the above-mentioned works up to the said total amount of £.....
 and with all moneys expended by them in effecting and keeping on foot any
 such insurance as aforesaid, and I hereby agree that the amount outstanding
 from time to time on this security shall bear interest at the rate of.....
 per centum per annum until repayment thereof, which shall be made in
 accordance with the following table and as a debt due to the City Council—

Dated this.....day of.....19.....

.....
Mayor.

.....
Applicant.

Witness to signatures:

.....
