CHAPTER lvii.

An Act to confirm two Provisional Orders of the Local Government Board for Ireland under the Public Health (Ireland) Act, 1878, relating to the improvement of Streets in the Boroughs of Belfast and Londonderry. A.D. 1891.

[3rd July 1891.]

WHEREAS the Local Government Board for Ireland have made the Provisional Orders set forth in the Schedule hereunto annexed under the provisions of the Public Health (Ireland) Act, 1878: 41 & 42 Vict. c. 52.

And whereas it is requisite that the said Orders 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:

Orders in Schedule confirmed.

1. The Orders as amended and set out in the Schedule hereunto annexed shall be and the same are hereby confirmed, and shall be construed as part of this Act, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force.

Special provision as to houses of labouring class.

2. The Sanitary Authorities of the Cities of Belfast and Londonderry shall not under the powers of this Act, or of the Orders set out in the Schedule to this Act, without the consent of the Local Government Board purchase or acquire ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, unless and until—

(*a.*) They shall 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

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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 to all the circumstances of the case; and

(*b.*) They shall 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 scheme under this section may be given either absolutely or conditionally, and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section 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 deem fit.

(4.) Any provisions of any scheme under this section and any conditions subject to which the Local Government Board may have approved of any scheme, or of any modifications of any scheme under this section, 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 or houses for the purposes of this Act in contravention of the foregoing provisions, or displace or cause to be displaced the persons residing in any house or houses 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.) For the purpose of carrying out any scheme under this section the Sanitary Authority may, subject to the approval of the Local Government Board, appropriate any lands for the time being belonging to them, or which they have power to acquire, and may purchase such further lands as they may require.

(7.) Subject to the provisions of this section, 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 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 passing of this Act, be appropriated for the purpose of dwellings, and every conveyance, demise, or lease of such lands and buildings shall be endorsed with notice of this enactment:

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this sub-section, subject to such conditions, if any, as they may deem fit.

(8.) 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 in pursuance of this section, and any expenses incurred by that Board in relation to any inquiries under this section, including the expenses of any witnesses summoned by the inspector holding the inquiry, and a sum to be fixed by that Board, not exceeding three guineas a day, for the services of such inspector.

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

3. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act, 1891. Short title.

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SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Belfast.

BELFAST IMPROVEMENT.

PROVISIONAL ORDER.

WHEREAS the Mayor Aldermen and Citizens of the City of Belfast, being the Sanitary Authority of the said City, and being desirous of widening and otherwise improving certain streets and thoroughfares, and for that purpose of obtaining compulsory powers to purchase the several hereditaments required, as set out in the deposited Plans, did duly Publish the advertisements and Serve the notices required by the Statute, in that behalf, and have presented a Petition to the Local Government Board for Ireland in pursuance of the provisions of the Public Health (Ireland) Act, 1878, praying that they may be empowered to put in force the powers of the Lands Clauses Consolidation Acts as defined by the Public Health (Ireland) Act, 1878, with respect to the purchase and taking of Lands otherwise than by Agreement, in order to enable them to effect and maintain the said Works and Improvements, and also praying for certain incidental matters :

And whereas the said Sanitary Authority of Belfast deposited the necessary Plans of the proposed works at the office of the Local Government Board in Dublin with a Book of Reference (herein-after referred to as the deposited Plans and Book of Reference) showing the Works intended to be executed and the ground and houses proposed to be purchased for the purpose of effecting the said Works and Improvements :

And whereas all Public Advertisements and all Notices required by the Public Health (Ireland) Act, 1878, having been duly published and served the said Local Government Board caused a Local Inquiry to be held and a Report to be made to them as to the propriety of assenting to the prayer of the Petition of the said Sanitary Authority, and the Local Government Board have considered and decided that such consent should be given as herein-after appearing :

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 said 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 respect to the Lands described in the deposited Plans and Book of Reference.

Interpretation of term.

(2.) In this Order the word Lands shall include any rights or easements annexed or appurtenant thereto, or enjoyed therewith.

(3.) In case it shall happen that any part of the Lands acquired by the said Sanitary Authority in pursuance of any power contained in this Order shall not be actually required for the purpose for which they were acquired, it

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shall be lawful for the said Sanitary Authority either to sell the same and dispose of the proceeds of such Sale as provided by the Public Health (Ireland) Act, 1878, or to demise the same for any term of years or to grant the same in fee-farm subject to such rents covenants stipulations and conditions as may seem expedient to the said Sanitary Authority and the rents reserved upon any such lettings shall be applied towards the discharge of any principal monies borrowed by such Authority on the security of the rates applicable for Sanitary purposes under the said Public Health Act: and not later than 10 years after the completion of the Works hereby authorised the said Sanitary Authority shall sell and dispose of not only all lands acquired by them under the powers herein contained for the purpose of the proposed Works and not actually required for the same, but also all fee-farm or other rents reserved on any such demise or grant.

Short title of Order.

(4.) This Order may be cited and referred to for all purposes as the Local Government Board (Ireland) Provisional Order Belfast Streets Improvement, 1891.

Given under our Hands and Seal of Office this 28th day of April, in the year of Our Lord One Thousand Eight Hundred and Ninety-one.

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

Londonderry.

BOROUGH OF LONDONDERRY.

PROVISIONAL ORDER.

WHEREAS the Mayor, Aldermen and Burgesses of the Borough of Londonderry (herein-after called the Sanitary Authority) are about to make new streets and to widen and improve existing streets within their Sanitary District and have presented a Petition to the Local Government Board for Ireland (herein-after called the Local Government Board), in pursuance of the Public Health (Ireland) Act, 1878, praying that they may be empowered to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land, otherwise than by agreement for the purposes aforesaid:

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 the land required for the said purposes:

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 has 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 save so far as it relates to the making of a New Street between Academy Road and Crawford Square, in the said Sanitary District:

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Londonderry.

Compulsory powers to take lands.

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

1. From and after the time of 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 land otherwise than by agreement with respect to the land shown in the deposited plans and book of reference, except the plots therein numbered 12 and 13, and the part of plot No. 1 (proposed to be taken for the purpose of making a New Street between Academy Road and Crawford Square), which is not required for the purpose of making a Public Footpath between Academy Road and Crawford Square:

And it is further ordered that, for the purpose of making such Public Footpath, 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 land otherwise than by agreement with reference to the part of plot No. 1 eight feet in width along the West side of the said plot, and also with reference to plot No. 14.

Costs of Order.

2. The Costs and Expenses of the Sanitary Authority and of the Local Government Board of and in relation to the application for and making of this Order, and the confirmation thereof by Parliament, shall be paid by the Sanitary Authority as part of their expenses incurred in the execution of the Public Health (Ireland) Act, 1878.

Short title of Order.

3. This Order may be cited and referred to for all purposes as the Londonderry (New Streets) Provisional Order, 1891.

Given under Our Hands and Seal of Office, this Twenty-third day of April, in the year of our Lord One Thousand Eight Hundred and Ninety-one.

(L.S.)

(Signed) GEORGE MORRIS.
F. MACCABE.

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