CHAPTER cxxxvii.

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 Town of Lisburn. A.D. 1893.

[27th July 1893.]

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 as altered 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. 9) Act, 1893. Short title.

A.D. 1893.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Lisburn.

LISBURN WATERWORKS AND MARKETS.

PROVISIONAL ORDER.

17 & 18 Vict. c. 103. 41 & 42 Vict. c. 52. 42 & 43 Vict. c. 57. WHEREAS the Town Commissioners of the town of Lisburn, under the Towns Improvement (Ireland) Act, 1854 (herein-after called the sanitary authority), are the urban sanitary authority of the said town, and are constituted a body corporate for the purposes of the Public Health (Ireland) Act, 1878, by the Public Health (Ireland) Amendment Act, 1879:

And whereas the sanitary authority are about to construct waterworks for supplying the said town with water for drinking and domestic purposes, and to provide a market place and other conveniences for the purpose of holding markets therein, and have presented a petition under their seal to the Local Government Board for Ireland (herein-after called the Local Government Board), according to the provisions of the Public Health (Ireland) Act, 1878, praying that they 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 and premises required for the purposes of the said waterworks and markets:

41 & 42 Vict. c. 52.

And whereas the sanitary authority have deposited at the office of the Local Government Board in Dublin plans and a book of reference (herein-after called the deposited plans and book of reference) showing (amongst others) the lands and premises required for the purposes aforesaid, and herein-after referred to:

41 & 42 Vict. c. 52. 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 have caused a local inquiry to be held as to the propriety of assenting to the prayer of the said petition, and it appears to the Local Government Board to be proper to assent thereto, with reference to the lands and premises herein-after mentioned:

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

Compulsory powers to take lands and premises.

1. From and after 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 reference to the following lands and premises, viz.:—

The lands and premises in the townland of Aghalislone, parish of Derryaghy, barony of Upper Massereene and county Antrim, marked and described in the deposited plans and book of reference as A. waterworks (upper reservoir), and the lands and premises in the townland of Old Warren, parish of Blaris, barony of Upper Massereene and county of Antrim, therein described as B. markets and additions.

For the purposes of this Order the word "land" in the Lands Clauses Acts shall extend to and include lands, lands covered with water, easements, and rights to take and convey water.

Special provisions as to houses of labouring classes.

2.—(1.) The sanitary authority shall not, under the powers of this Order, purchase or acquire ten or more houses which, after the passing of the Act confirming this Order, have been, or on the fifteenth of December last were, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers unless and until—

(*a.*) They have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last, or for such number of persons as the Board shall, after inquiry, deem necessary, having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom, and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses, or to the place of employment of such persons; and

(*b.*) They have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the Local Government Board to any such scheme may be given either absolutely or conditionally, and after the Local Government Board have approved of any such scheme, they may approve, either absolutely or conditionally, of any modification in the scheme.

(3.) Every such scheme shall contain provisions prescribing the time within which it shall be carried out, and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced: Provided that the Local Government Board may dispense with the last-mentioned requirement, subject to such conditions, if any, as they may think fit.

(4.) Any conditions subject to which the Local Government Board may have approved of any scheme, or of any modification of any scheme, or subject to which they may have dispensed with the above-mentioned requirement, shall be enforceable by a writ of mandamus to be obtained by the Local Government Board out of the High Court.

(5.) If the sanitary authority acquire or appropriate any house for the purposes of this Order in contravention of the foregoing provisions, or displace or cause to be displaced the persons residing in any house in contravention of the requirements of the scheme, they shall be liable to a penalty of five hundred pounds in respect of every such house, which penalty shall be recoverable by the Local Government Board by action in the High Court, and shall be carried to and form part of the consolidated fund of the United Kingdom: Provided that the Court may, if it think fit, reduce such penalty.

(6.) Subject to the provisions of this section of this Order, the sanitary authority and the Local Government Board and their inspectors shall have and may exercise, for any purpose in connexion with any scheme under

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this section, all or any of the powers vested in them under the Public Health (Ireland) Act, 1878, in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act: Provided that all lands on which any buildings have been erected or provided by the sanitary authority in pursuance of any scheme under this section shall, for a period of twenty-five years from the date of the scheme, be appropriated for the purpose of dwellings, and every conveyance, demise, or lease of such lands and buildings shall be indorsed with notice of this proviso: Provided also, that the Local Government Board may dispense with all or any of the requirements of this sub-section of this Order, subject to such conditions (if any) as they may think fit.

(7.) The sanitary authority shall, if required by the Local Government Board, pay to the said Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order made in pursuance of this section of this Order, including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Board not exceeding three guineas a day for the services of such inspector.

(8.) For the purposes of this section of this Order, 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 families, and persons other than domestic servants whose income does not exceed an average of thirty shillings a week, and the families of any such persons who may reside with them.

Costs of Order.

3. 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 as part of their expenses incurred in execution of the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

Duration of Order.

4. The compulsory powers of taking lands and other premises given by this Order shall not be exercised after the expiration of three years from the confirmation of this Order.

Short title of Order.

5. This Order may be cited and referred to for all purposes as the Lisburn (Waterworks and Markets) Provisional Order, 1893.

Given under our Hands and Seal of Office this Thirty-first day of May, in the year of Our Lord One thousand eight hundred and ninety-three.

(L.S.)

(Signed) George Morris.
F. MacCabe.
H. A. Robinson.

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