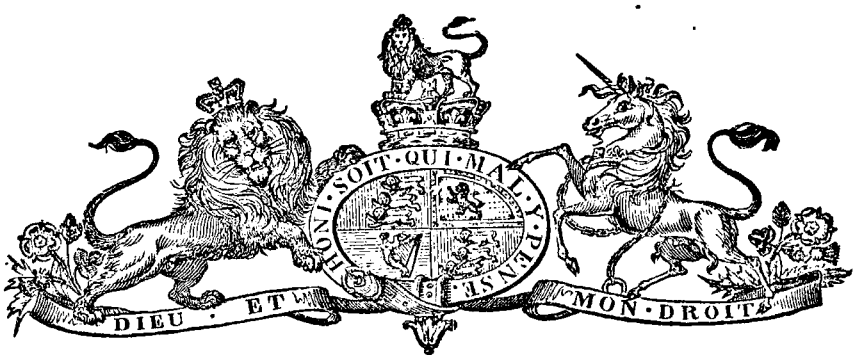


ANNO VICESIMO QUARTO & VICESIMO QUINTO

VICTORIÆ REGINÆ.

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CAP. XXVI.

An Act to amend the *Dublin* Improvement Act, 1849. [28th *June* 1861.]

WHEREAS by "The *Dublin* Improvement Act, 1849," certain Powers were vested in the Right Honorable the Lord Mayor, Aldermen, and Burgesses of *Dublin*, (hereinafter called "the Corporation,") for the Improvement of the Borough of *Dublin*; and it is expedient that further and additional Powers should be granted to the Corporation for improving the Line of Streets in the said Borough, and for causing the Removal of Projections therein, and for making and enforcing the making of Branch Drains from Houses and Buildings communicating with the Main Drains or Sewers within the said Borough, and for other Purposes; but the same cannot be effected without the Aid and Authority of Parliament: Be it therefore enacted by the Queen'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: 12 & 13 Vict. c. 97.

1. This Act may be cited for all Purposes as "The *Dublin* Improvement Act Amendment Act, 1861." Short Title.

2. The recited Act and the Acts incorporated therewith and this Act shall be read and construed together as One Act. Recited Act, &c. to form One Act.

3. The

Interpretation of Terms.

3. The several Meanings assigned to certain Words and Expressions in the recited Act and in the Acts incorporated therewith shall extend and apply to the same Words and Expressions when used in this Act, unless there be something in the Subject or Context repugnant to such Construction, and the Word "Corporation" in this Act shall include "Council;" and the Word "Owner" shall mean the Person for the Time being receiving the Rackrent of the House or Building in connexion with which the said Word is used, whether on his own Account or as Agent or Trustee for any other Person who would so receive the same if the said House or Building were let at a Rackrent.

Limits of Act.

4. The Limits of this Act shall be the Municipal Boundaries of the Borough of *Dublin*.

Council of the Borough to carry Act into execution.

5. The Council of the Borough of *Dublin*, and their Successors in Office, shall and they are hereby authorized and required to carry this Act into execution.

Owners, &c. to remove future Projections on Notice from Corporation.

6. If any Porch, Shed, projecting Window, Step, Cellar Door, or Window, or Steps leading into any Cellar or otherwise, Lamp, Lamp-post, Lamp Iron, Sign, Sign-post, Sign Iron, Showboard, Window Shutter, Wall, Gate, Fence, or Opening, or any other Projection or Obstruction placed or made against or in front of any House or Building after the passing of this Act (save and except such Projections as are authorized by the Rules specified in Section Nine of this Act), shall be an Annoyance to the Public in consequence of the same projecting beyond the Line of Building of any Street, or into or over or being an Encroachment upon, or being made in or endangering or rendering less commodious the Passage along any Street within the Limits of this Act, it shall be lawful for the Corporation to give Notice in Writing to the Owner or Occupier of such House or Building to remove such Projection or Obstruction, or to alter the same in such Manner as the Corporation think fit, and such Owner or Occupier shall, within Fourteen Days after the Service of such Notice upon him, remove such Projection or Obstruction, or alter the same in the Manner directed by the Corporation, and if the Owner or Occupier of any such House or Building neglect or refuse, within Fourteen Days after such Notice, to remove such Projection or Obstruction, or to alter the same in the Manner directed by the Corporation, he shall forfeit any Sum not exceeding Five Pounds, and a further Sum not exceeding Forty Shillings for every Day during which such Projection or Obstruction continues after the Expiration of such Fourteen Days from the Time when he may be convicted of any Offence contrary to the Provisions hereof.

7. It

Corporation may remove existing Projections and make Compensation for same.

7. It shall be lawful for the Corporation, if any Shed, Lamp, Lamp Post, Lamp Iron, Sign, Sign Post, Sign Iron, or Showboard which has been placed or made against or in front of any House or Building in any such Street before the passing of this Act shall be an Annoyance as aforesaid, to cause the same to be removed or altered as they think fit: Provided always, that the Corporation shall give Notice in Writing of such intended Removal or Alteration to the Owner or Occupier against or in front of whose House or Building such Shed, Lamp, Lamp Post, Lamp Iron, Sign, Sign Post, Sign Iron, or Showboard shall be, Thirty Days before such Removal or Alteration shall be commenced, and shall make reasonable Compensation to every Person who shall incur any Loss or Damage by such Removal, excepting in Cases where the same may now be removable under any Act, in which Case no Compensation shall be made, and the Amount of such Compensation, if any, and the Expense of such Removal or Alteration, shall be paid by the Corporation out of the Improvement Fund of the said Borough.

Period within which Notice for Removal of Obstructions to be given.

8. All Notices to be given by the Corporation for the Removal of Obstructions under the Provisions of this Act shall be given within Two Years from the Completion of the same or from the passing of this Act.

Rules as to Projections from new Buildings.

9. The following Rules shall be observed as to Projections from new Buildings:

1. Every Coping, Cornice, Facia, Window Dressing, Portico, Balcony, Verandah, Balustrade, and Architectural Projection or Decoration whatsoever, and also the Eaves or Cornices to any overhanging Roof, except the Cornices and Dressings to the Window Fronts of Shops, and except the Eaves and Cornices to detached and semi-detached Dwelling Houses, distant at least Fifteen Feet from any other Building, and from the Ground of any adjoining Owner, shall, unless the Corporation otherwise permit, be of Brick, Tile, Stone, Artificial Stone, Slate, Cement, or other Fire-proof Material:

2. In Streets or Alleys of a less Width than Thirty Feet, any Shop Front may project beyond the external Wall of the Building to which it belongs for Five Inches and no more; and any Cornice of any such Shop Front may project Thirteen Inches and no more; and in any Street or Alley of a Width greater than Thirty Feet any Shop Front may project Ten Inches and no more, and the Cornice may project for Eighteen Inches from the external Wall but no more:

3. No Part of the Woodwork of any Shop Front shall be fixed nearer

nearer than Four and a Half Inches from the Line of Junction of any adjoining Premises unless a Pier or Corbel of Stone, Brick, or other Fire-proof Material Four and a Half Inches wide at the least is built or fixed next to such adjoining Premises as high as such Woodwork is fixed, and projects an Inch at the least in front of the Face thereof:

4. The Roof, Roof Flat, or Gutter of every Building, and every Balcony, Verandah, Shop Front, or other Projection, must be so arranged and constructed and so supplied with Gutters and Pipes as to prevent the Water therefrom from dropping upon or running over any Public Way:

5. Except in so far as is permitted by this Section in the Case of Shop Fronts, and with the Exception of Water Pipes and their Appurtenances, Copings, Cornices, Facias, Window Dressings, and other like Architectural Decorations, no Projection from any Building shall extend beyond the general Line of Fronts in any Street except with the Permission of the Corporation.

Buildings not to be brought beyond Line of Street.

10. No Building shall, without the Consent in Writing of the Corporation, be erected beyond the regular Line of Buildings in the Street in which the same is situate, in case the Distance of such Line of Buildings from the Highway do not exceed Thirty Feet or within Thirty Feet of the Highway where the Distance of the Line of Buildings therefrom amounts to or exceeds Thirty Feet, notwithstanding there being Gardens or vacant Spaces between the Line of Buildings and the Highway; and in case any Building shall hereafter be erected contrary to this Enactment, it shall be lawful for the Corporation to cause the same to be demolished or set back (as the Case may require), and the Expenses attendant upon or incidental thereto shall be paid to the Corporation by the Owner of the Premises, and if on Demand of such Expenses such Owner shall neglect or refuse to pay the same, then such Expenses shall be recovered by the Corporation from such Owner as Damages, before One or more Justice or Justices of the Peace, in the Manner provided by the said recited Act, or the Acts incorporated therewith, for Recovery of Damages not specially provided for.

Corporation in certain Cases may compel Owners, &c. of Houses to construct Drains into the Common Sewer.

11. And whereas, under the Provisions of the said recited Act, considerable Expense has been incurred by the Corporation in the Construction and Maintenance of Main Sewers or Drains within the Borough of *Dublin*, and several of the Owners or Occupiers of Houses and Buildings in the Streets and other Thoroughfares under or through which such Main Sewers or Drains have been carried have neglected to make Branch Drains from such Houses or Buildings communicating with such Main Drains or Sewers for the Drainage of

of such Houses and Buildings, their Areas, Waterclosets, and Offices, to the Injury of the Public Health: Therefore, if any House or Building, whether built before or after the passing of this Act, situate within the Limits of the said Borough be found not to be drained by a sufficient Drain communicating with some Sewer, and emptying itself into the same, to the Satisfaction of the Corporation, and if a Sewer of sufficient Size be within One hundred Feet of any Part of such House or Building, on a lower Level than such House or Building, it shall be lawful for the Corporation, at their Discretion, by Notice in Writing, to be served upon the Occupier and Owner of such House or Building, and if the Name and Address of such Owner be not known, and the Occupier of such House or Building refuse to give the Name and Address of such Owner, then upon the Occupier only of such House or Building, to require the Owner or Occupier of such House or Building forthwith, or within such reasonable Time as may be appointed by the Corporation, to construct and make from such House or Building into any such Sewer a covered Drain, and such Branches thereto, of such Materials, of such Size, at such Level, and with such Fall as shall be adequate for the Drainage of such House or Building and its several Floors or Stories, and also of its Areas, Waterclosets, Privies, and Offices (if any), and for conveying the Soil, Drainage, and Wash therefrom into the said Sewer, and to provide fit and proper paved or impermeable sloped Surfaces for conveying Surface Water thereto, and fit and proper Sinks, and fit and proper syphoned or otherwise trapped Inlets and Outlets for hindering Stench therefrom, and fit and proper Water Supply, and Water-supplying Pipes, Cisterns, and Apparatus for securing the same and for causing the same to convey away the Soil, and fit and proper Sandtraps, expanding Inlets, and other Apparatus for hindering the Entry of improper Substances therein, and all other such fit and proper Works and Arrangements as may appear to the Corporation or to their Officers requisite to secure the safe and proper working of the said Drain, and to prevent the same from obstructing or otherwise injuring or impeding the Action of the Sewer to which it leads; and it shall be lawful for the Corporation to cause the said Works to be inspected while in progress, and, from Time to Time during the Execution, to order such reasonable Alterations therein, Additions thereto, and Abandonment of Part or Parts thereof as may to the Corporation or their Officers appear, on the fuller Knowledge afforded by the opening of the Ground, requisite to secure the complete and perfect working of such Works; and if the Owner or Occupier of such House or Building neglect or refuse during Twenty-eight Days after the said Notice has been delivered to such Owner or Occupier, or left at such House or Building, to begin to construct such Drain and other Works aforesaid, or any of them, or thereafter fail to carry

them on and complete them with all reasonable Despatch, it shall be lawful for the Corporation to cause the same to be constructed and made, and to recover the Expenses to be incurred thereby from such Occupier as Damages, in the Manner provided for the Recovery of Damages as herein-before mentioned: Provided always, that every such Occupier who at the Time of the Service of such Notice shall occupy such House or Premises, and shall have given such Information of the Owner of such House, but not otherwise, shall be entitled to deduct the Amount so paid to the Corporation from the Rent payable by him to the Owner of such House or Building.

As to Orders to be made under this Act.

12. All Orders of the Council made under the Provisions of this Act shall be subject to the same Right of Appeal as is provided by the said recited Act of the Twelfth and Thirteenth *Victoria*, Chapter Ninety-seven.

Expenses of Act.

13. The Costs, Charges, and Expenses attending on or incident to the applying for or obtaining this Act shall be paid by the Corporation out of the Improvement Fund of the said Borough.

LONDON:
Printed by George Edward Eyre and William Spottiswoode,
Printers to the Queen's most Excellent Majesty. 1861.