CANALS AND INLAND NAVIGATION.

Provisional Orders.

THE CANALS AND INLAND NAVIGATION (PROVISIONAL ORDERS, ETC.) REGULATIONS (NORTHERN IRELAND), 1936, DATED 14TH MAY, 1936, MADE BY THE MINISTRY OF COMMERCE UNDER SECTION SIX OF THE CANALS AND INLAND NAVIGATION ACT (NORTHERN IRELAND), 1936.

1936. No. 73.

The Ministry of Commerce for Northern Ireland, in exercise of the powers conferred upon the said Ministry by section six of the Canals and Inland Navigation Act (Northern Ireland), 1936, hereby makes the following regulations :—

Interpretation.

1.—(1) In these regulations, unless the context otherwise requires, the following expressions have the meanings hereby assigned to them, that is to say :—

"The Act" means the Canals and Inland Navigation Act (Northern Ireland), 1936 :

"The applicants" means, in the case of an application for a provisional order, the canal company making the application, and in the case of an application for an order under section three of the Act, the company, person or body of persons making the application :

"Land" includes buildings and water and any interests in land or water and any easement or right in, to or over land or water :

"The Ministry" means the Ministry of Commerce for Northern Ireland :

"Order" means a provisional order under section one of the Act, and includes, in so far as the regulations are applicable thereto, an order under section three of the Act.

Other expressions have the meanings assigned to them by the Act.

(2) The Interpretation Act, 1889, as applied to Northern Ireland by the Interpretation Act, 1921, shall apply for the purpose of the interpretation of these regulations as it applies for the purposes of the interpretation of an Act of Parliament.

Method of Making Application.

As to form of application.

2. Every application for an Order shall be made by memorial addressed to The Secretary, Ministry of Commerce, Belfast, as directed in Regulation No. 6.

Notices.

Public notices.

3. Applicants for an Order shall publish notice of their application by advertisement (hereinafter referred to as "the advertisement") inserted once in a local newspaper circulating in the district or districts to which the application relates, and once in the Belfast Gazette as soon as possible after the publication in the local newspaper. The whole notice shall be included in one advertisement and shall be headed with a short title descriptive of the undertaking and shall state :—

(i) The name and address of the applicants ;

(ii) The purport of the order for which application is made specifying any of the following objects when comprised among the objects of the application ;

(*a*) Repeal, alteration or amendment of any local or private Act of Parliament, or of any provisional order ;

(*b*) Power to levy any tolls or charges, or to alter any existing maximum tolls or charges ;

(*c*) The conferring, varying or extinguishing of any exemption from tolls or charges, or of any other right or privilege ;

(*d*) The making of a classification of merchandise traffic ;

(*e*) Constitution or alteration of constitution of any canal company ;

(*f*) Extension of time for the completion of any works already authorised ;

(iii) A general description of the nature and object of the proposed new works, if any ;

(iv) The names of the townlands, districts or places, in which the proposed new works, if any, will be made ;

(v) The address of an office in Belfast at which printed copies of the draft Order as applied for can be obtained at a price of not more than two shillings per copy ;

(vi) The offices at which the draft Order and the map plan and book of reference (if any) have been deposited for public inspection in accordance with these Regulations ;

(vii) That any person desirous of bringing before the Ministry any objections respecting the application shall do so by letter sent by registered post addressed to The Secretary, Ministry of Commerce, Belfast, and despatched on or before a certain date (to be specified in that behalf in the advertisement and being not less than one month from the date of the publication of the advertisement in the local newspaper) ; and that a copy of any such objections shall at the same

time be forwarded to the applicants or to their Parliamentary Agents or Solicitors.

Notice to owners, &c.

4. On or before the date of the publication of the advertisement in the local newspaper the applicants shall, in the case of an Order to authorise—

(i) the diversion or taking of water—give notice in writing of their application to any person having, or reputed to have, any rights in the water proposed to be diverted or taken ;

(ii) the acquisition of any land—give notice in writing as nearly as possible in the Form "A" set out in the Schedule hereto, to every owner or reputed owner, lessee or reputed lessee and occupier of such land.

Any such notice to any person may be served by delivering it to him or by leaving it, or forwarding it by registered post addressed to him, at his usual or last known place of abode ; and in the case of any authority, company or body may be served by delivering it to their clerk or secretary, or by leaving it, or forwarding it by registered post addressed to such clerk or secretary at the office of the authority, company or body. All notices forwarded by post shall be despatched on or before the date aforesaid.

Preparation of Draft Order.

Preparation of draft Order.

5. The applicants shall in each case prepare a draft of the Order printed on one side of the paper only. The draft Order shall contain, among other things—

(i) the name and address of the applicants ;

(ii) provisions directed to give effect to the objects of the application, including in the case of an application for an Order to authorise—

(*a*) any diversion of water into or out of the canal—a description of the proposed diversion of water ;

(*b*) any works upon the canal or its feeders, discharge channels, sluices, or storage ponds or chambers or upon a river connected with the canal—a description of the works ;

(*c*) the acquisition of any land—a description of such land and the purposes for which the land is to be acquired or used ;

(iii) a notice at the end of the draft Order that any objections shall be made by letter sent by registered post addressed to the Secretary, Ministry of Commerce Belfast, and despatched on or before a certain date (to be specified in such notice, and being not less than one month from the date of the publication of the advertissement in the local newspaper) ; and that a copy of any such

objections shall, on or before the like date, be forwarded to the applicants or to their Parliamentary Agents or Solicitors.

The name and address of the applicants or their Parliamentary Agents or Solicitors shall be printed on the outside of the draft Order.

Deposits.

Deposits at the office of the Ministry.

6. On or before the date of the publication of the advertisement in the local newspaper the applicants shall deposit at the office of the Ministry, the memorial, signed or sealed by or on behalf of the applicants, together with the following additional documents—

(i) a copy of the advertisement ;

(ii) eight printed copies of the draft Order ;

(iii) a proper plan and section of the proposed new works, if any ; such plan and section to be such as would be required by the Standing Orders of the House of Commons if the promoters were proceeding by private Bill ; and on the plans all tidal waters must be coloured blue. The plan and section must be accompanied by an Ordnance map, or if no such map is published, by a map with the exact position of the proposed works laid down thereon. The scale of the map shall be not less than six inches to the mile or such smaller scale as may be allowed by the Ministry ;

(iv) an estimate of the expense of the proposed new works, if any, signed by the person making such estimate ;

(v) in the case of an application for an Order to authorise the acquisition of any land or the use for the purposes of the canal of any land—

(*a*) a statement showing that definite proposals for the utilisation of the land, including an estimate of cost, have been prepared and considered by the applicants ;

(*b*) a plan of the site of the land on a scale of not less than a quarter of an inch to every one hundred feet showing thereon any building, yard, court-yard or land within the curtilage of any building and any ground cultivated as a garden ;

(*c*) a book of reference containing the names of the owners or reputed owners, lessees or reputed lessees and occupiers of the land together with a description of such land ;

(vi) a statement of the capital proposed to be expended in carrying out the objects of the application and the manner in which such capital is to be provided ;

(vii) in the case of an application by a company incorporated under the provisions of the Companies Act (Northern Ireland), 1932, or previous Acts, a copy of their memorandum and articles of association ;

(viii) a list of any local or private Acts or Orders relating to the undertaking of the applicants.

Deposit of draft Order for public inspection, etc.

7.—(1) The applicants shall, on or before the date of publication of the advertisement in the local newspaper, deposit—

(i) a copy of the draft Order for public inspection—

(*a*) at the office of the Clerk of the Crown and Peace for each county to which the application relates ;

(*b*) at the office of the local authority of every district to which the application relates ;

(ii) a copy of the draft Order—

(*a*) at the office of the Ministry of Finance ;

(*b*) at the office of the Postmaster-General.

(2) If tidal lands within the ordinary spring tides are to be acquired or in any way affected the applicants shall in addition to making deposits at the Ministry of Commerce deposit at the office of the Mercantile Marine Department of the Board of Trade—

(i) a copy of the plans, sections and Ordnance sheet or map referred to in Regulation No. 6 above, such copy to be marked "Tidal Waters" and on such copy all tidal waters shall be coloured blue ; and

(ii) a copy of the draft Order to be similarly marked.

(3) The applicants shall also deposit a sufficient number of printed copies of the draft Order for sale at the office named in that behalf in the advertisement. A copy of the draft order shall be furnished to any person applying therefor at a price not exceeding two shillings.

Deposit of map for public inspection etc.

8. In the case of an application for an Order to authorise new works the applicants shall, on or before the date of publication of the advertisement in the local newspaper, deposit for public inspection—

(*a*) at the office of the Clerk of the Crown and Peace for each county to which the application relates ;

(*b*) at the office of the local authority of every district to which the application relates ;

copies of the plan and section and map required in Regulation No. 6.

Deposit of plan and book of reference for public inspection, etc.

9. In the case of an application for an Order to authorise the acquisition of any land, the applicants shall, on or before the date of publication of the advertisement in the local newspaper, deposit for public inspection—

(*a*) at the office of the Clerk of the Crown and Peace for each county in which such land is situate;

(*b*) at the office of the local authority of every district in which such land is situate;

a plan of the site of the land and book of reference similar to those prescribed in paragraph (v) of Regulation No. 6.

Provided that if the Order relates to land situate in more than one county or district it shall be sufficient to deposit at the appropriate office in relation to each county or district in which the land is situate so much only of the plan and book of reference as relates to that county or district.

Additions or Alterations during progress of Order.

Additions, &c., during progress of Order.

10. Where an application for an Order has been made and the applicants communicate to the Ministry their desire to make any additions to or alterations in the Order and such desired additions or alterations are not of such extent or character as to make it inconvenient or inadvisable in the opinion of the Ministry that the same should be dealt with in the said application, the applicants shall publish such advertisements and give such notices and make such deposits (other than the payment of a further fee) as the Ministry may direct.

Objections to making of Order.

Objections to Order.

11. Any person desirous of objecting to an Order must do so by letter sent by registered post addressed to The Secretary, Ministry of Commerce, Belfast, on or before the date specified in that behalf at the end of the draft Order, in the advertisement or in any notice served on him in pursuance of these Regulations.

Such letter shall be signed by the person objecting or on his behalf by some responsible or duly authorised person. It must state concisely what his objections are and also his interests in the subject matter of the application. If any person desires to suggest any clause for insertion in or amendment of the draft Order he must forward with his letter a copy of any such clause or amendment.

A copy of any such letter, clause or amendment shall, on or before the like date, be delivered by the objector to the applicants for the Order or their Parliamentary Agents or Solicitors.

Proof of Compliance with the Act and the foregoing Regulations.

Proof of compliance with Act and Regulations.

12. The applicants or their Parliamentary Agents or Solicitors shall prove compliance with the provisions of the Act and the foregoing Regulations when required by the Ministry. Due

notice will be given of the day and hour at which such applicants, Agents or Solicitors are to attend for the purpose at the office of the Ministry and forms of proof will accompany the notice. These forms must be filled up and brought with the requisite documents to the office of the Ministry at the time fixed for receiving proof.

In the case of any non-compliance on the part of the applicants with any of these Regulations the Ministry may at its discretion allow the Order or any part thereof to proceed as it may deem expedient.

Steps to be taken after Order is made.

Deposits and proof thereof.

13. When an Order has been made by the Ministry and delivered to the applicants, the applicants shall forthwith deposit printed copies for public inspection and for sale at the offices where the draft Order was deposited for such purpose and shall supply copies to all persons applying for the same, at a price of not more than two shillings each.

Notice of such deposit shall be given by advertisement once at least in some newspaper circulating in the county or the area affected by the Order, and the applicants shall certify to the Ministry that such deposits and advertisements have been made.

Short title, etc.

14. These Regulations may be cited as "The Canals and Inland Navigation (Provisional Order, &c.), Regulations (Northern Ireland), 1936," and shall come into operation on the date hereof.

Given under the Official Seal of the Ministry of Commerce this fourteenth day of May, 1936.

(L.S.) *W. D. Scott,*
Secretary.

SCHEDULE.

FORM A.

Form of Notice to Landowners and Others.

.....(Address of applicants and date)

.....
(Insert Title of Order).

Sir,

I beg to inform you that application is intended to be made to the Ministry of Commerce by the (insert name of applicants) for a Provisional Order entitled as above under the Canals and Inland Navigation Act (Northern Ireland), 1936, to authorise the acquisition of (an easement rights in over) the property mentioned in the annexed Schedule or some part thereof, in which I understand you are interested as therein stated, for the purposes of (state purposes).

A plan of the said land with a book of reference thereto has been or will be deposited on or before the.....
for public inspection at the office of (specify the office of the Clerk of the Crown and Peace of every county, and also of the local authority of the district) on which plan your property is designated by the numbers in the annexed Schedule.

If there should be any error or misdescription in the annexed Schedule, perhaps you will be good enough to notify me thereof at your earliest convenience in order that I may correct the same without delay.

Any objection you may have to the said application must be sent by registered post addressed to The Secretary, Ministry of Commerce, Belfast, on or before the (insert date specified in the advertisement), and a copy of the objection must at the same time be furnished to me.

I am, &c.,

(To be signed by or on behalf of the applicants).

SCHEDULE referred to in the foregoing Notice describing the property therein alluded to—

Description of Property.	Number on plan.	Owner.	Lessee	Occupier.

CIVIL AUTHORITIES (SPECIAL POWERS).

Unlawful Associations.

ORDER OF THE MINISTER OF HOME AFFAIRS, DATED THE 8TH DAY OF APRIL, 1936, MADE UNDER THE CIVIL AUTHORITIES (SPECIAL POWERS) ACTS (NORTHERN IRELAND), 1922 AND 1933.

1936. No. 47.

WHEREAS certain Regulations for peace and order in Northern Ireland are contained in the Schedule to the Civil Authorities (Special Powers) Act (Northern Ireland), 1922, and it is provided by Sub-section 3 of Section 1 of the said Act that the Minister of Home Affairs shall have power to make Regulations (*a*) for making further provision for the preservation of the peace and maintenance of order, and (*b*) for varying or revoking any provision of the Regulations, whether contained in the said Schedule or made as aforesaid, and that any Regulations made as aforesaid shall, subject to the provisions of this Act, have effect and be enforced in like manner as Regulations contained in the said Schedule: