CHAPTER clxxxvi.

An Act to confirm a Provisional Order made by the Local Government Board for Ireland relating to the City of Dublin. [7th August 1874.]

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WHEREAS the Local Government Board for Ireland acting under the provisions of "The Local Government (Ireland) Act, 1871," as amended by "The Local Government Board (Ireland) Act, 1872," have made, in relation to the city of Dublin, the provisional order set forth in the schedule to this Act annexed:

And whereas a provisional order made under the authority of the said Act is not of any validity or force whatever until confirmed by Parliament:

And whereas it is expedient that the said provisional 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 to be confirmed.

1. The said order set forth in the schedule to this Act annexed shall be and the same is hereby confirmed, and all the provisions of the same shall from and after the passing of this Act have full validity and force.

Interpretation of said order as to money borrowed.

2. The said provisional order shall be read and interpreted to mean that the principal sums heretofore borrowed on the security of the rates leviable under the authority of the Dublin Waterworks Acts, or any of them, and remaining unpaid, and the interest payable thereon, shall be payable in priority to the sums to be raised under the provisions of this order, and to the interest payable thereon.

Provision as to consent of portion of the township of Bray.

3. None of the powers conferred by this provisional order shall be exercised with regard to so much of the township of Bray as

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lies within the county of Dublin, unless and until sanction, consent, and approval shall have been given in respect to the provisions of such order by a special resolution of the persons resident within such portion of the said township as lies within the said county of Dublin and are qualified to vote at the election of the members of the governing body of the township of Bray to be passed at a meeting to be convened for the special purpose in the manner set forth in the thirty-second section of the Local Government (Ireland) Act, 1871.

Title of the Act.

4. This Act may be cited as "The Local Government Board (Ireland) Provisional Order (Dublin) Confirmation Act, 1874."

SCHEDULE.

DUBLIN CORPORATION WATERWORKS AND FIRE BRIGADE.

Provisional Order.

Whereas the Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin (herein-after called "the Corporation") were empowered by "The Dublin Corporation Waterworks Act, 1861," to construct additional waterworks for the purpose of providing an improved supply of water from the river Vartry, in the county of Wicklow, to the inhabitants of the city of Dublin, and the several towns and places mentioned in the said Act, and called therein "the extra-municipal district":

24 & 25 Vict. c. 172.
26 & 27 Vict. c. 78.
29 Vict. c. 23.
33 & 34 Vict. c. 96.
25 Vict. c. 38.

And whereas by "The Dublin Corporation Waterworks Amendment Act, 1863," "The Dublin Corporation Waterworks Amendment Act, 1866," and "The Dublin Corporation Waterworks Act, 1870," "The Dublin Corporation Waterworks Act, 1861," was amended, and further powers conferred upon the Corporation:

And whereas by "The Dublin Corporation Fire Brigade Act, 1862," the Corporation were empowered to establish and maintain a fire brigade in the city of Dublin, and for such purpose to apply out of the public water rate, leviable under "The Dublin Corporation Waterworks Act, 1861," a sum not exceeding one penny halfpenny in the pound of the annual value of the property in respect of which the said public water rate should from time to time be applotted and levied, for the first ten years from the passing of the said Act, and one penny in the pound for each succeeding year after the said first-mentioned period of ten years:

And whereas the Corporation have presented a petition to the Local Government Board, Ireland, under the provisions of "The Local Government, Ireland, Act, 1871," and "The Local Government Board, Ireland, Act, 1872," for the purpose of being empowered to put in force the provisions of the Lands Clauses Acts in respect to the purchasing and taking of lands otherwise than by agreement, in reference to a certain plot of ground situate in the parish of Derrylossary and county of Wicklow, containing five acres one rood, statute measure, or thereabouts, required by the Corporation for the purpose of obtaining a supply of sand for the filter beds in connexion with the said waterworks:

And whereas, previous to presenting the said petition, a plan of the said plot of ground (herein-after called the "deposited plan") was deposited at the office of the city engineer of the city of Dublin, for public inspection, and advertisements of the intention of the Corporation to apply for the purpose of obtaining such powers have been duly published, in pursuance of "The Local Government, Ireland, Act, 1871:"

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And whereas by the said petition the Corporation also prayed that certain other further and increased powers should be conferred upon them for the purpose of carrying out more effectually the objects and purposes of the above-mentioned Acts:

And whereas an inquiry has been duly had into the matter of the said petition, and it appears to the Local Government Board for Ireland that this Provisional Order should be made in respect of the matters aforesaid:

It is ordered as follows:

Short title of Order.

1. This Order may be cited and referred to for all purposes as "The Dublin Corporation Waterworks and Fire Brigade Provisional Order, 1874."

2. All the provisions, matters, and things contained in "The Dublin Corporation Waterworks Act, 1861," "The Dublin Corporation Waterworks Amendment Act, 1863," "The Dublin Corporation Waterworks Amendment Act, 1866," and "The Dublin Corporation Waterworks Act, 1870," and the enactments wholly or partially incorporated therewith, shall, where the same may respectively be applicable to the objects and purposes of this Order and are not inconsistent with the provisions hereof, be incorporated with and apply to this Order and the objects hereby authorised and required to be effected and done, as effectually as if the same provisions, matters, and things were repeated in this Order and respectively ordered hereby in reference to such objects and purposes; and the said Acts and this Order shall be read and construed together, and the several words and expressions in the said Acts to which meanings are thereby assigned, shall have in this Order the same respective meanings, unless such meanings shall be excluded by the subject or context.

Compulsory powers to take lands.

3. The Corporation are hereby empowered to put in force with reference to the lands above mentioned and delineated in the above-mentioned deposited plan, the powers of "The Lands Clauses Consolidation Act, 1845," as the same is amended by "The Railways Act, Ireland, 1851," "The Railways Act, Ireland, 1860," "The Railways Act, Ireland, 1864," and "The Railways Traverse Act," with respect to the purchase and taking of land otherwise than by agreement; and the Corporation are authorised to use the lands so to be taken for the purpose of procuring a supply of sand for the filter beds in connexion with the works aforesaid.

Powers to borrow additional money on mortgage.

4. In addition to the moneys which the Corporation are authorised to borrow by the said incorporated Acts, the Corporation may, for the purposes of the said Acts and of this Order, from time to time and as occasion may require, borrow such further and additional sums of money, not exceeding in the whole the sum of fifty thousand pounds, on the security of the rates leviable by them under the authority of the said Acts, and may grant mortgages charged on such rates: Provided always, that the interest payable on the existing debenture debts in the said "Dublin Corporation Waterworks Act, 1861," mentioned, and the interest on the sum or sums of money borrowed or raised under the authority of the said Acts of 1861 and 1866, whether payable by terminable annuity or by interest on the moneys borrowed, shall be payable in priority to the interest on any moneys to be borrowed or raised under this Order, and the principal

moneys so borrowed or raised under the said recited Acts shall have priority over the sum or sums to be raised under the provisions of this Order; and all powers and provisions of the said recited Acts which were made applicable to the borrowing, raising, and re-borrowing of the said former loans, and to the enforcement of payment of interest on the sum or sums so authorised to be borrowed shall apply and extend to this Order and to the moneys to be borrowed or re-borrowed thereunder; provided that all sums of money borrowed or re-borrowed under the provisions of this Order shall be repaid and discharged within fifty years from the date of the confirmation of this Order.

Repairs and alteration of fittings.

5. Whereas the requirement of giving twenty-four hours notice contained in the forty-seventh section of "The Dublin Corporation Waterworks Act, 1861," has been found to be inconvenient in practice: It is ordered that the Corporation may do any of the repairs or alterations provided for by the said section immediately on the expediency of such repairs or alterations being ascertained by any officer or officers of the Corporation, and without giving any such notice.

To prevent the fouling of water.

6. For the purpose of making further provision to prevent the fouling of the water supplied by the Corporation under the provisions of the above-mentioned Acts, it is ordered, that in case any person shall make before a justice a sworn information, which information every justice is hereby authorised to take, stating that to the belief of the person making such information, water or any other thing flows or percolates from or any leakage exists from any sink, sewer, drain, steam engine or boiler, or from any premises whatever, in such a manner as to foul or dirty the water in any stream, reservoir, or any part of the waterworks of the Corporation, and stating on oath such facts as may satisfy the Corporation or their proper officers that such belief is well founded, and the Corporation shall be satisfied that such information is made bonâ fide, and that good grounds exist to believe such information to be true, it shall be lawful for the Corporation and their officers, at all reasonable times, to enter the premises or other place whence such leakage shall be believed to come or such water or other thing to percolate, for the purpose of inspecting the same, and to examine every such sink, sewer, drain, steam engine, or boiler, or other thing, and every person resisting or obstructing any officer of the Corporation in so entering or making such inspection shall forfeit a sum not exceeding five pounds to the Corporation.

Provision for washing sheep.

7. The Corporation may, should they deem it expedient for the better protection of their water supply from pollution to do so, construct upon the lands in their possession adjoining their storage reservoir at Roundwood in the county of Wicklow, accommodation works for the washing of sheep, and apply for such purpose a portion of the funds coming to their hands under the said recited Acts and this Order.

Increased supply of water to extra-municipal districts.

8. Whereas by "The Blackrock Township Act, 1863," by "The Pembroke Township Act, 1863," by "The Bray Township Act, 1866," by "The Dalkey Township Act, 1867," by "The New Kilmainham Township Act, 1868," by "The Township of Kingstown Act, 1869," by "The Kingstown Township Extension Act, 1874," and by "The Clontarf Township Act, 1869," powers

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are given to the Corporation to give, and to the commissioners of the several townships to receive from the Corporation, a supply of water upon such terms and conditions as are defined by the said statutes: And whereas by an indenture of contract, dated the nineteenth October, one thousand eight hundred and seventy-one, between the Corporation of the one part, and the Commissioners of the Township of Killiney and Ballybrack, acting by virtue of the provisions of "The Towns Improvement (Ireland) Act, 1854," the Corporation have contracted with the said commissioners to supply water to the said township to the extent and on the terms thereby defined: And whereas the said statutes and contract contain no provisions enabling the Corporation to supply to the said townships any water in excess of the quantity defined by the said statutes and contract, although it is expedient that the Corporation should possess such power in the events and subject to the provisions herein-after contained: It is ordered that it shall be lawful for the Corporation, should they deem it expedient, and in the event of their having a quantity of water in excess of the quantity required for the use of the city of Dublin, and for the supplies provided for the said several townships by the said statutes and contract, to give to the commissioners respectively of the said several townships permission to draw quantities of water respectively in excess of the quantities provided by the said statutes and contract respectively, from the pipes or mains of the Corporation, on receiving notice from the commissioners of the several townships respectively of their desire to take such supply in excess of the statutable or contract allowance, and it shall be lawful for the Corporation to charge to and recover from the commissioners of the said several townships respectively a meterage rate for all such quantities of water taken in excess of their statutory or contract allowance, at a rate or rates to be agreed upon between the Corporation and such commissioners respectively, not exceeding in any case the rate of fourpence per 1,000 gallons; and it shall be lawful for the commissioners of the said several townships respectively to pay out of the rates levied in their respective townships the rents, rates, or charges respectively made by the Corporation for such supply in excess, as herein-before defined: Provided always, that in case the Commissioners of Kingstown Township as the same is extended by the Kingstown Township Extension Act, 1874, shall in pursuance of the provisions herein-before contained, agree to take a supply of water in excess of their statutory allowance, it shall be lawful for the said last-mentioned commissioners, so long as such agreement shall remain in force, to sell and supply to the shipping in Kingstown Harbour such portion of such water obtained in excess of the statutable supply and on such terms as the said commissioners shall think fit.

Distribution of water in extra-municipal districts.

9. It shall be lawful for the Corporation, should they deem it expedient to do so, to authorise the commissioners of any township or townships supplied by the Corporation with water under the statutes or contract herein-before referred to, to use and distribute surplus water so supplied, which may not be required for domestic purposes or for any public purposes for which such commissioners have been hitherto authorised to supply and distribute water, for purposes other than domestic purposes or public purposes other than those

above mentioned, upon such terms and subject to such conditions as may be agreed upon between the Corporation and such commissioners respectively.

Supply of water to extra-municipal districts in case of fire or emergency.

10. It shall be lawful for the Corporation to supply to the said townships respectively an additional supply of water beyond the quantity which the Corporation is otherwise authorised and enabled to supply, for the purpose of extinguishing fire or for any emergency requiring an additional supply of water, on such terms and conditions as may be agreed upon between the Corporation and the commissioners of such townships respectively.

Powers to contract with managers, &c. of public institutions.

11. It shall be lawful for the Corporation and the directors or managers of any public or official or charitable or other institution requiring to be supplied with water by the Corporation, to enter into agreements for such supply upon such terms and subject to such conditions as may be mutually agreed upon, and the sum or sums so agreed upon and contracted to be paid shall be recoverable by the Corporation in like manner and with the same powers as rates or rents are recoverable under the said recited Acts or any of them.

Increased provision for Fire Brigade.

12. That, notwithstanding the provisions of the twelfth section of "The Dublin Corporation Fire Brigade Act, 1862," it shall be lawful for the Corporation to appropriate and apply for the purposes of the said Act, a sum not exceeding one penny halfpenny in the pound of the annual value of the property in respect of which the public water rate shall be applotted and levied.

Extension of time for completion of works.

13. The time limited for the completion of the works authorised by "The Dublin Corporation Waterworks Act, 1870," is hereby enlarged and extended until the expiration of three years from the time limited by the said Act for the completion of the works thereby authorised.

Provision as to costs and expenses.

14. All costs, charges, and expenses of applying for and obtaining this Order, or preparatory or incidental thereto, shall be paid by the Corporation out of the rates, rents, and income arising from the supply of water to the said borough of Dublin, and to all and every of the said extra-municipal districts or places.

Commencement of Order.

15. This Order shall operate and take effect from the time when the same shall be confirmed by an Act of Parliament.

Given under our hands and seal of office, this eighth day of May one thousand eight hundred and seventy-four.

L.S.

A. Power,
Vice President.
J. McDonnell,
R. M. Bellew,
Commissioners.

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