CHAPTER xviii.

An Act to confirm a Provisional Order made by the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Lisburn. [18th June 1894.]

A.D. 1894.

WHEREAS the Local Government Board for Ireland have made the Provisional Order set forth in the schedule hereto, 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:—

Order in schedule confirmed.

1. The Order set out in the schedule hereto is hereby confirmed, and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (No. 4) Act, 1894.

[*Price* 3*d.*]

A.D. 1894.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Lisburn.

TOWN OF LISBURN.

PROVISIONAL ORDER.

17 & 18 Vict. c. 103.

WHEREAS the Town Commissioners of the town of Lisburn, elected in pursuance of the Towns Improvement (Ireland) Act, 1854 (herein-after called the sanitary authority), are the urban sanitary authority of the urban sanitary district, consisting of the said town, which is situate in the barony of Upper Massereene, in the county Antrim, and in the barony of Upper Castlereagh, in the county Down:

41 & 42 Vict. c. 52.

And whereas the sanitary authority 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 the Public Health (Ireland) Act, 1878, to transfer from the grand juries of the said counties to the sanitary authority the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the said district vested in the said grand juries respectively under any Act:

41 & 42 Vict. c. 52.

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 have caused a local inquiry to be made in pursuance of the provisions of the said Act:

And whereas the said grand juries respectively have, by presentment, consented to the making of this Order:

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

Transfer to the urban sanitary authority of the powers of the grand juries with respect to roads, bridges, footpaths, and public works.

1. From and after the confirmation of this Order all jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the said urban sanitary district (except public works chargeable to the counties of Antrim and of Down, respectively, at large) vested in the grand juries of the counties of Antrim and of Down respectively under any Act, shall be transferred from the said grand juries respectively, to the sanitary authority: And after such transfer it shall not be lawful for either of the said grand juries to make any presentment with regard to any road, bridge, footpath, or other public work within the said district, except presentments chargeable upon the said counties of Antrim or of Down, as the case may be, at large: And lands and premises within the said urban sanitary district shall not be liable to grand jury cess, save in the cases herein-after mentioned.

Contribution of the sanitary authority to county at large charges.

2. From and after the confirmation of this Order the secretary of the grand jury of each of the counties of Antrim and of Down respectively shall, immediately after each assizes, furnish to the clerk of the sanitary authority a certificate in writing, signed by such secretary, stating the amount which the sanitary authority shall be liable to contribute to the expense of public works chargeable to the counties of Antrim and of

Down, respectively, at large, in respect of presentments made at such assizes—such proportions of county at large charges to be calculated as follows :—

The amount certified by the secretary of the grand jury of each county shall bear the same proportion to the whole amount of the county at large presentments at each assizes as the valuation of the rateable hereditaments in the part of the said town lying within such county shall bear to the total amount of the valuation of such county. The sanitary authority shall within thirty days after the delivery of each such certificate pay the amount thereof to the banking company acting as treasurer of such county, and the receipt of the proper officer of such banking company shall be a sufficient discharge for the same. If the sanitary authority shall at any time fail to lodge within the time herein-before mentioned the amount so certified by the secretaries of the said grand juries, or either of them, the liability of owners and occupiers of premises within the said district to pay grand jury cess in respect of such premises shall be revived to the extent necessary for levying the sum so certified, and such owners and occupiers shall be liable to pay grand jury cess in respect of the presentments included in such certificates, and such payments shall be enforced in the same manner in all respects as if this Order had not been confirmed.

Contribution of sanitary authority to roads, bridges and public works in the baronies of Upper Massereene and Upper Castlereagh.

3. From and after the confirmation of this Order the sanitary authority shall contribute to the making and maintaining of roads, bridges, and footpaths (not being chargeable to the county at large), situate in the portion of the barony of Upper Massereene, in the county of Antrim, lying outside the sanitary district, the annual sum of one hundred and sixty pounds, and to the making and maintaining of roads, bridges, and footpaths (not being chargeable to the county at large), situate in the portion of the barony of Upper Castlereagh, in the county of Down, lying outside the sanitary district, the annual sum of thirty pounds. The said sums of one hundred and sixty pounds and of thirty pounds respectively shall be paid to the respective banking companies acting as treasurers for each of the said counties within one month after the day fixed for the payment of the general assessment rate in the said urban sanitary district in each year, and the receipt of the respective proper officers of the said banking companies shall be a sufficient discharge for the same.

Power to traverse presentments.

4. In the case of any presentment to which, if fiated, the sanitary authority would be bound to contribute under the terms of this Order, and also in all cases of presentments made for making or maintaining roads, bridges, or footpaths in the portions of the said baronies of Upper Massereene and Upper Castlereagh lying outside the sanitary district, the sanitary authority may traverse such presentment, and such traverse shall be dealt with and tried in all respects in the same manner as other traverses of presentments.

Provision for arrears of grand jury cess, and pending contracts,

5. This Order shall not affect the levying or enforcing payment of arrears (if any) of grand jury cess due at the time of the confirmation of this Order. In cases of contracts for works to be executed wholly or partly in the sanitary district, entered into before the confirmation of this Order,

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and then wholly or partly unperformed, every such contract shall be performed and carried out in all respects in the same manner as it should have been performed and carried out if this Order had not been confirmed, and the amounts payable to contractors and others by the sanitary authority in pursuance of such contracts shall in each year be ascertained and certified as follows:—In the case of any contract relating to works in the county of Down the amount payable shall be ascertained by the county surveyor of the said county and the town surveyor of the town of Lisburn, who shall certify the amount. In case of any difference between the said surveyors the matter shall be referred to the county surveyor of the county of Antrim, who shall ascertain and certify the amount to be paid. In like manner in the case of any contract relating to works executed in the county of Antrim the amount payable shall be ascertained and certified by the county surveyor of the said county and the said town surveyor, and in case of any difference between them the matter shall be referred to the county surveyor of the county of Down, who shall ascertain and certify the amount to be paid. In all such cases the amount so certified shall be added to the amount of the certificates furnished by the respective secretaries of the grand juries in pursuance of clause 2 of this Order, and shall be paid accordingly by the sanitary authority.

Expenses of executing Order.

6. The expenses incurred by the sanitary authority in exercising the power, jurisdiction, and authority transferred to them by this Order, and in making the payments herein-before mentioned, shall be defrayed by them out of and by means of a rate to be assessed and made payable in the same manner as is provided by the sixtieth section of the Towns Improvement (Ireland) Act, 1854, with respect to general assessments, provided that such assessment shall not in any one year exceed the rate of three shillings in the pound.

17 & 18 Vict. c. 103.

Cost of Order.

7. The costs of the sanitary authority of and incidental to the application for and preparation of this Order, and of obtaining the confirmation thereof, shall be paid by the sanitary authority out of and by means of the said general assessment.

Short title of Order

8. This Order may be cited and referred to for all purposes as the Lisburn Town Provisional Order, 1894.

Given under our Hands and Seal of Office this Twenty-second day of March, in the year of Our Lord One thousand eight hundred and ninety-four.

(L.S.) (Signed) F. MacCabe.
H. A. Robinson.

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