CHAPTER cviii.

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 Athlone. [20th July 1894.]

A.D. 1894.

WHEREAS the Local Government Board for Ireland have made the Provisional Order which as amended is 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 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 hereto is hereby confirmed, 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, 1894. Short title.

A.D. 1894.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Athlone.

TOWN OF ATHLONE.

PROVISIONAL ORDER.

WHEREAS the Town Commissioners of the town of Athlone, situated in the counties of Roscommon and Westmeath, elected in pursuance of the
17 & 18 Vict. c. 103. Towns Improvement (Ireland) Act, 1854 (herein-after called the sanitary authority), being the sanitary authority of the urban sanitary district consisting of the said town, and being a body corporate under such title, have made an
41 & 42 Vict. c. 52. application, in pursuance of the Public Health (Ireland) Act, 1878, to the Local Government Board for Ireland (herein-after called the Local Government Board) for a Provisional Order to transfer from the grand juries of the said counties respectively to the sanitary authority the jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works vested in the said grand juries respectively under any Act:

And whereas all advertisements and notices required by the Public Health
41 & 42 Vict. c. 52. (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, as to the propriety of assenting to the prayer of the said petition:

And whereas the grand jury of the County Westmeath has, by presentment, consented to the making of this Order:

And whereas an application has been made to the Grand Jury of the County Roscommon to consent to the making of this Order, and the said Grand Jury has not consented thereto, and, notwithstanding the absence of such consent, the Local Government Board think fit to make this Order, on the special grounds stated in a special report to Parliament, made in pursuance of the said Act:

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

Transfer of powers of the grand juries.

1. From and after the confirmation of this Order by Parliament, all jurisdiction, power, and authority with respect to roads, bridges, footpaths, and public works within the said urban sanitary district (except public works concerning and chargeable on the county at large) shall be transferred from the Grand Juries of the counties of Roscommon and Westmeath respectively to the sanitary authority.

After such transfer, it shall not be lawful for either of the said grand juries to make any presentment with respect to any road, bridge, footpath, or public work within the said urban sanitary district, except public works chargeable on the county at large; and lands and premises within the said urban sanitary district shall not be liable to any grand jury cess in respect of any baronial presentment respecting roads, bridges, footpaths, or other public works, except public works chargeable on the said counties at large respectively.

Provision for levying arrears of grand jury cess and for existing contracts.

2. This Order shall not affect in any way the levying and enforcement of the payment of grand jury cess, or of arrears (if any) of grand jury cess due at 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 and all monies payable in respect of such contracts shall be raised, levied, and paid in the same manner as if this Order had not been made.

Provision for future payment of grand jury cess.

3. From and after the confirmation of this Order, each of the Secretaries of the Grand Juries of Roscommon and Westmeath shall, within one month after the first day of each assizes, furnish to the clerk of the sanitary authority a certificate, signed by such Secretary, stating the amount of grand jury cess payable in respect of rateable premises within the said urban sanitary district, on account of presentments chargeable to each of the said counties at large respectively, and the amount stated in each certificate shall be a sum bearing the same proportion to the total amount of such presentments chargeable to each of the said counties at large respectively, as the value of rateable premises within the part of the said urban sanitary district situated in each of the said counties shall bear to the total valuation of such county. Provided always that the rateable valuation of that part of the said urban sanitary district situated in the county of Roscommon shall be the rateable value of the premises therein situated exclusive of the valuation of the barracks, so long as the contribution by the Treasury herein-after mentioned is given. The sanitary authority shall, within one month after the delivery of each certificate, lodge the amount therein stated in the bank of the banking company appointed to act as treasurer of the county, in pursuance of the provisions of 30th and 31st Victoria, chapter 46, and the receipt of the officer of the bank authorised by the said Act to give receipts shall be a sufficient discharge to the sanitary authority for the payment of the amount of each certificate. If the sanitary authority shall at any time fail to lodge within the time herein-before mentioned the amount so certified by the Secretary of the Grand Jury, the liability of owners and occupiers of premises within the said urban sanitary district to pay grand jury cess shall be revived to the extent necessary for levying the amount of

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such certificate, and such owners and occupiers shall be liable to pay grand jury cess in respect of the presentments included in the certificate, and such payment may be enforced in the same manner in all respects as such payment might have been enforced if this Order had not been made.

Provision for payment of contribution.

4. So long as the contribution on account of the county cess now paid by the Treasury to the Grand Jury of the county of Roscommon in lieu of county cess on account of the barracks within that part of the said urban sanitary district situated in the county of Roscommon shall be paid to the sanitary authority, two fifth parts of such contribution shall be paid by the sanitary authority to the said Grand Jury as a contribution to the cost of maintaining roads, bridges, and footpaths in that portion of the barony of Athlone South outside the said urban sanitary district. Provided always that the sanitary authority shall not be liable to pay the said two fifth parts of such contribution until the assizes next after the date at which they shall have received the said contribution from the Treasury, and the sanitary authority shall lodge the amount of the said two fifth parts of such contribution in the bank of the banking company appointed to act as treasurer of the county of Roscommon in like manner as herein-before directed with reference to the amounts payable by the sanitary authority for Grand Jury cess.

Provisions for traversing presentment.

5. In the case of any presentment to which, if fiated, the sanitary authority shall be liable to contribute under the provisions herein-before contained, 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.

Additional rating power of sanitary authority.

6. In order to enable the sanitary authority to defray the expenses consequent upon and incident to the transfer of authority herein-before provided for and ordered; it shall be lawful for the sanitary authority to assess, raise, and levy, in addition to the rates which they are now empowered to levy, a rate not exceeding two shillings in the pound of the rateable value of premises in the said urban sanitary district, which rate shall be assessed, raised, and levied in addition to the general rate leviable in pursuance of the Towns Improvement (Ireland) Act, 1854, section 60, and shall be assessed, raised, levied, and paid in the like manner in all respects as such general rate is now assessed, raised, levied, and paid.

17 & 18 Vict. c. 103.

Costs and expenses of Order.

7. The costs and expenses of the sanitary authority and of the Local Government Board of and incidental to the application for and making of this Order, the obtaining and endeavouring to obtain the consents of the grand juries thereto, and the confirmation thereof by Parliament shall be paid by the sanitary authority out of and by means of such general rate as aforesaid.

And the sanitary authority may with the consent of the Local Government Board contract a loan for the purpose of paying the

said costs and expenses, 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 may determine on authorising the same. And the Commissioners of Public Works in Ireland may, with the consent of the Treasury on the application of the sanitary authority and on the recommendation of the Local Government Board, make any loan to the sanitary authority for the purpose of paying the said costs and expenses.

8. This Order may be cited and referred to for all purposes as the Athlone Provisional Order, 1894. Short title of Order.

Given under our Hands and Seal of Office, this sixth day of April, 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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