CHAPTER cl.

An Act to confirm a Provisional Order made by the Local Government Board for Ireland relating to the Town of Dundalk. [21st July 1891.]

A.D. 1891.

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:

1. The Order set out in the schedule hereto shall be and the same is hereby confirmed, and shall be construed as part of this Act, and all the provisions thereof shall have full validity and force. Order in schedule confirmed.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (No. 5) Act, 1891. Short title.

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SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

DUNDALK JOINT BURIAL BOARD.

PROVISIONAL ORDER.

WHEREAS the Town Commissioners of the Town of Dundalk (herein-after called the Urban Sanitary Authority) are the Urban Sanitary Authority of the Urban Sanitary District (herein-after called the Urban Sanitary District), consisting of the said Town, and are incorporated under the title of the Sanitary Authority of the said Town:

42 & 43 Vict. c. 57. s. 2.

41 & 42 Vict. c. 52. s. 6.

And whereas the Guardians of the Poor of the Dundalk Poor Law Union are the Rural Sanitary Authority (herein-after called the Rural Sanitary Authority) of the Rural Sanitary District (herein-after called the Rural Sanitary District), consisting of the said Union (except the parts thereof included in the Urban Sanitary District):

41 & 42 Vict. c. 52. s. 12.

And whereas an application has been made to the Local Government Board for Ireland (herein-after called the Local Government Board) by the Urban Sanitary Authority in pursuance of the 12th section of the Public Health (Ireland) Act, 1878, to form a United District and to constitute a Joint Burial Board for the purpose of providing a new Burial Ground, such United District to consist of the Urban Sanitary District and of the Dundalk Electoral Division of the said Union, except the part thereof included in the Urban Sanitary District:

And whereas after due inquiry it appears to the Local Government Board that it will be for the advantage of the Urban Sanitary District, and of the said part of the Rural Sanitary District, that they should be formed into a United District for the purposes and in the manner herein-after provided, and all advertisements required by the Public Health (Ireland) Act, 1878, have been duly published:

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

Constitution of United District.

1. From and after the time of the confirmation of this Order by Parliament, the Urban Sanitary District, and the part of the Rural Sanitary District included in the Electoral Division of Dundalk, shall be formed into a United District (herein-after called the United District), in pursuance of the 12th section of the Public Health (Ireland) Act, 1878, for the purpose of providing a new Burial Ground and of acquiring Land therefor.

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Constitution of Governing Body of United District.

2. The governing body of the United District shall be a Joint Board (hereinafter called the Joint Board), to be constituted as follows :—

The Joint Board shall consist of ten ex-officio and ten elective members: of the ten ex-officio members, three shall be Guardians of the Poor of the Dundalk Union, nominated annually by the Rural Sanitary Authority, and seven shall be Town Commissioners of the Town of Dundalk, nominated annually by the Urban Sanitary Authority.

Each elective member shall be a person rated in respect of premises in the United District of the annual value of £20 or upwards.

Seven elective members shall be annually elected by the Urban Sanitary Authority and three elective members shall be elected annually by the Rural Sanitary Authority.

First nomination and election of Members of Joint Board by Urban Sanitary Authority.

3. The first election of elective members and nomination of ex-officio members of the Joint Board by the Urban Sanitary Authority shall take place at an ordinary meeting of the Urban Sanitary Authority, to be held within two months after the time of the confirmation of this Order by Parliament. The meeting at which such election and nomination shall take place shall be fixed by a resolution of the Urban Sanitary Authority passed at a previous meeting of the said Authority. Such resolution may be passed without any previous notice. Seven days' notice at least shall be given by the Clerk of the Urban Sanitary Authority to each of the Town Commissioners of the Town of Dundalk of the day on which such first election and nomination shall take place.

First nomination and election of Members by the Rural Sanitary Authority.

4. The first election of elective members and nomination of ex-officio members of the Joint Board by the Rural Sanitary Authority shall take place at an ordinary meeting of the Rural Sanitary Authority to be held within two months after confirmation of this Order by Parliament. The day of such meeting shall be fixed at a previous meeting of the Rural Sanitary Authority by a resolution which may be passed without any previous notice. Seven days' notice at least of the day of such first election and nomination shall be given by the Clerk of the Rural Sanitary Authority to each of the Guardians of the Poor of the said Union.

Annual nomination and election of members.

5. After the first election and nomination of members of the Joint Board an election and nomination of members of the said Board by the Urban and Rural Sanitary Authorities, respectively, shall take place at the meeting of each of the said Authorities which shall take place next after the 8th day of April in each year after such first election and nomination.

Continuance in office of elective and ex-officio members.

6. Each ex-officio member of the Joint Board shall continue in office until he dies or resigns, or until he ceases to be a member of the body by which he has been nominated, or until the next annual nomination of ex-officio members of the Joint Board by that body. Each elective member of the Joint Board shall continue in office until he dies or resigns, or until the next annual election of members of the Joint Board by the Body by which he has been elected.

Filling casual vacancies in Joint Board.

7. Casual vacancies in the Joint Board shall be filled up as follows :—The Urban Sanitary Authority or the Rural Sanitary Authority, as the case

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may be, by whom the member causing the vacancy shall have been nominated or elected, shall, at a meeting to be held within one month after such vacancy shall have taken place, of which meeting seven days notice shall be given by the Clerk of such Sanitary Authority to each member of such Sanitary Authority, nominate or elect a person duly qualified to fill such vacancy.

Proceedings of Joint Board.

8. Subject to the express provisions in that behalf contained in this Order the business at nominations of ex-officio and elections of elective members of the Joint Board by the Rural and Urban Sanitary Authorities, respectively, shall be conducted, and all questions shall be put and decided, in in the same manner as other business is conducted, and other questions put and decided, at meetings of such Authorities respectively.

Incorporation of Joint Burial Board.

9. The Joint Board constituted as aforesaid shall be a body Corporate by the name of "The Dundalk Joint Burial Board," and shall have a perpetual Succession and a Common Seal, with power to acquire and hold lands for the purposes herein-after mentioned without any license in mortmain.

Purposes for which Joint Board is constituted.

10. The United District shall be formed and the Joint Board shall be constituted for the following purpose, that is to say :—In order that the Joint Board shall, for the purpose of providing and maintaining a new Burial Ground, possess the powers and perform the duties (in respect of the United District) of a Burial Board ; and for that purpose from and after the time of the completion of the first election and nomination of members of a Joint Board, in pursuance of this Order, such Joint Board shall, in respect to the United District, possess all the powers and perform all the duties of a Burial Board conferred and imposed on a Burial Board by the Public Health (Ireland) Act, 1878.

Expenses of Joint Board.

11. The expenses to be incurred by the Joint Board in the execution of this Order shall be defrayed out of a common fund to be contributed by the Urban Sanitary District and the part of the Rural Sanitary District herein-before mentioned in the proportion the rateable value of rateable premises in the Urban Sanitary District bears to the rateable value of rateable premises in the said part of the Rural Sanitary District. The contribution of the Urban Sanitary District shall be defrayed by the Urban Sanitary Authority out of any rate applicable by them to defraying the expenses incurred by them in the execution of the Public Health (Ireland) Act, 1878. The contribution of the said part of the Rural Sanitary District shall be levied by the Rural Sanitary Authority as part of the Poor Rate of the said part of the Rural Sanitary District, by a Special Poundage Rate to be added to the Poor Rate and to be recovered in the same manner and with the same remedies as Poor Rate by the Collectors of Poor Rate.

Mode of levying contribution by Joint Board.

12. The Joint Board shall from time to time issue its precepts to the Urban and Rural Sanitary Authorities, respectively, stating the sums from time to time to be contributed by the said Sanitary Authorities, respectively, and requiring the said Sanitary Authorities, respectively, within a time to be mentioned in such precepts, to pay the amount of their respective contributions to the Joint Board ; whereupon the said Urban and Rural

Authorities, respectively, shall, in the manner herein-before provided, raise and levy the amount of their respective contributions, and pay the same to the Joint Board in accordance with the terms of the said precepts respectively.

Days of meeting of Joint Board.

13. A meeting of the Joint Board shall take place in each year on the first Saturday following the day on which the nominations of ex-officio and elections of elective members of the Joint Board is completed. After the said meeting the Joint Board shall meet at least once in each month, on some day to be fixed at the last preceding meeting of the said Board; and if no such day is fixed, then on the first Saturday in each month.

Chairman and Vice-Chairman of Joint Board.

14. At the meeting of the Joint Board which takes place in each year next after the completion of the election and nomination of members of the said Board, it shall appoint one of its members to be Chairman and another of its members to be Vice-Chairman thereof. Such Chairman and Vice-Chairman, respectively, shall hold office until the next annual election of a Chairman or Vice-Chairman, unless he has previously died, resigned, or ceased to be a member of the Joint Board. In the case of the death or resignation of such Chairman or Vice-Chairman, or of his ceasing to be a member of the Joint Board, the Board, at the next meeting after such vacancy has taken place, shall elect another member of the Joint Board to fill such vacancy.

Conduct of business of meetings of Joint Board.

15. At all meetings of the Joint Board, the Chairman thereof, or in his absence the Vice-Chairman, shall preside; and if at the commencement of any meeting the Chairman and Vice-Chairman are both absent, the members of the Board present shall elect one of themselves to preside at such meeting until the Chairman or Vice-Chairman (as the case may be) takes the chair.

All questions to be decided by the majority of votes.

16. Every question at any meeting of the Joint Board consisting of more than three members shall be determined by a majority of the votes of the members of the Board present thereat, and when there is an equal number of votes on any question the question shall be deemed to be lost.

Casting vote of Chairman.

17. The presiding Chairman shall be entitled to give one vote upon each question that may be submitted to the Joint Board, but he shall not under any circumstances be entitled to any additional or casting vote.

Quorum of members to constitute meeting.

18. No act of any meeting shall be valid unless three members at least are present, and if no greater number of members be present unless all of them concur therein.

Costs and expenses of Order.

19. All the costs, charges, and expenses of the Urban Sanitary Authority, the Rural Sanitary Authority, and the Local Government Board, of and incidental to the application for, preparing, obtaining, and confirming this Order, shall be paid and contributed by the said Sanitary Authorities, respectively, in the proportion which the valuation of the rateable premises in the Urban Sanitary District bears to the valuation of rateable premises within the part of the Rural Sanitary District included in the United District.

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Short title of Order.

20. This Order may be cited and referred to for all purposes as the Dundalk Joint Burial Board Provisional Order, 1891.

Given under our Hands and Seal of Office this Twelfth day of May in the year of Our Lord One Thousand Eight Hundred and Ninety-one.

(L.S.)

(Signed) GEORGE MORRIS.
H. A. ROBINSON.

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