CHAPTER xix.

An Act to confer further powers on the lord mayor aldermen and burgesses of the county borough of Cork and the Cork Harbour Commissioners and for other purposes. [10th July 1917.]

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WHEREAS the county borough of Cork (hereinafter referred to as "the borough") is a municipal borough under the government of the lord mayor aldermen and burgesses of the said county borough acting by the council (hereinafter referred to as "the Corporation"):

And whereas the Corporation in or about the year 1846 reclaimed from the River Lee and enclosed a tract of slob land one hundred and fifty-five acres or thereabouts in extent situate within the borough and now known as the Upper Park and subsequently reclaimed and enclosed a further portion of slob land eighty-nine acres or thereabouts in extent now known as the Lower Park and which reclaimed lands are together now generally known and are in this Act referred to as "the Park":

And whereas the Corporation are the owners of a public walk situate partly in the borough and partly in the county of Cork formerly known as the Navigation Wall or Navigation Walk and now known and hereinafter referred to as "the Marina":

And whereas the Corporation are also the owners of a plot of ground situate between the Park and the Marina and of another plot of ground situate between Victoria Quay and the road known as the diverted Marina Road both situate within the borough:

And whereas by the Cork Improvement Act 1868 it was provided that the Park with the appurtenances thereto should

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remain and be vested in the Corporation and (subject to any portion or portions thereof being granted by the Corporation for purposes by that Act or the Municipal Corporations (Ireland) Act 1840 authorised) might be held as a place of public resort and recreation but that the Corporation should not be at liberty to lease or grant for building purposes or themselves to erect buildings upon any portion of the Park at a distance greater than a depth of one hundred and fifty feet in a southerly direction from the line of the abandoned portion of railway as in the said Act of 1868 mentioned:

And whereas the Park owing to its situation is inconvenient and unsuitable and has not been used to any considerable extent for purposes of public resort and recreation and the Corporation in the year 1907 received a gift of certain other lands situate in a more central part of the borough which were laid out and are now maintained by the Corporation as a public park for the use of the community:

And whereas by the Cork Harbour Act 1820 certain Commissioners were constituted and appointed for improving and preserving the port harbour and river of Cork (hereinafter referred to as "the Harbour Commissioners") and by the Cork Harbour Act 1875 the Harbour Commissioners were constituted a body corporate under the name of the Cork Harbour Commissioners:

And whereas by various other Acts relating to the port harbour and river of Cork the powers of the Harbour Commissioners have been extended and amended:

And whereas the Harbour Commissioners are the owners of the quay adjoining the Victoria Quay known as the Deep Water Quay and of certain lands adjoining the last-mentioned quay and lying between the Marina and the River Lee which were acquired by them from the Board of Trade acting on behalf of the Crown and from the Corporation for harbour purposes:

And whereas the last-mentioned lands and a portion of the said deep water quay are included in the lands described in the schedule to this Act:

And whereas the Harbour Commissioners claim to have certain estates rights and interests in the Marina and for the purpose of effectuating a lease or sale under the powers of this Act it is expedient that the Harbour Commissioners should be empowered to release such claim:

And whereas by section 84 of the said Act of 1868 it was enacted that in case the increasing requirements of the trade of the port of Cork and the due accommodation of shipping therein should in the opinion of the Harbour Commissioners render such dedication expedient the Corporation should dedicate to the use of the public for trading or shipping purposes such portion or portions of the Marina (therein called the Navigation Wall or Walk) as the Harbour Commissioners from time to time might deem necessary for those purposes not exceeding in depth a distance of sixty feet from the outer or river edge of the quay wall:

And whereas with the view of promoting and extending the industry and commerce of the borough and port of Cork by the development of industrial enterprise and by providing suitable and convenient sites with river frontage for works and manufactories it is expedient that the Corporation and the Harbour Commissioners respectively should be authorised to lease or sell the lands belonging to them respectively and hereinafter in this Act called "the scheduled lands" being part of the lands hereinbefore referred to freed and discharged from all statutory and other restrictions affecting the said lands and from all rights of way and other rights in and over the same:

And whereas an advantageous offer has been made to the Corporation and the Harbour Commissioners by responsible persons to acquire part of the said lands for the purpose of the erection and maintenance thereon of permanent industrial works which with the industries intended to be carried on therein will involve extensive employment of labour and will in that and in other respects greatly conduce to the prosperity of the borough and the port of Cork and in order to enable the Corporation and the Harbour Commissioners to accept and give effect to their acceptance of such offer it is expedient that the powers hereinafter in this Act mentioned should be conferred on the Corporation and the Harbour Commissioners respectively:

And whereas the Harbour Commissioners are advised and believe that the lands belonging to them and included in the scheduled lands could be disposed of by them without detriment to the interests of the port of Cork:

And whereas portions of the said last-mentioned lands are subject to certain reservations and conditions in favour of the Crown and the public and it is expedient that the Board of

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Trade should be empowered if they think fit to release such reservations and conditions:

And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas the Corporation have complied with the requirements of the Borough Funds (Ireland) Act 1888 in relation to the promotion of the Bill for this Act and have obtained the approval of the Local Government Board for Ireland and the Chief Secretary for Ireland in pursuance of the provisions of that Act:

And whereas in relation to the promotion of the Bill for this Act the Harbour Commissioners have complied with the provisions of section 57 of the Cork Harbour Act 1903:

May it therefore please Your Majesty that it may be enacted and be it enacted by the King'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 and citation.

1. This Act may be cited for all purposes as the Cork Improvement Act 1917.

This Act and the Cork Harbour Acts 1820 to 1903 may be cited together as the Cork Harbour Acts 1820 to 1917.

Interpretation.

2. In this Act the following expressions have the meanings hereby assigned to them (that is to say):—

"The borough" means the county borough of Cork;

"The Corporation" means the lord mayor aldermen and burgesses of the borough;

"The Harbour Commissioners" means the Cork Harbour Commissioners;

"The scheduled lands" means the lands described in the schedule to this Act and shown and surrounded by a red line upon the signed map hereinafter in this Act referred to.

Power to sell or lease lands.

3. Notwithstanding any provision to the contrary contained in any Act of Parliament or Order relating to the Corporation or the borough or in the Municipal Corporations (Ireland) Acts 1840 to 1888 or in any enactment amending the same or in any Act or Order relating to the Harbour Commissioners or the port harbour and river of Cork the Corporation and the Harbour Commissioners may sell lease or otherwise dispose of for industrial or trade purposes or for any purpose connected therewith so

much of the scheduled lands as belong to them respectively or any part or parts thereof for such estate or term of years at such rent or premium or rent and premium or for such price or consideration and upon such terms and conditions as the Corporation and the Harbour Commissioners may respectively think fit Any lease made under the powers conferred by this section may contain a covenant by the lessors to convey to the lessees the fee simple estate in the lands thereby demised at such time and upon such terms as may be set forth in such covenant The scheduled lands are described in the schedule to this Act and are also shown and surrounded by a red line upon the map signed in triplicate by the Right Honourable John Henry Whitley the Chairman of the Committee of the House of Commons to whom the Bill for this Act was referred one of which maps has been deposited in the Private Bill Office of the House of Commons one in the Parliament Office of the House of Lords and another in the office of the Local Government Board for Ireland and a copy of such map certified as correct by the town clerk of the borough and by the secretary of the Harbour Commissioners shall be deposited in the office of the Corporation and a copy so certified shall also be deposited in the office of the Harbour Commissioners Provided that if there be any discrepancy between the said map and the description of the scheduled lands contained in the schedule to this Act the said map shall be deemed to be correct and shall prevail.

Power to stop up roads &c.

4. The Corporation may by an order under their common seal stop up any street lane road footpath or other passage so far as situate on any part of the scheduled lands leased or sold or agreed to be leased or sold under the powers of this Act and upon the making of any such order all public and other rights of way and other rights in over or upon such street lane road footpath or passage shall be extinguished Provided that neither the diverted Marina Road nor the Marina shall be stopped up under the powers of this section until two justices shall have certified that a new road between the Eastern Victoria Road or the Western Victoria Road and the Marina has been completed to their satisfaction and is open for public use Provided further that the Corporation shall make full compensation to all persons interested in respect of any private rights of way (if any) or other private rights (if any) extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement.

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Repeal of provisions of Act of 1868.

5.—(1) Upon the completion of a lease and during the currency of such lease and upon the completion of any sale under the powers of this Act of any part of the scheduled lands to which the provisions of Part VI. of the Cork Improvement Act 1868 apply those provisions shall cease to apply to the part so leased or sold.

(2) Upon the completion of any such lease and during the currency of such lease and upon the completion of any such sale of any part of the scheduled lands which may have been dedicated to the public for trading or shipping purposes under section 84 of the last mentioned Act such lands shall cease to be so dedicated.

Power to accept surrender of leases &c.

6. The Corporation may upon and subject to such terms and conditions and in such manner as may be agreed between the Corporation and the lessees or tenants accept a surrender of any part or parts of the scheduled lands which are comprised in any lease granted or tenancy agreement entered into by the Corporation.

Harbour Commissioners may release rights.

7. The Harbour Commissioners may for the purpose of giving effect to a lease or sale by the Corporation of any part of the scheduled lands belonging to the Corporation release to the Corporation any estate right or interest belonging or claimed to belong to the Harbour Commissioners in or to such part of the scheduled lands or the Harbour Commissioners may concur with the Corporation in leasing or selling such part of the scheduled lands for the purpose of releasing the estate right or interest so belonging to or claimed by them.

Board of Trade may release Crown rights.

8. The Board of Trade may if they think fit release any part belonging to the Harbour Commissioners of the scheduled lands and the Harbour Commissioners or a lessee or purchaser of or from the Harbour Commissioners from any rent or right reserved to the King's Majesty His heirs and successors or the Board of Trade or from any right reserved to the public by or from covenants by the Harbour Commissioners contained in any conveyance to the Harbour Commissioners of that part of the scheduled lands granted on behalf of His Majesty by the Board of Trade acting in exercise of the Crown Lands Act 1866.

Commissioners may execute accommodation works.

9. The Harbour Commissioners may enter into and carry into effect agreements and arrangements with the lessee or purchaser of any part of the scheduled lands for the carrying out by the Harbour Commissioners at the expense of such lessee or purchaser of any works in or abutting on the River Lee which such lessee or purchaser would himself either with or without

the consent of the Harbour Commissioners or which the Harbour Commissioners would themselves be entitled to carry out or for dredging the said river in front of the land of such lessee or purchaser Provided that no works below high-water mark shall be commenced without the consent in writing of the Board of Trade and shall be executed only in accordance with the terms of such consent.

Application of moneys by Corporation.

10. Any moneys received by the Corporation by way of purchase money fine premium or rent in respect of the sale or lease of any part belonging to the Corporation of the scheduled lands except so far as the same may be otherwise applied under the provisions of this section shall be invested for the benefit of the borough fund in securities in which trustees are by law authorised to invest trust moneys provided that the sum to be invested under this section shall be not less than will produce an annual income of two hundred pounds.

Subject to that proviso the Corporation may out of the said moneys—

(1) Apply so much thereof as may be required for that purpose in the construction of a new roadway between the Eastern Victoria Road or the Western Victoria Road and the Marina and the construction of a roadway from the Victoria Quay to the Eastern Victoria Road and the reconstruction of the diverted Marina Road from the said last mentioned roadway to the said Eastern Victoria Road :

(2) Apply so much thereof as may be required for that purpose in the payment of compensation to the lessees of any part or parts of the scheduled lands who shall surrender such part or parts of the said lands to the Corporation and who shall be legally entitled to compensation in respect of improvements in or expenditure upon such part or parts of the said lands :

(3) Carry to the credit of the borough fund a sum of not more than four thousand pounds.

Application of moneys by Commissioners.

11. Any moneys received by the Harbour Commissioners by way of purchase money fine or premium in respect of the sale or lease of any part belonging to the Harbour Commissioners of the scheduled lands shall be applied in reduction of the outstanding capital debt of the Harbour Commissioners or for the improvement or general purposes of the port harbour and river of Cork Any moneys received by way of rent shall be

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carried to the credit of the general revenue of the Harbour Commissioners.

Crown rights.

12. Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown and in particular nothing herein contained authorises the taking using or in any manner interfering with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

Costs of Act.

13. All costs charges and expenses of and incident to the preparing for obtaining and passing of this Act or otherwise in relation thereto shall be paid by the Corporation and the Harbour Commissioners in equal shares.

The SCHEDULE referred to in the foregoing Act.

An area of ground partly in the parish of St. Finbar and partly in the parish of St. Nicholas in the county borough of Cork in part belonging to the Corporation and in part belonging to the Harbour Commissioners situate within the boundaries following (that is to say) Commencing at the north-eastern point of the premises of R. & H. Hall Limited on Victoria Quay thence proceeding in an easterly direction along Victoria Quay and Deep Water Quay and the River Lee as far as the municipal boundary of the said county borough thence proceeding in a southerly direction to the south side of the Marina thence proceeding in a westerly direction along the northern boundary of the Cork Blackrock and Passage Railway to the northern corner of the entrance to the City Park thence proceeding in an easterly and northerly direction to the point of commencement before mentioned.

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