CHAPTER clxxvi.

An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to Listowel Waterworks. A.D. 1889.

[26th August 1889.]

WHEREAS the Local Government Board for Ireland have 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, and that the provisions herein contained should be enacted with reference to the said Order:

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 confirmed.

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.

Restriction of power to take houses of labouring class. 41 & 42 Vict. c. 52.

2. The sanitary authority mentioned in the said Order shall not, under the powers of this Act or of the said Order, without the consent of the Local Government Board for Ireland, purchase or acquire in any city, town, township, or other urban sanitary district as defined by the Public Health (Ireland) Act, 1878, or in any electoral division, or part of an electoral division, or parish, or part of a parish not being within an urban sanitary district, ten or more houses which after the passing of this Act have been, or on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers.

[*Price* 3*d*.]

A.D. 1889.

For the purposes of this section the expression "labouring class" includes mechanics, artizans, labourers, and others working for wages, hawkers, costermongers, persons not working for wages but working at some trade or handicraft without employing others except members of their own family, and persons, other than domestic servants, whose income does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

Short title.

3. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (Listowel Waterworks) Act, 1889.

SCHEDULE.

LISTOWEL WATERWORKS.

Listowel.

The Local Government Board for Ireland.

Provisional Order.

WHEREAS there are, in the town of Listowel, in the county Kerry, town commissioners under the Towns Improvement (Ireland) Act, 1854, and the said town has been constituted an urban sanitary district by the "Listowel Provisional Order, 1883," confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Carlow, Listowel, and Newtownards) Act, 1883, and the town commissioners are a body corporate for the purposes of the Public Health (Ireland) Act, 1878, under the title of the sanitary authority of the said sanitary district, and are herein-after called the sanitary authority:

17 & 18 Vict. c. 103. 46 & 47 Vict. c. lxxxiii. 42 & 43 Vict. c. 57. s. 2.

And whereas the sanitary authority is about to construct waterworks for the purpose of supplying the said sanitary district with water for drinking and domestic purposes, and has presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) in pursuance of the provisions of the Public Health (Ireland) Act, 1878, praying that the sanitary authority may be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, with reference to certain lands, water-rights, and premises required for the purposes of the said works:

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

And whereas the sanitary authority has deposited at the office of the Local Government Board in Dublin a plan and book of reference (herein-after called the deposited plan and book of reference) showing the works intended to be executed, and the lands, water-rights, and premises aforesaid:

And whereas all advertisements and notices required by the Public Health (Ireland) Act, 1878, having been previously published, served, and given, the Local Government Board has caused a local inquiry to be made as to the propriety of assenting to the prayer of the said petition, and it appears to the said Board to be proper to assent thereto, except so far as relates to certain lands and water-rights herein-after particularly described:

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

Compulsory powers to take land and water-rights.

1. From and after the time of the confirmation of this Order by Parliament, the sanitary authority shall be empowered to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of lands otherwise than by agreement, with respect to the lands, easements, lands covered with water, and rights to take and convey water, described in the deposited plan and book of reference, except the lands and premises marked H. in the plan and described in the book of reference as disused mill-stream and bank of same.

A.D. 1889.

Listowel.

Provided always that the sanitary authority shall not, without the consent in writing of Richard Latchford or other the owner for the time being of the Listowel Mills, make use of the powers of this Order, or of works constructed on any land acquired under the powers of this Order, to deliver from the intended reservoir of Ballygrenane Hill or any other reservoir, or in any other way, a larger quantity of water than one hundred thousand gallons in any one day of twenty-four hours. The quantity of water to be delivered shall be ascertained by meter to be erected and maintained by the sanitary authority, and open at all reasonable times to the inspection of the said Richard Latchford, or other such owner as aforesaid, or any inspector appointed by them.

Interpretation of terms. 8 & 9 Vict. c. 18. 23 & 24 Vict. c. 106. 14 & 15 Vict c. 70. 23 & 24 Vict. c. 97. 27 & 28 Vict. c. 71. 31 & 32 Vict. c. 70.

2. In this Order the term "the Lands Clauses Acts," means the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts 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 words "land" and "lands" in the said Acts shall, for the purposes of this Order, extend to and include lands, easements, lands covered with water, water, and rights to take and convey water.

Duration of Order.

3. The compulsory powers of purchasing and taking land 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.

Costs and expenses of Order.

4. All the costs, charges, and expenses of and incidental to the application for preparing, obtaining, and confirming this Order, and otherwise in relation thereto, shall be paid by the sanitary authority.

Short title of Order.

5. This Order may be cited and referred to for all purposes as the Listowel Waterworks Provisional Order, 1889.

Given under our hands and seal of office, this seventh 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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