CHAPTER clxxiv.

An Act to make further provision with respect to the powers of the Commissioners for Public Works in Ireland in relation to a grant and loan for the Improvement of Kinsale Harbour, and to enable the Town Commissioners of Kinsale to guarantee a loan and levy rates for the purposes of such Improvement. [26th August 1880.] A.D. 1880.

WHEREAS under two provisional orders relating to the harbour of Kinsale, confirmed respectively by the General Pier and Harbour Provisional Orders Confirmation Act, 1870, and by the General Pier and Harbour Provisional Orders Confirmation Act, 1874, the control of the harbour of Kinsale is vested in Commissioners (in this Act referred to as the Kinsale Harbour Commissioners), and those Commissioners are empowered by the said orders to construct certain works for the repair and improvement of the harbour, and to borrow for the purpose of such works any sums not exceeding fifteen thousand pounds: 33 & 34 Vict. c. clviii. 37 & 38 Vict. c. clxxxv.

And whereas the cost of the said works (in this Act referred to as the Kinsale Harbour improvements) is estimated to amount to sixteen thousand pounds:

And whereas the Commissioners of Public Works, with the consent of the Treasury, have, in pursuance of the enactments authorising them in that behalf, promised, on condition of a sum of not less than two thousand pounds being contributed out of local funds, to expend upon the Kinsale Harbour improvements, in addition to the said two thousand pounds, a sum of fourteen thousand pounds [of which sum of seven thousand five hundred pounds is to be a grant and six thousand five hundred pounds is to be a loan to the Harbour Commissioners], and to construct the said improvements, or the portion thereof upon which the said sum of fourteen thousand pounds is to be expended: 9 & 10 Vict. c. 3. 29 & 30 Vict. c. 45.

And whereas the Kinsale Harbour improvements so to be constructed by the Commissioners of Public Works will be the property

A.D. 1880.

of those Commissioners, and under the enactments conferring powers upon the Commissioners of Public Works those Commissioners are authorised by warrant to direct that any works constructed by them out of any grant or loan shall be the property of the county or a district thereof, and thereupon the same must be maintained by the county or district at the cost of the rates; and it is expedient to provide for the Kinsale Harbour improvements becoming the property of the Kinsale Harbour Commissioners and being maintained by those Commissioners at the cost of those Commissioners, or, so far as their funds are insufficient, at the cost of the Town Commissioners of Kinsale, and the said Harbour and Town Commissioners have assented to undertake such maintenance:

And whereas doubts have arisen as to the power of the Commissioners of Public Works to make the said loan on the joint security of the Kinsale Harbour Commissioners and the Town Commissioners of Kinsale, and it is expedient to make further provision respecting the security of the said loan, and to authorise the Town Commissioners of Kinsale to guarantee the same and to levy rates for the purpose of paying the principal and interest thereof:

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:

Short title.

1. This Act may be cited as the Kinsale Harbour Act, 1880.

Provision for vesting in Harbour Commissioners the maintenance of works in Kinsale Harbour.

2. The Commissioners of Public Works shall have the same power of directing that any of the Kinsale Harbour improvements which are constructed wholly or partly out of any grant or loan made by the Commissioners of Public Works shall be vested in and be the property of the Kinsale Harbour Commissioners as they have to direct that the works constructed out of any grant or loan by them shall be the property of the county, and upon such direction being given the improvements referred to in such direction shall be the property of the Kinsale Harbour Commissioners and be maintained in good and proper repair by those Commissioners at the cost of those Commissioners, and, in case and so far as those Commissioners declare their funds to be insufficient, at the cost of the Town Commissioners of Kinsale; and the Town Commissioners of Kinsale shall pay to the Harbour Commissioners such sums as the Harbour Commissioners require from time to time for the purpose of meeting such insufficiency, and, notwithstanding any limit in any other Act or otherwise, shall have power to levy

and shall levy from time to time a rate of such amount as is necessary to raise the sums so required from time to time by the Harbour Commissioners. A.D. 1880

The Lord Lieutenant, if satisfied by a report from the Commissioners of Public Works or otherwise that the Kinsale Harbour improvements constructed wholly or partly by the Commissioners of Public Works out of any grant or loan, or any part of those improvements, are not maintained in good and proper repair, may certify the same to the Treasury, and the Treasury may thereupon authorise the Commissioners of Public Works to do such repairs to the said improvements as appear to the Commissioners to be necessary or proper for placing the same in a good and proper state of repair, and those Commissioners may enter and do those repairs in like manner as if the said improvements and Kinsale Harbour were vested in them.

The cost of the repairs, to such amount as is certified by the Commissioners of Public Works, with interest at the rate of three and a half per centum per annum, or at such other rate as the Treasury fix, in order to prevent loss to the Exchequer, shall be a joint and several debt to Her Majesty from the Kinsale Harbour Commissioners and the Town Commissioners of Kinsale, and the Town Commissioners, notwithstanding any limit in any other Act or otherwise, shall have power to levy and shall levy a rate to such amount as may be necessary to defray such debt.

Amendment of enactments as to security for loan.

3. The loan to be made by the Commissioners of Public Works for the purpose of the Kinsale Harbour improvements may be made on the security of the tolls, rates, and property of the Kinsale Harbour Commissioners and of the guarantee by the Town Commissioners of Kinsale authorised by this Act, and such loan may be made and such security may be given in manner directed by the Acts relating to loans by the Commissioners of Public Works.

The Town Commissioners of Kinsale may guarantee the payment by the Kinsale Harbour Commissioners of the principal and interest of any loan to the Kinsale Harbour Commissioners from the Commissioners of Public Works made for the execution of the Kinsale Harbour improvements, and may for that purpose mortgage the property of the Town Commissioners and the rates leviable by them to the Commissioners of Public Works, and for the purpose of paying such principal and interest they shall have power to levy, and shall levy, notwithstanding a limit in any Act or otherwise, a rate of such amount as may be required for the said payment.

A.D. 1880.

Definitions.

4. In this Act, unless the context otherwise requires,—

The expression "Treasury" means the Commissioners of Her Majesty's Treasury:

The expression "Lord Lieutenant" means the Lord Lieutenant of Ireland, and includes the chief governor or governors of Ireland:

The expression "Commissioners of Public Works" means the Commissioners of Public Works in Ireland.

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