CHAPTER cxcix.

An Act to confirm a Provisional Order made by the Local Government Board for Ireland concerning the Local Government of the Borough of Belfast. [28th July 1873.] A.D. 1873.

WHEREAS the Local Government Board for Ireland acting under the provisions of "The Local Government (Ireland) Act, 1871," as amended by "The Local Government Board (Ireland) Act, 1872," have made a provisional order concerning the local government of the borough of Belfast, which provisional order is set forth in the schedule to this Act annexed:

And whereas a provisional order made under the authority of the said Acts is not of any validity or force whatever until confirmed by Parliament:

And whereas it is expedient that the said provisional order should be confirmed by 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:

Order in schedule to be confirmed.

1. The said Order set forth in the schedule to this Act annexed shall be and the same is hereby confirmed, and all the provisions of the same shall from and after the passing of this Act have full validity and force.

Construction of clause 4. of Order.

2. In the construction of clause four of the said Order the provisions following shall be substituted for sub-sections four and twelve of the said clause, that is to say, instead of said sub-section four the provision following: "The fifth paragraph of section one hundred and sixty-seven of the Act of 1845 shall be amended by inserting the words 'of each street' immediately after the words 'left or near side' in said paragraph;" and instead of said sub-section twelve the provision following: "Section sixty of the said Act of 1865 shall be amended as follows, that is

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to say, by inserting after the words 'In case any such main 'sewer is constructed in the line of a street or road in which a 'sewer for the use of the buildings and lands fronting thereto 'or abutting thereon has not been then already constructed,' the words 'or in which, though there be an existing sewer, it is 'deemed by the corporation insufficient for the proper drainage of 'all the buildings and lands in such street;' and by adding at the end of said sixtieth section the following words: 'In case the 'estimated cost of the sewer shall exceed the actual expenses of 'the execution of the work, the corporation shall repay to each 'owner of such buildings and lands who shall have paid his pro-'portionate part of such estimated cost his proportionate part of 'such excess; and in case the actual expenses exceed the esti-'mated cost of the sewer, such excess shall, on demand, be paid 'by such owners to the corporation in the proportions in which 'they are charged by such Order, and such proportions may be 'recovered from such owners respectively as if they were part of 'the original sums charged on them by the said Order.'"

Exception of buildings of Belfast Harbour Commissioners.

3. The amendment in the said Order of section ninety-two of the Act of one thousand eight hundred and sixty-five shall not apply to buildings to be built or rebuilt by the Belfast Harbour Commissioners upon their own land for their own use or for public purposes.

Title of the Act.

4. This Act may be cited as "The Local Government Board (Ireland) Provisional Order (Belfast) Confirmation Act, 1873."

SCHEDULE.

BELFAST.

Provisional Order concerning the Local Government of the Borough of Belfast.

Whereas the mayor, aldermen, and burgesses of the borough of Belfast, acting by the town council, are the governing body of the borough of Belfast, within the meaning of the Local Government (Ireland) Act, 1871; and the following Local Acts, amongst others, are in force within said borough, that is to say, an Act passed in the session of the 8th and 9th years of Her Majesty's reign, entitled "An Act for the improvement of the borough of Belfast" (herein-after called the Act of 1845); "The Belfast Improvement Act, 1850" (herein-after called the Act of 1850); "The Belfast Borough Extension Act, 1853" (herein-after called the Act of 1853); "The Belfast Award Act, 1864" (herein-after called the Act of 1864); "The County Antrim and Belfast Borough Act, 1865" (herein-after called the Act of 1865); "The Belfast Burial Ground Act, 1866" (herein-after called the Act of 1866); and "The Belfast Borough Act, 1868" (herein-after called the Act of 1868):

And whereas the said governing body of the borough of Belfast (herein-after called the governing body) has duly presented a petition to the Local Government Board for Ireland, under the provisions of "The Local Government (Ireland) Act, 1871," and "The Local Government Board (Ireland) Act, 1872," praying that the said governing body may be empowered to put in force the provisions of "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Railways Act (Ireland), 1851," "The Railways Act (Ireland), 1860," "The Railways Act (Ireland), 1864," and "The Railways Traverse Act," (herein-after called the Lands Clauses Acts,) with respect to the purchase and taking of land otherwise than by agreement, with reference to certain lands therein and herein-after mentioned; and further praying that certain amendments should be made in the said Local Acts, and certain provisions made for carrying said Acts into effect, and that certain borrowing powers might be conferred on the said governing body:

And whereas it appears expedient to the Local Government Board for Ireland to make this Order upon the said petition; but this Order will not take effect unless and until it shall have been confirmed by an Act of Parliament:

Now, therefore, in exercise of the powers vested in the Local Government Board for Ireland by "The Local Government (Ireland) Act, 1871," and "The Local Government Board (Ireland) Act, 1872," and of all other powers and authorities in that behalf, the Local Government Board for Ireland hereby issues this Provisional Order, and hereby orders that from and after the passing of an Act of Parliament confirming this Order the said governing body shall possess the powers herein-after defined and described; and the amendments of the said Local Acts of Parliament, and the provisions for the future execution of the said Acts herein-after mentioned, shall be in force and take effect.

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1. The governing body shall be empowered to put in force the provisions of the Lands Clauses Acts, with respect to the purchase and taking of land otherwise than by agreement, with reference to the lands herein referred to; that is to say, that plot of ground and buildings in the townland of Townparks in the parish of Shankhill (otherwise Belfast) in the county of Antrim, lying within the borough of Belfast, at or near the junction of Peter Hill (otherwise the Shankhill Road) and the old Lodge Road, and delineated and described in the map annexed hereto: Provided that

1. The said lands shall be taken and used by the governing body for the purposes of the 63rd section of the Act of 1845, and accordingly such part of the said lands as the governing body shall think proper shall be cleared of buildings and laid into the said adjoining streets or roads, or either of them, for the purpose of widening the said streets or roads and rendering the same more commodious; and the surplus portion of the said lands not required for the purposes of said streets or roads shall be disposed of and used by the governing body in the manner herein-after mentioned and not otherwise:

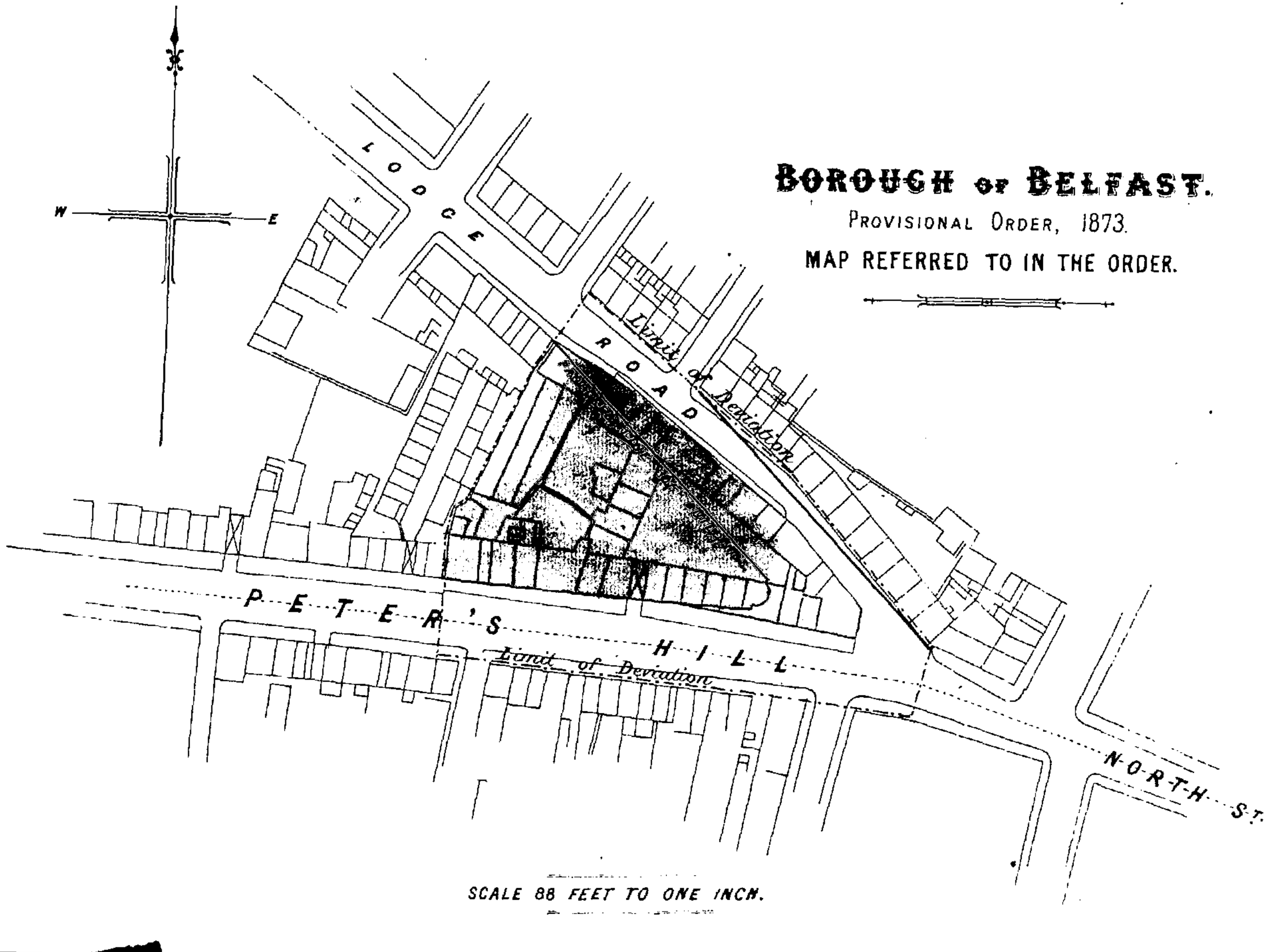
2. The purchase money of the said lands, and all interests therein and charges thereon, and all sums payable in respect of lands or buildings (if any) injuriously affected by the removal of buildings from said lands and laying same or any part thereof into said street or streets, and the costs and expenses of removing said buildings and of laying said land or any part thereof into the said street or streets, road or roads, and the costs and expenses of purchasing said land and of carrying out the powers of purchasing same herein-before conferred, shall be paid by the said governing body out of the rate levied or to be levied by them under the provisions of the said Acts of 1845, 1853, and 1864, and known as the police rate:

3. The governing body shall be authorised to use surplus lands taken and purchased as aforesaid, and not required for the purpose of the said streets, as a site for public baths and wash-houses to be erected by them in pursuance of the provisions of the Act of Parliament of the session of the 9th and 10th years of Her Majesty's reign, entitled "An Act for promoting the voluntary establishment in boroughs and certain cities and towns in Ireland of public baths and wash-houses;" and in such case it shall be lawful for the governing body to transfer to the credit of the said police rate, as the purchase money of such surplus land, such sum as the governing body shall consider to be the fair value of the same, such sum of money to be defrayed out of any rates levied under the last-mentioned Act of Parliament, or any other moneys properly applicable to the purchase money of the site of such baths and wash-houses; and in case the governing body shall not apply such surplus lands for the purposes aforesaid, such surplus lands shall be used by the governing body for some lawful public purpose hereafter to be approved of by the Local Government Board for Ireland.

BOROUGH OF BELFAST.

PROVISIONAL ORDER, 1873.

MAP REFERRED TO IN THE ORDER.



SCALE 88 FEET TO ONE INCH.

2. Whereas it is expedient that the governing body shall be empowered to borrow money for the purpose of permanently paving some of the streets of Belfast, the governing body shall (in addition to all other powers of borrowing now possessed by the said body) be empowered to borrow, on mortgage or mortgages of the general purposes rate levied by them under the Acts of 1865 and 1868, and to re-borrow from time to time, as occasion may require, such sum or sums of money, at such rate of interest and on such terms of repayment as the governing body shall think fit: Provided that

1. The sum or sums of money borrowed shall not exceed in the whole at any one time, the principal sum of 25,000*l.*:
2. The rate of interest on such mortgage or mortgages shall not exceed 5*l.* per centum per annum:
3. Each principal sum so borrowed, and all arrears of interest thereon, shall be paid off and discharged by the governing body out of and by means of the said general purposes rate within such period, not shorter than 15 years nor longer than 20 years from the time when such sum shall have been originally borrowed, as the said governing body shall think fit:
4. For the purposes of the power of mortgaging hereby conferred, the provisions of the "Commissioners Clauses Act, 1847," with respect to the mortgages to be executed by the commissioners, shall be deemed to be incorporated in this Order and the Act of Parliament confirming same so far as said provisions are not inconsistent with this Order; and the governing body shall, for the purpose of such incorporation, be deemed to be the commissioners mentioned in said "Commissioners Clauses Act, 1847," and the Act confirming this Order shall be deemed to be the special Act in said Act mentioned; provided that the prescribed part mentioned in the 86th section of the said Act shall be such part not exceeding one-fifteenth part nor less than one-twentieth part of each principal sum borrowed as aforesaid as the Governing Body shall from time to time think fit:
5. Mortgages executed in pursuance of the powers hereby conferred shall take priority next after all mortgages (if any) of the said general purposes rate existing at the time of the confirmation of this Order:
6. All moneys raised in pursuance of the powers of mortgaging herein-before conferred shall be applied by the governing body in permanently paving with square setts, or other suitable material, such of the streets of the borough of Belfast as the governing body shall from time to time think fit.

3. Whereas the governing body was authorised by the Act of 1866 to purchase certain lands for the purpose of a cemetery and to raise money for such purchase by mortgages of a borough rate to be levied under the provisions of "The Burial Grounds (Ireland) Act, 1856:" And whereas by the 10th section of the said Act of 1866 the governing body is authorised to sell lands purchased under the provisions of the said Act and not required or appropriated for the purpose of a burial ground, and by the 11th section of the said Act

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the council is required to apply the net moneys to arise from the sale of such surplus lands in reduction of the moneys borrowed for the purposes of the said Act: And whereas in pursuance of the provisions of the Act of 1866 and of the "Burial Grounds (Ireland) Act, 1856," the governing body has raised money on the security of the said rates and purchased said lands, and there is now due on foot of the moneys so raised the principal sum of 19,000*l.*, secured by a mortgage or mortgages of the said rates: And whereas the governing body has formed a cemetery of part of the lands so purchased, and the remainder of the said lands is not required for the purposes of such cemetery, and has been valued at the sum of 5,000*l.*: And whereas the land so remaining is suitable for the formation of a public park, to be formed under the provisions of "The Public Parks (Ireland) Act, 1869," and "The Public Parks (Ireland) Act, 1869, Amendment Act, 1872," and it is expedient that the following provisions be made for the future execution of the said Act of 1866: It is ordered, that the governing body shall be authorised to apply the said lands so remaining and not required for nor appropriated to the purposes of such cemetery for the purpose of a public park under the provisions of "The Public Parks (Ireland) Act, 1869," and "The Public Parks (Ireland) Act, 1869, Amendment Act, 1872," and shall be empowered to apply a sum of 5,000*l.*, to be raised under the provisions of the said last mentioned Acts, in part payment and discharge of the said sum of 19,000*l.*, and in relief of the rate on which said sum is charged, and that the 10th and 11th sections of the Act of 1866 shall be repealed.

4. The provisions herein-after contained shall be in force for the future execution of the said Acts of 1845, 1850, 1865, and 1868, and the said Acts shall be amended in the manner herein mentioned, that is to say :—

1. Every person violating or neglecting to comply with any of the provisions contained in the sections 104, 120, 121, 122, 123, 125, 126, 127, 128, 135, 142, 144, and 197 of the said Act of 1845, in sections 55 and 62 of the said Act of 1850, and in the section 95 of the said Act of 1865, or neglecting or refusing to obey any order of the governing body made under the powers conferred by any of said sections, shall forfeit a sum not exceeding forty shillings for every week during which any of said provisions or any such order shall be or continue violated or uncomplied with, or any such order shall be not obeyed by such person; and such penalty shall be recovered in the manner provided by the said Act of 1845 for the recovery of penalties imposed by that Act.
2. The provisions of section 135 of the said Act of 1845 shall extend to and include all stoves and furnaces and fireplaces erected or used for the purposes of trade or business.
3. Section 206 of the said Act of 1845 shall be repealed, and instead thereof it is ordered :—That it shall be lawful for the mayor of the said borough from time to time and as occasion shall require to make regulations for the route to be observed by carriages, carts, vehicles, horses, and persons through the streets within the said borough of Belfast, and for preventing the obstruction of the said streets in all times of

public processions, meetings, rejoicings, or illuminations, and, with the consent of the council, to make regulations for preventing the passage through such of said streets as he may consider likely to be obstructed thereby of loaded carts or waggons at such times, between the hours of 9 A.M., and 6 P.M., as he may think expedient, and also to give directions to the constables for keeping order, and for preventing any obstruction of the thoroughfares in the immediate neighbourhood of the courts, the town hall, the police courts, the theatres, and other places of public resort, and in cases where the streets or thoroughfares may be thronged or may be liable to be obstructed; and any person who shall be guilty of any breach of such regulations, or who shall not comply with the directions of any constable acting in pursuance thereof, shall for every such offence forfeit a sum not exceeding 5*l.*; and said penalty shall be recoverable in the manner provided by the said Act of 1845 for the recovery of penalties imposed by the said Act.

4. The fifth paragraph of section 107 of the Act of 1845 shall be amended by inserting the words "of each street" immediately after the words "left or near side" in said paragraph.

5. The 167th section of the Act of 1845 shall be amended by adding thereto and including amongst the offences therein specified the following:—

"Every person who shall cause or suffer any horse, animal, or vehicle "to stand on any footpath or crossing in any street within the "borough;" and the penalty or penalties imposed by the said section shall be incurred by every person committing such offence.

6. The 310th section of the Act of 1845 shall be amended by adding, after the words "and to revoke such licence if they shall think fit," the words "and every such licence so to be granted shall be signed by the town "clerk, and shall be in force only until the 31st day of December next "ensuing after the date thereof."

7. Section 316 of the Act of 1845 shall be amended by omitting therefrom the words "not being the actual dwelling-house of any person."

8. Section 330 of the Act of 1845 shall be amended by including chimney-sweeps amongst the persons thereby required to be licensed, and every person shall be licensed in the manner provided by the said section before acting as a chimney-sweep; and the penalties imposed by the 330th and 331st sections of said Act, in the case of any such person neglecting to register his license or acting without a license, shall apply respectively to chimney-sweeps neglecting to register or acting without license; and the 334th, 335th, 336th, and 337th sections of the said Act of 1845 shall apply to chimney-sweeps as well as to the other persons mentioned in said sections, and said sections shall be read and deemed to apply in all respects as if chimney-sweeps were included amongst the persons therein mentioned.

9. Sections 412 and 413 of the Act of 1845 shall be repealed, and in lieu thereof it is ordered:—That if any person shall feel aggrieved by any

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order, determination, or adjudication of any justice or justices (other than the determination of justices in petty sessions assembled on an appeal against a rate made under the authority of the said Acts or any others), or of the council under the provision of this Order, such persons may appeal to the general or quarter sessions of the borough; but no such appeal shall be entertained unless the person appealing shall comply with the following provisions:—

a. The person appealing shall, within seven days next after the making of the order, determination, or adjudication in question, give notice in writing to the town clerk that he intends to appeal against such order, determination, or adjudication to the Recorder's Court of the borough holden next after the expiration of ten days next following such notice:

b. And shall, along with such notice, furnish a statement in writing of the grounds of the appeal:

c. And shall, within four days after giving such notice, enter into a recognizance in the sum of 20*l.* before a justice, with two sufficient sureties, to prosecute such appeal and abide the order of the court, and pay any costs awarded by the court to be paid by the appellant:

d. And shall give to the town clerk two days' notice of the names and residences of the intended sureties, and of the time when and place where such recognizance is to be entered into:

e. And shall deposit such recognizance with the clerk of the peace of the borough within three days after it shall have been entered into:

And the said court to which such appeal shall be brought and mentioned in such notice, upon due proof of compliance on the appellant's part with the above-mentioned provisions, shall hear and determine the appeal, or the court may, if it think fit, adjourn the appeal to any future day or future sessions; and on hearing such appeal, the court shall make such order thereon, either confirming, quashing, modifying, or altering the order appealed from, and shall make such order as to costs of the appeal and the order appealed from, as to such court shall seem reasonable and just.

10. In addition to the provisions of section 101 of the Act of 1845, it is ordered:—That if any porch, shed, projecting window, tacklefall, step, cellar, door or window, sign, sign-post, sign-iron, show-board, crane, window-shutter, wall, gate or fence, or any other obstruction or projection shall, at any time after the confirmation of this Order, be built or erected over or upon any street or footpath, or any part thereof, in said borough, or placed against or in front of any house or building in or over any street or footway within said borough, without the special license of the council first obtained, it shall be lawful for the council to give notice in writing to the owner or occupier of said house or building to remove every such building or erection, projection, or thing, or otherwise alter the same in such manner as the council shall think fit; and such owner or occupier shall, within thirty days next

after the service of such notice upon him, remove every such matter or thing, or otherwise alter the same in such manner as shall have been directed by such notice; or in default thereof, such owner or occupier, as the case may be, shall forfeit a sum not exceeding forty shillings for every week during which such notice shall not have been fully complied with after the service of such notice.

11. Section 55 of the said Act of 1850 shall be amended by striking out the words "existing at the time of the passing of this Act," and substituting therefor the words "whether existing at the time of the passing of this "Act or at any time afterwards."

12. Section 60 of the said Act of 1865 shall be amended as follows, that is to say, by inserting after the words—"In case any such main sewer is "constructed in the line of a street or road in which a sewer for the use "of the buildings and lands fronting thereto or abutting thereon has not "been already constructed," the words "or in which, though there be "an existing sewer, it is deemed by the corporation insufficient for the "proper drainage of all the buildings and lands in such street;" and by adding at the end of said 60th section the following words—"In "case the estimated cost of the sewer shall exceed the actual expenses "of the execution of the work, the corporation shall repay to each "owner of such buildings and lands who shall have paid his proportionate "part of such estimated cost his proportionate part of such excess; "and in case the actual expenses exceed the estimated cost of the sewer, "such excess shall, on demand, be paid by such owners to the corpora-"tion in the proportions in which they are charged by such Order, and "such proportions may be recovered from such owners respectively as "if they were part of the original sums charged on them by the said "Order."

13. Section 62 of the said Act of 1865 shall be amended by adding thereto the words following—"Provided that no person shall be entitled to "make any objection at the said meeting who shall not have lodged "with the town clerk, at least three days before the day of such "meeting, a notice stating the name and address of the person intending "to make such objection, and the nature of the objections intended to "be made."

14. Section 92 of the said Act of 1865 shall be amended by omitting therefrom the words "abutting upon or being situate within 50 feet of any "street or road."

5. Whereas the governing body is authorised by the 27th section of the said Act of 1868 to order that one third of the costs of a sewer and sewers may be defrayed out of the general purposes rate levied under the said Acts of 1865 and 1868, and it is expedient that the governing body shall be empowered to raise the estimated amount of such one third of such cost, whether such sewer or sewers have been or shall hereafter be ordered to be made, by a mortgage or mortgages of the said general purposes rate: It is ordered that

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the governing body shall be empowered to borrow on mortgage of the said "general purposes rate," and re-borrow from time to time as occasion may require, such sum or sums of money not exceeding one third of the estimated cost of such sewer or sewers, at such rate of interest and upon such terms as to repayment as the governing body shall from time to time think fit, subject to the following provisions:—

1. The total amount of the principal moneys to be due and owing or borrowed at any one time shall not exceed in the whole the principal sum of 15,000*l.*:
2. The rate of interest of such mortgages or mortgage shall not exceed 5*l.* per centum per annum:
3. Section 159 of "The Towns Improvement Clauses Act, 1847," shall be incorporated with this Order and with the Act of Parliament confirming this Order, so far as the said section is not inconsistent with the express provisions of the said Acts of 1865 and 1868, and of this Order; and for the purpose of such incorporation the words the "general and special sewer rates" in the said incorporated section shall mean the said "general purposes rate," and the "commissioners" in said incorporated section shall mean the said "governing body:"
4. All mortgages of the said "general purposes rate," executed in pursuance of the powers hereby conferred, shall be deemed all to be in the same priority and in the same priority as all other mortgages of the said general purposes rate, executed in pursuance of powers contained in or conferred by this Order and the Act confirming this Order; and all such mortgages shall take priority next after the mortgages (if any) affecting the said general purposes rate at the time when this Order shall take effect.

6. The costs, charges, and expenses of and incident to applying for, obtaining, and confirming this Order, including therein all costs, charges, and expenses incurred in relation to this Order by the Local Government Board, shall be paid by the governing body out of the rates levied under the said Acts of 1845, 1864, 1865, and 1868, or any of them.

Given under our hands and seal of office this sixteenth day of May one thousand eight hundred and seventy-three.

A. Power,
Vice-President.

(L.S.)

J. McDonnell,
R. M. Bellew,
Commissioners.

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