CHAPTER civ.

An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Waterworks in the town of Dundalk. [14th July 1884.]

A.D. 1884.

WHEREAS the Local Government Board for Ireland have, as regards the town of Dundalk, made the Provisional Order set forth in the Schedule hereunto annexed, under the provisions of the Public Health (Ireland) Act, 1878:

41 & 42 Vict. c. 52.

And whereas it is requisite that the said 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:

The Provisional Order in Schedule confirmed.

1. The Order set out in the Schedule hereunto annexed shall be and the same is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (Dundalk Waterworks) Act, 1884.

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SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

DUNDALK WATERWORKS.

Provisional Order.

WHEREAS the Town Commissioners of Dundalk, in the county Louth, being the urban sanitary authority of the urban sanitary district consisting of the said town, and being about to construct waterworks for the purposes of the said district, have presented a petition to the Local Government Board for Ireland, in pursuance of the Public Health (Ireland) Act, 1878, praying that they, as such sanitary authority, may be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement with respect to certain lands and premises required for the purposes of the said works:

41 & 42 Vict. c. 52. ss. 61, 202, and 203.

And whereas the First Schedule to the said petition (herein-after called the said Schedule) sets forth the lands required to be taken for the purposes of the said works, and also includes certain rights to take and abstract water:

And whereas the said urban sanitary authority have deposited in the Office of the Local Government Board for Ireland plans showing the said lands, which are herein-after called the deposited plans:

And whereas all notices and advertisements required by the Public Health (Ireland) Act, 1878, having been previously duly published, served, and given, the Local Government Board for Ireland have caused a local inquiry to be made as to the propriety of assenting to the prayer of the said petition:

And whereas on the said inquiry it was agreed between the said town commissioners and the Great Northern Railway Company of Ireland that clauses should be inserted for the protection of the said company in the Order to be made by the Local Government Board for Ireland upon the said petition of the said urban sanitary authority; and the said Local Government Board for Ireland think fit that the said sanitary authority should be empowered to put in force, with reference to the said lands and premises, the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, subject to such conditions for the protection of the said company as are contained in the clauses contained in this Order relating to the said company, and which are included amongst those so agreed upon:

41 & 42 Vict. c. 52. s. 203. sub-section 5.

It is ordered by the Local Government Board for Ireland as follows:

Compulsory powers to take land and certain water rights.

1. From and after the time of the confirmation of this Order by Act of Parliament, the said urban sanitary authority shall be empowered to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement with respect to the lands and premises and rights to take and convey water described in the said Schedule, and also described in the said deposited plans.

Protection of the Great Northern (Ire

2. In constructing and maintaining any conduits or other works required for the purposes of the said waterworks, and passing or intended to pass under

or over the railway of the Great Northern Railway (Ireland) Company, or in any way interfering with any lands, rails, sidings, or stations of the said railway, or in any way interfering or intended to interfere with the undertaking of the said company, (all which things are included, for the purposes of this section, in the word "railway,") the said urban sanitary authority shall observe the following conditions for the protection of the said railway:

1. All works under or over or affecting the said railway shall be executed and maintained at the expense of the said urban sanitary authority under the superintendence and to the satisfaction of the engineer-in-chief for the time being of the said railway company, and according to plans and specifications previously submitted to the said chief engineer and approved of by him in writing: Provided that if the said chief engineer shall not have expressed his approval or disapproval of the said plans and specifications within one month after the same shall have been submitted to him he shall be deemed to have approved thereof.
2. The said works shall be constructed and maintained so that the railway shall not be injured or damaged, or the traffic thereon impeded, interfered with, or interrupted; and if by reason of the construction and maintenance of the said works, or any of them, the said railway or the works connected therewith shall be injured or damaged, the said urban sanitary authority shall compensate the railway company for all costs and expenses to which they may be put in repairing such injury or damage.
3. If by reason of the construction or maintenance of the said works, or of any of them, the traffic on the said railway shall be impeded, interfered with, or interrupted, the said urban sanitary authority shall also indemnify the said railway company for any damage or compensation which may be recovered against them, and for any loss, costs, or expenses which they may be at or suffer by reason of such interruption of or interference with the traffic on the said railway, or by reason of any accident on or connected with the said railway which shall have been occasioned by the acts or defaults of the urban sanitary authority, or of their contractors or servants.
4. In case the said railway company shall at any time hereafter obtain power to close the public level crossing over their railway in the townland of Upper Faughart, in the county of Louth, or to divert the same, or be desirous to alter the line of railway at any other place where the conduits or other pipes of the urban sanitary authority may enter on or cross their railway, the railway company may, on giving fourteen days previous notice in writing to the said urban sanitary authority, lift and remove such conduits or other pipes, or such of them as it may be necessary to lift and remove for the purpose of closing such level crossing or otherwise altering the line of the said railway; and the said railway company shall thereupon relay the said conduits and other pipes in a good and

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substantial manner, so as to cause no interruption of the flow of water through the same, to the satisfaction of the engineer for the time being of the said urban sanitary authority.

5. Any difference which may arise between the engineer of the said urban sanitary authority and the chief engineer of the said railway company concerning the said plans or specification, or the execution of the said works, shall from time to time be settled by an umpire to be agreed on by the said two engineers, or, in default of such agreement, to be appointed by the Board of Trade upon the application of either party, and the provisions of the Railways Clauses Consolidation Act, 1845, with respect to the settlements of disputes by arbitration shall apply to such arbitration, and to the appointment and authority of the umpire, as appointed by the said engineers or by the Board of Trade; that is to say, each engineer shall be deemed to be the arbitrator named in pursuance of section 126 of the said Act by the Railway Company and the sanitary authority respectively, and the two engineers shall proceed to appoint an umpire, and to adjudicate upon the matter in dispute, in the manner provided by the said Act; and in default of an appointment of an umpire by the said engineers the said Board of Trade shall appoint an umpire in the manner provided by section 129 of the said Act, and such umpire shall have in respect of such disputes or difference the powers defined and given to an umpire by the said part of the said Act.

Interpretation of terms.

3. In this Order the expression the "Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Railways Act (Ireland), 1864; and the Railways Traverse Act. And the term "land" in the said Acts shall, for the purposes of this Order, extend to and include lands, easements, lands covered with water, and right to take and convey water.

Duration of Order.

4. The compulsory powers of purchase given by this Order shall not be exercised after the expiration of three years from the time of the confirmation of this Order by Parliament.

Short title of Order.

5. This Order may be cited and referred to for all purposes as the Dundalk Waterworks Provisional Order, 1884.

Sealed with our seal, this twenty-third day of April in the year of our Lord one thousand eight hundred and eighty-four.

(Signed) HENRY ROBINSON.
CHARLES CROKER-KING.

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