SUPPLIED FOR THE PUBLIC SERVICE



CHAPTER 59.

An Act to amend the Labourers (Ireland) Acts. A.D. 1886.

[25th June 1886.]

BE it 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 Labourers (Ireland) Act, 1886.

Construction of Act. 46 & 47 Vict. c. 60. 48 & 49 Vict. c. 77.

2. This Act shall be construed as one with the Labourers (Ireland) Act, 1883, and the Labourers (Ireland) Act, 1885, (hereinafter referred to as "the said Acts,") except in so far as the said Acts are expressly altered or varied by this Act or are inconsistent therewith, and together with the said Acts may be cited as the Labourers (Ireland) Acts, 1883 to 1886. Any words or expressions in this Act which are not defined therein and which are defined in the said Acts, shall, unless there is something in the context of this Act repugnant thereto, have the same meaning as in the said Acts.

Amendment of 46 & 47 Vict. c. 60. s. 6.

3. The sixth section of the Labourers (Ireland) Act, 1883, shall be amended, and shall be read as if the words following were added at the end of the said section, "and, save by agreement with the "owner and occupier, such lands only shall be selected as imme- "diately adjoin, and are accessible from, a then existing public "road."

Definition of agricultural labourer.

4. So much of the twenty-third section of the Labourers (Ireland) Act, 1885, as defines an agricultural labourer shall be and is hereby repealed.

The expression "agricultural labourer" in the said Acts and in this Act shall mean a man or woman who does agricultural work for hire at any season of the year on the land of some other person or persons, and shall include hand-loom weavers and fishermen

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doing agricultural work as aforesaid, and shall also include herdsmen.

Representation to authority by ratepayers.

5. Where a sanitary authority has resolved that in any case of a representation under the said Acts or this Act the electoral division shall be the area of charge for the purposes of the said Acts and of this Act, and where a representation is made to such sanitary authority in respect of any electoral division in which not more than twenty ratepayers are resident, then, in such case, the representation, if signed by six ratepayers, shall be received and acted upon by the sanitary authority, and shall be in all respects as valid and effectual as if it had been signed by twelve ratepayers, as prescribed by section five of the Labourers (Ireland) Act, 1883: Provided also, that three ratepayers in any such electoral division may apply to the Local Government Board to amalgamate such division with one or more contiguous divisions, subject to the same sanitary authority, and the Local Government Board may order that such divisions shall constitute one division for the purposes of the said Act and of this Act.

Definition of "home farm."

6. The expression "home farm" shall not be held to apply to more than one farm occupied by the same owner within the area of any sanitary district, except in the case of two farms being occupied as aforesaid, neither of which exceeds one hundred acres.

Amendment of 46 & 47 Vict. c. 60. s. 5. as to certificate of sanitary officer.

7. (1.) So much of the fifth section of the Labourers (Ireland) Act, 1883, as enacts that a representation in pursuance of the said Acts, if made on the ground of sanitary defects, shall be accompanied by a certificate of a sanitary officer of the sanitary authority to which the representation is made in corroboration of the sanitary defects alleged, shall be and the same is hereby repealed, and in lieu and instead thereof it is hereby enacted as follows:

(2.) The representation if made on the ground of sanitary defects may be accompanied by a certificate of a sanitary officer of the sanitary authority to which the representation is made, in corroboration of the sanitary defects alleged.

(3.) In case any such representation made on the grounds aforesaid shall not be so accompanied, it shall be referred by the sanitary authority to such one or more of the sanitary officers of such authority as the authority may select for the purpose, and on any such representation being so referred to any sanitary officer or officers, it shall be the duty of such officer or officers to forthwith inspect the district to which such representation refers, and to report as to the correctness of such representation, and such officer or officers shall certify to the sanitary authority under his or their

hand or hands as to the existence or non-existence of the sanitary defects alleged, and any such representation shall not be acted upon unless the sanitary authority is satisfied from the report of some one or more of such officers of the existence of the sanitary defects alleged.

Appeal from certificate of sanitary officer in certain cases.

8. (1.) In case any sanitary officer shall certify that the sanitary defects alleged in any such representation do not exist as alleged, and in consequence of such certificate the sanitary authority shall decide not to act on such representation, the twelve persons who have signed such representation, or any twelve persons rated for the relief of the poor within the sanitary district, may appeal to the Local Government Board, and upon their so appealing the Local Government Board shall appoint a medical officer to inspect the district to which such representation refers, and to report as to the correctness of such representation, and such officer shall certify to the Local Government Board under his hand as to the existence or non-existence of the sanitary defects alleged in the said representation. The report so made shall be transmitted by the Local Government Board to the sanitary authority, and if it certify that sanitary defects exist in such district as alleged, the sanitary authority may act on such report as if the same were the report of the sanitary officer to whom the said representation had been referred in the first instance by such sanitary authority.

(2.) A sanitary officer shall be entitled to be remunerated for any duty performed by him under this Act, according to a scale to be fixed by the sanitary authority with the approval of the Local Government Board.

(3.) All costs, charges, and expenses incurred by the Local Government Board under this section shall, to such amount as the Local Government Board think proper to direct, be deemed to be an expense incurred by the sanitary authority under the said Acts, and shall be paid by the same to the Local Government Board in such manner and at such time as the Local Government Board may order.

(4.) Any order made by the Local Government Board in pursuance of this section may be made a rule of one of the Divisions of Her Majesty's High Court of Justice in Ireland, and may be enforced accordingly.

Power of Local Government Board to dispense with advertisements and notices.

9. The Local Government Board may, on the consideration of any petition of a sanitary authority for an order confirming an improvement scheme, which does not propose or authorise the purchase or taking of any land otherwise than by agreement, dispense with the publication of any advertisement or the service of any

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notice proof of which publication or service is not given to them as required by the said Acts, where reasonable cause is shown to their satisfaction why such publication or service should be dispensed with, and such dispensation may be made by the Local Government Board either unconditionally or upon such conditions as to the publication of other advertisements and the service of other notices or otherwise as the Local Government Board may think fit, due care being taken by the Local Government Board to prevent the interest of any person being prejudiced by the fact of the publication of any advertisement or the service of any notice being dispensed with in pursuance of this section.

Petition against order to specify what is objected to.

10. Any petition against a provisional order, as provided by section twelve, sub-section two, of the Labourers (Ireland) Act, 1885, shall state whether the objection in said petition is to the entire order or only to a part thereof, and if only to a part shall specify the particular part to which exception is taken.

Power of Local Government Board to prescribe forms.

11. The Local Government Board may from time to time by order prescribe the forms to be used for the purposes of the said Acts, other than those provided for by the fifth section of the Labourers (Ireland) Act, 1885. It shall not be obligatory on any persons to adopt such forms, but the same when adopted shall be deemed sufficient for all the purposes of the said Acts.

Extension of powers of compulsory purchase.

12. Notwithstanding anything contained in the sixteenth section of the Labourers (Ireland) Act, 1885, an improvement scheme made by a sanitary authority in pursuance of the said Acts may, after all reasonable efforts to obtain the amount of land required in the same locality by agreement or exchange have in the opinion of the Local Government Board been bonâ fide made and failed, propose, and a provisional order confirming the same may sanction, subject to the provisions of section six of the Labourers (Ireland) Act, 1883, as to the nature of the lands to be taken, the purchase by such sanitary authority otherwise than by agreement of—

(*a.*) Any land for the purpose of allotting half an acre of the same to the occupant of any existing cottage:

(*b.*) Tracts of land to be parcelled out in allotments pursuant to provisions of the said section.

Amendment of 48 & 49 Vict. c. 77. ss. 2. and 4.

13. The reference to the Labourers (Ireland) Act, 1883, contained in the second and fourth sections respectively of the Labourers (Ireland) Act, 1885, shall be construed to mean the Labourers (Ireland) Acts, 1883 to 1886.

Sanitary authority or contractor

14. The sanitary authority or any person who has contracted with such authority for the carrying out or execution of the

buildings or other works provided for in any improvement scheme, or any part thereof, shall have power and authority to dig for, raise, and carry away in or out of any lands, whether within or adjoining the sanitary district, any gravel, stones, sand, or other materials which may be required for any such buildings or works, subject to the following conditions, that is to say:— may enter on lands and take materials.

(1.) This section shall not apply in the case of any lands being an orchard, bleach-green, walled garden, haggard, or yard, or planted walk, lawn, demesne, or avenue to a mansion house:

(2.) This section shall not apply in case the occupier or owner of the lands shall not consent thereto, unless and until the sanitary authority or such contractor shall have obtained an order granting such power and authority as aforesaid from a justice of the peace sitting in petty sessions for the petty sessions district within which such lands are situate, which order such justice is hereby empowered to grant: Provided that a justice shall not grant such order unless after due notice to the occupier of such lands, nor unless he is satisfied that such gravel, stones, sand, or materials cannot be conveniently procured elsewhere:

(3.) The sanitary authority or such contractor shall make reasonable compensation to the occupier of said lands for the waste or injury committed by entering thereon, or by breaking the surface or making a passage through the lands; and to the owner and occupier, according to their respective interests therein, for the value of any gravel, stones, sand, or materials so taken. In case of disagreement the amount of such compensation shall be fixed by the county court judge for the division within which said lands are situate, whose order shall be enforceable in all respects as if same were a civil bill decree.

15. Where an improvement scheme confirmed by a provisional order made pursuant to the said Acts has become absolute, nothing in the said Acts contained shall be construed to prevent the sanitary authority from forthwith letting any allotment to an agricultural labourer and permitting such labourer to enter into occupation of the same, notwithstanding that the cottage to which the same is intended to be allotted has not yet been erected. The Land Law (Ireland) Act, 1881, shall not apply in the case of any such letting, which shall be deemed to be a letting for temporary convenience only, pending the erection of such cottage, and determinable at the end of any month, and shall be made as nearly as possible in the Temporary letting of allotments. 44 & 45 Vict. c. 49.

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manner and subject to the conditions prescribed by the thirteenth section of the Labourers (Ireland) Act, 1883.

46 & 47 Vict. c. 60.

Exchange of sites.

16. Notwithstanding anything contained in the Labourers (Ireland) Acts, 1883–1885, it shall be lawful for the Local Government Board of Ireland, upon the petition of a sanitary authority, or an owner of any site and plot proposed to be taken, to make an order that any site and plot included in a scheme made pursuant to either of the said Acts may be exchanged by such sanitary authority for another site and plot of equal area: Provided always, that the Local Government Board of Ireland shall not make any order under this section unless they are satisfied that the site and plot proposed to be substituted are as suitable as the site and plot sought to be abandoned, and unless they are satisfied that the proposed substitution is not objected to by the owner, lessee, or occupier of the site or plot proposed to be substituted; and the Local Government Board may refuse to confirm a scheme, or part of a scheme, where a petition against the scheme shall be signed and lodged by ratepayers whose holding or the aggregate of whose holdings are valued under the Acts relating to the valuation of rateable property in Ireland at three-fourths of the whole annual value of any electoral division or townland included in the scheme and defined in the petition against the scheme.

Power to remove officers.

17. Any officer or person appointed to any office or place under this Act or under the said Acts may be removed from such office or place by the Local Government Board for Ireland.

Repeal of 48 & 49 Vict. c. 77. s. 6.

18. The sixth section of the Labourers (Ireland) Act, 1885, shall be and is hereby repealed.

Act to apply to pending schemes.

19. This Act shall apply in the case of any improvement scheme or other proceeding under the said Acts pending at the date of the passing of this Act, notwithstanding that the same was initiated prior thereto.

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