CHAPTER clxix.

An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Killiney and Ballybrack. A.D. 1889.

[12th August 1889.]

WHEREAS the Local Government Board for Ireland have made the Provisional Order which as amended is 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 as amended 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:

1. The Order as amended and 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. Order in schedule confirmed.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (Killiney and Ballybrack) Act, 1889. Short title.

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SCHEDULE.

Killiney and Ballybrack.

KILLINEY AND BALLYBRACK TOWNSHIP.

The Local Government Board for Ireland.

Provisional Order.

WHEREAS the township commissioners of the township of Killiney and Ballybrack, in the county of Dublin (herein-after called the urban sanitary authority), are the urban sanitary authority of the urban sanitary district consisting of the said township, and have made an application to the Local Government Board for Ireland (herein-after called the Local Government Board), for a Provisional Order in pursuance of section 206 of the Public Health (Ireland) Act, 1878, to transfer from the grand jury of the county Dublin the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the said district vested in the said grand jury under any Act or Acts, and prevent the said grand jury after such transfer from making any presentment with regard to any road, bridge, footpath, or other public work within such district, and for other purposes :

And whereas all advertisements and notices required by the Public Health (Ireland) Act, 1878, having been previously duly published, served, and given, the Local Government Board has caused a local inquiry to be made into the matter of the said application, and it appears to the said Board to be proper to make this Provisional Order in relation to the said application :

And whereas an application has been made to the said grand jury, but the said grand jury has not consented to the making of this Provisional Order, but the Local Government Board, on special grounds, has thought fit to make this Provisional Order :

It is ordered by the Local Government Board as follows :—

Transfer of jurisdiction over roads, bridges, &c. from grand jury to the urban sanitary authority.

1. From and after the time of the confirmation of this Order by Parliament, all jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works (except public works chargeable to the county at large) within the said urban sanitary district, vested in the grand jury of the county of Dublin under any Act or Acts, shall be transferred from the said grand jury to the urban sanitary authority. After such transfer it shall not be lawful for the said grand jury to make any presentment with regard to any road, bridge, footpath, or other public work within the said district (except public works chargeable to the said county at large), and the said urban sanitary district shall not be liable to pay any contribution to the cost of making or maintaining roads, bridges, or footpaths in the part of the barony of Rathdown (wherein the said urban sanitary district is situated), surrounding or adjoining the said district, but nothing herein contained shall affect or interfere with the control, rights, liabilities, and powers of the respective grand juries of the city and county of Dublin to contract for the maintenance and repair of the road from Dublin to Blackrock, or exempt the said urban sanitary district from liability to contribute to or pay to the grand

jury of the county of Dublin so much of the one-third part of the cost of maintaining and repairing the said road from Dublin to Blackrock described in the Act 7 and 8 Victoria, chapter 106, section 117, and thereby made chargeable upon the said barony of Rathdown as the valuation of the lands and premises comprised within the sanitary district bears to the gross valuation of the barony of Rathdown. For the purposes of this Order the roads or portions of roads described in the Order of the Lord Lieutenant of Ireland of the 12th day of June 1866, and published in the Dublin Gazette of the 15th day of June of the same year, as forming boundaries of the township of Killiney and Ballybrack between the said township and the portion of the barony of Rathdown outside the said township shall, for the entire width of the said roads or portions of roads, be deemed to be included within the said township of Killiney and Ballybrack.

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Provision for levying grand jury cess due at the time of the making of this Order, and for the performance of existing contracts.

2. This Order shall not affect in any way the levying and the enforcement of the payment of grand jury cess or of arrears, if any, of grand jury cess due in respect of presentments made before the time of the confirmation of this Order, nor shall this Order affect any contract for the execution of any public work within the said urban sanitary district in force and unperformed at the time of the confirmation of this Order. All such contracts shall be executed and carried out in all respects as such contracts should have been executed and carried out if this Order had not been made: Provided always, that all moneys payable in respect of such contracts after the time of the confirmation of this Order and not provided for by presentments for payment made before such time shall be lodged by the urban sanitary authority in the Bank of Ireland to the credit of the finance committee of the grand jury of the county Dublin, to be applied by the said committee in payment of the moneys which shall so become due in respect of such contracts.

Contribution of urban sanitary authority to county at large charges, except the salaries of county surveyors and their assistants.

3. From and after the time of the confirmation of this Order by Parliament, the urban sanitary authority shall contribute to each presentment made by the grand jury of the county of Dublin, and charged on the said county at large (except the salaries of the county surveyors and their assistants), a sum bearing the same proportion to the total amount of each presentment as the valuation, in pursuance of the Acts for the valuation of rateable property in Ireland, within the said urban sanitary district, bears to the total amount of such valuation of rateable property in the whole of the said county. The secretary of the grand jury of the said county shall, in each year, when making out, in pursuance of the Act 7 and 8 Victoria, chapter 106, section 97, an estimate of the amount to be raised in each barony of the county of Dublin, to defray its proportion of the county at large presentments made during each presenting term, also make out a separate estimate of the amount to be contributed in each year by the urban sanitary authority to such county at large presentments, and also an estimate of the amount to be contributed in each year by the urban sanitary authority in respect of the said Blackrock Road, calculated in the manner herein-before mentioned, and he shall lay the same before the finance committee of the said grand jury at their first meeting, with the estimate of the amount to be raised and levied in respect of presentments laid by him before the said finance committee in pursuance of the said section, and the said finance committee shall thereupon consider and revise such estimate of the amount to be contributed by the urban sanitary authority, and declare the amount to be con-

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tributed during the ensuing year by the urban sanitary authority, on account of charges on the county at large and the said road; and thereupon the said finance committee shall issue a separate warrant or separate warrants under the hand and seal of the chairman of the said committee, and countersigned by the secretary of the grand jury, and within ten days after the making thereof shall deliver at the office of the urban sanitary authority a copy of the warrant or warrants, and the urban sanitary authority shall pay the amounts set forth in the said warrant or warrants to the finance committee for the time being of the grand jury of the county of Dublin in two equal payments, one within two months after the delivery of the copy of the said warrant or warrants, and the other within eight months after the delivery thereof.

Manner of enforcing payment.

4. In case either payment be not made to the finance committee of the grand jury of the county of Dublin within the prescribed period they may transmit a copy of the warrant or warrants to the collector of the barony of Rathdown, adding thereto a sum not exceeding two shillings in the pound for the expenses of applotting and collecting the amount therein expressed, and the collector shall thereupon proceed to have the same applotted upon the ratepayers of the said urban sanitary district, and may and shall levy and recover the same in like manner as is provided by the Acts 6 & 7 Will. 4. c. 116. and 7 & 8 Vict. c. 106., and shall have the like powers of applotting, levying, and recovering the same as are given by those Acts or any other Acts now in force and applicable in that behalf as fully to all intents and purposes as if this Order had not been made.

Increase of rating power of the urban sanitary authority.

5. And whereas the maximum amount of rates authorised to be levied by the urban sanitary authority is insufficient to defray the expenses consequent upon and incident to the transfer herein-before mentioned of the said jurisdiction, power, and authority of the grand jury to the urban sanitary anthority: It is further ordered that from and after the confirmation of this Order by Parliament the urban sanitary authority shall be authorised from time to time, once in each year, to raise and levy, in addition to and in excess of all other rates leviable by the urban sanitary authority, a further rate not exceeding in each year 2*s.* in the pound, on the valuation under the Acts for the valuation of rateable property in Ireland, of the rateable property in the said urban sanitary district, which rate shall be leviable along with the general rate of the said township, and shall, for the purposes of being assessed, raised, and levied, be deemed to be an addition to the general rates levied by the urban sanitary authority in pursuance of the Towns Improvement (Ireland) Act, 1854, section 60, and such increased rate shall be assessed, raised, and levied in the like manner in all respects as such general rates are assessed, raised, and levied: Provided always, that the sums from time to time payable by the urban sanitary authority as a contribution to the amount of the county at large presentments for the county of Dublin shall be deemed to be the first charge on all moneys collected by the urban sanitary authority in respect of such rate, and shall be paid accordingly by the urban sanitary authority.

Cost and expenses of Order.

6. The cost and expenses of and incident to the application for making and confirmation by Parliament of this Order shall be paid by the urban sanitary authority out of and by means of the rate leviable by them in pursuance of the said 60th section of the Towns Improvement (Ireland) Act, 1854: And the urban sanitary authority may, with the consent of the Local Government Board

for Ireland, contract a loan for the purpose of paying the costs and expenses of and incident to the application for making and confirmation by Parliament of this Order, and for that purpose may mortgage or charge all or any of the rates which they are authorised to levy Provided always, that such loan shall be repaid and extinguished within such period not exceeding fifteen years from the borrowing of the same in such manner and on such conditions as the Local Government Board for Ireland may determine on authorising the same.

Short title of Order.

7. This Order may be cited for all purposes as the Killiney and Ballybrack Provisional Order, 1889.

Given under our hands and seal of office this sixth day of May, in the year of our Lord One thousand eight hundred and eighty-nine.

(L.S.)

George Morris.
F. MacCabe.

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