CHAPTER xc.

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Tralee Coleraine and Skull. [25th July 1898.]

A.D. 1898.

WHEREAS the Local Government Board for Ireland have made the Provisional Orders set forth in the schedule hereto:

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 set out in the schedule hereto are hereby confirmed and all the provisions thereof shall have full validity and force.

Short title.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1898.

A.D. 1898.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Tralee.

TOWN OF TRALEE.

PROVISIONAL ORDER.

WHEREAS the town commissioners of Tralee under the Lighting of
9 Geo. 4. c. 82. Towns (Ireland) Act 1828 purchased lands and erected thereon certain works for supplying gas for the town and borrowed for the expenses of the said works six thousand pounds on debentures of ten pounds each with interest at five pounds per cent. per annum which debentures are still due:

17 & 18 Vict. c. 103. And whereas the Towns Improvement (Ireland) Act 1854 was adopted for the town of Tralee in the year one thousand eight hundred and eighty-two and thereupon the said lands and works were transferred to and vested in the town commissioners under the said Act of 1854 and have since then been used by them for providing a supply of gas for the town:

And whereas upon such transfer the liability of the town commissioners of
9 Geo. 4. c. 82. Tralee under the Lighting of Towns (Ireland) Act 1828 in respect to the said debentures and the interest thereon was transferred to and imposed on the then present town commissioners and the said town commissioners in the year one thousand eight hundred and eighty-five borrowed for the purpose of and expended on the said gas works a further sum of two thousand pounds which said sum was raised by means of further debentures of ten pounds each with interest at five pounds per cent. making together with the said sum of six thousand pounds a sum of eight thousand pounds now charged upon and payable out of the rates leviable by the town commissioners under the said Act of 1854 and the Public Health (Ireland) Acts 1878 to 1896:

And whereas there is not any existing company corporation body of commissioners or person (other than the said town commissioners) authorised by or in pursuance of any Act of Parliament or any Order confirmed by Parliament to supply gas for public and private purposes within any part of the district of such authority:

And whereas the town commissioners (herein-after called the sanitary
41 & 42 Vict. c. 52. authority) are under the provisions of the Public Health (Ireland) Act 1878 empowered to supply gas for public and private purposes in the said town and have applied by petition to the Local Government Board for Ireland (herein-after called the Local Government Board) to issue a Provisional Order authorising them to maintain and continue the said gas works and the works connected therewith and to maintain and supply gas in the said town to

provide for the payment of the said debentures and to borrow money for such purposes:

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Tralee.

And whereas all advertisements and notices required by the said Acts having been previously published served and given the Local Government Board have caused an inquiry to be held in the said district as to the genuineness of the said petition and the propriety of assenting to the prayer thereof:

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

1. The sanitary authority shall in relation to the purposes of this Order exercise and be subject to all the powers and provisions of the Public Health (Ireland) Act 1878 and the Gas and Water Works Facilities Act 1870 and the Acts amending the same. — 41 & 42 Vict. c. 52. 33 & 34 Vict. c. 70.

2. The provisions of the Lands Clauses Acts (except with respect to the purchase and taking of lands otherwise than by agreement and with respect to the entry upon lands by the promoters of the undertaking and except Section 127 of the Lands Clauses Consolidation Act 1845) and the provisions of the Gasworks Clauses Act 1847 (except Sections 30 to 38 both inclusive and Sections 41 43 45 46 and 47 thereof) and of the Gasworks Clauses Act 1871 (except Sections 24 to 27 both inclusive Sections 29 and 35 and Schedule B thereof) are incorporated with this Order but subject to such alterations as by this Order are made therein and the said provisions of the said Gasworks Clauses Acts shall apply to mains pipes or works acquired by or vested in the sanitary authority under or by virtue of the Public Health (Ireland) Act 1878 or of this Order and to mains pipes or works which may be laid down or constructed under the authority of this Order. — 8 & 9 Vict. c. 18. 10 Vict. c. 15. 34 & 35 Vict. c. 41. 41 & 42 Vict. c. 52.

3. All rates rents and charges and all other debts or sums due at the commencement of this Order to the sanitary authority on account of the gas supply may be collected and the payment thereof enforced after such date as if this Order had not been made.

4. The sanitary authority may upon the lands described in the Schedule hereto maintain continue repair and renew and construct alter enlarge or when necessary remove buildings apparatus and works for the manufacture and storage of gas and residual products arising therefrom and any matters producible therefrom and they may subject to the provisions of this Order make gas and supply and sell the same within the town of Tralee for public and private purposes and may strike a rate to provide payment for the gas supplied for public purposes and may convert or manufacture coke and other residual products arising from the manufacture of gas by them and any matters producible therefrom and may sell the same.

5. The sanitary authority shall not manufacture gas or any residual products arising in the manufacture of gas on any land other than that specified in the Schedule hereto neither shall they store gas on any land other than that specified in the said Schedule which may be situated within

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Tralee.

three hundred yards of any dwelling-house existing prior to the date on which such storage commences without the previous consent in writing of the owner lessee and occupier of such dwelling-house.

6. No penalty shall be incurred by the sanitary authority for insufficiency of pressure defect of illuminating power or for excess or inferiority in the gas supplied by them in any case in respect of which it is proved that such insufficiency defect or excess was produced by unavoidable cause or accident.

7. The prices to be charged by the sanitary authority for gas supplied by them to consumers shall not exceed six shillings and eight pence per one thousand cubic feet and so on in proportion for any less quantity supplied and the price to be charged by the sanitary authority for gas supplied by them for public purposes shall not exceed six shillings and eight pence per one thousand cubic feet and so on in proportion for any less quantity supplied provided nevertheless that every fraction or portion of one hundred cubic feet may be charged for as one hundred cubic feet.

8. All money borrowed or re-borrowed for the purpose of this Order shall be appropriated to the purposes for which it is authorised to be so borrowed or re-borrowed provided that it shall not in any way be incumbent upon any mortgagee to see to the application of any money so borrowed or re-borrowed nor shall a mortgagee be responsible for any misapplication thereof.

9. The sanitary authority shall keep separate capital and revenue accounts of all receipts credits payments liabilities and transactions in and about the execution of this Order and from or on account of the gas undertaking hereby authorised which accounts shall be distinct from the other accounts of the sanitary authority and shall be called respectively "the Gas Capital Account" and "the Gas Revenue Account."

10. The sanitary authority shall keep separate records of the quantities of gas supplied to private consumers and for public lighting respectively The lowest price charged for public lighting shall be eighty per cent. of that charged to private consumers.

11. If any difference arises between the sanitary authority and any railway canal or other company whose lands or works the sanitary authority have power to cross under the authority of this Order for the purpose of meeting the demands for gas within the said town as to the mode of laying down repairing altering or enlarging the pipes or the facilities to be afforded for the same such difference shall be settled by an engineer to be appointed by the Local Government Board at the request of either party and the costs and expenses of and immediate to such appointment shall be paid by the sanitary authority and the company in equal shares unless the Local Government Board otherwise direct.

SCHEDULE.

A.D. 1898.

Tralee.

The lands situate at Gas Terrace Tralee in the town and parish of Tralee Barony of Trughenackmy and county of Kerry whereon the existing Tralee Gas Works have been erected.

Given under our hands and seal of office this Twenty-eighth day of April in the year of our Lord one thousand eight hundred and ninety-eight.

(L.S.) (Signed) GEORGE MORRIS.
F. MACCABE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TOWN OF TRALEE.

Tralee.

PROVISIONAL ORDER.

Giving compulsory powers of purchasing lands for a quarry and for waterworks.

WHEREAS by the Town of Tralee Provisional Order 1880 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Ballinasloe &c.) Act 1880 all jurisdiction power and authority with respect to roads bridges footpaths and public works in the town of Tralee (except public works chargeable to the county at large) were transferred from the grand jury of the county Kerry to the town commissioners acting under the Lighting of Towns (Ireland) Act 1828 described in the said Order as the urban sanitary authority:

43 & 44 Vict. c. xxxviii.

9 Geo. 4. c. 82.

And whereas the Towns Improvement (Ireland) Act 1854 was adopted in the town of Tralee on the sixteenth of June one thousand eight hundred and eighty-two and by the town of Tralee Provisional Order 1883 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Rathmines &c.) Act 1883 it was ordered that the words "the urban sanitary authority" in the town of Tralee Provisional Order 1880 should extend to and include the urban sanitary authority consisting of the town commissioners of Tralee under the Towns Improvement (Ireland) Act 1854 (herein-after called the urban sanitary authority) and that the words "the clerk of the town commissioners" in the said Provisional Order of 1880 should include the clerk of the town commissioners under the last-mentioned Act and that the words "town rates" in the said Order should include general assessments under the said

17 & 18 Vict. c. 103.

46 Vict. c. xl.

17 & 18 Vict. c. 103.

17 & 18 Vict. c. 103.

Act of 1854 and the urban sanitary authority were empowered to levy in addition to the general assessment rate under the said Act of 1854 a Provisional Order rate not exceeding in any year two shillings in the pound of the rateable value of rated premises:

And whereas the urban sanitary authority 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) Acts 1878 to 1896 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 lands otherwise than by agreement with reference to certain lands and premises required for the purpose of acquiring a quarry to provide stones and materials for the said roads and public works and also with reference to certain lands and premises required for the purpose of the construction of waterworks for supplying water to the said town of Tralee:

And whereas the urban sanitary authority have deposited at the office of the Local Government Board plans and books of reference (herein-after called the deposited plans and books of reference) showing the lands and premises required for the purposes aforesaid:

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 made 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:

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

Compulsory powers to take lands and other 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 lands lands covered with water rights to take and convey water easements and other premises described in the deposited plans and books of reference.

Provisions respecting houses of the labouring class.

2. The sanitary authority shall not under the powers of this Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the fifteenth day of December last but have been or will be subsequently so occupied.

For the purposes of this clause 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 of such persons who may be residing with them.

Tralee.

3. 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. Duration of compulsory powers.

4. The costs and expenses of the sanitary authority and of the Local Government Board of and incidental to the application for making and confirmation of this Order shall be paid by the sanitary authority by means of the rate leviable by them under section sixty of the Towns Improvement (Ireland) Act 1854 and the Public Health (Ireland) Acts 1878 to 1896. Costs of Order. 17 & 18 Vict. c. 103.

5. In this Order the expression "the Lands Clauses Acts" means and includes the provisions of the Lands Clauses Acts as amended by the provisions contained in the Second Schedule to the Housing of the Working Classes Act 1890 and the term "land" in the said Acts shall for the purposes of this Order extend to and include the lands lands covered with water rights to take and convey water easements and other premises described in the deposited plans and books of reference. Interpretation of terms. 53 & 54 Vict. c. 70.

6. This Order may be cited and referred to for all purposes as the Tralee Town Provisional Order (Compulsory Powers) 1898. Short title of Order.

Given under our hands and seal of office this Twenty-eighth day of April in the year of our Lord one thousand eight hundred and ninety-eight.

(L.S.) (Signed) GEORGE MORRIS.
F. MACCABE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

COLERAINE ADDITIONAL WATERWORKS.

Coleraine.

PROVISIONAL ORDER.

WHEREAS by the Coleraine Waterworks Provisional Order 1896 confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (No. 6) Act 1896 the town commissioners of the town of Coleraine in the county Londonderry acting under the Towns Improvement (Ireland) Act 1854 (herein-after called the sanitary authority) were 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 certain lands and premises shown in the deposited plans and book of reference mentioned in the said Order which the sanitary authority proposed to purchase for constructing works for providing an additional supply of water to the said town: 59 & 60 Vict. c. lxxxviii. 17 & 18 Vict. c. 103.

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Coleraine.

And whereas the works so proposed to be constructed have been found to be unsuitable for the purpose for which they were intended and the sanitary authority have abandoned the taking of the said lands and executing the said works and are about to construct additional waterworks on other lands herein-after mentioned and have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) praying that they may be allowed to put in force the said powers of the Lands Clauses Acts with reference to the lands and premises herein-after mentioned for the purposes of the additional waterworks now proposed to be constructed:

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 lands and premises required for the purpose of the works now proposed to be constructed:

And whereas all advertisements and notices required by the Public Health (Ireland) Acts 1878 to 1896 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:

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

Compulsory powers to take lands and other 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 lands lands covered with water rights to take and convey water easements and other premises described in the deposited plans and book of reference.

Provision as to houses occupied by the labouring class.

2. The sanitary authority shall not under the powers of this Order purchase or acquire ten or more houses which on the fifteenth day of December last were occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers or except with the consent of the Local Government Board ten or more houses which were not so occupied on the fifteenth day of December last but have been or will be subsequently so occupied For the purpose of this clause 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 of such persons who may be residing with them.

Duration of compulsory powers.

3. 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.

Repeal of the Act 59 & 60 Vict. c. lxxxviii.

4. The Local Government Board (Ireland) Provisional Order Confirmation (No. 6) Act 1896 is hereby repealed save as regards any costs or expenses already incurred in respect of the provisional order confirmed by the said Act.

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Coleraine.

5. All costs and expenses of the sanitary authority and of the Local Government Board of and incidental to the application for making and confirmation of this Order shall be paid by the sanitary authority by means of the rate leviable by them under section sixty of the Towns Improvement (Ireland) Act 1854 and the Public Health (Ireland) Acts 1878 to 1896. Costs of Order. 17 & 18 Vict. c. 103.

6. In this Order the expression "the Lands Clauses Acts" means and includes the provisions of the Lands Clauses Acts as amended by the provisions contained in the Second Schedule to the Housing of the Working Classes Act 1890 and the term 'land" in the said Acts shall for the purposes of this Order extend to and include the lands lands covered with water rights to take and convey water easements and other premises described in the deposited plans and book of reference. Interpretation of terms. 53 & 54 Vict. c. 70.

7. This Order may be cited and referred to for all purposes as the Coleraine Waterworks Provisional Order 1898. Short title of Order.

Given under our hands and seal of office this Twenty-second day of April in the year of our Lord one thousand eight hundred and ninety-eight.

(L.S.)

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

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

SKULL WATERWORKS.

Skull.

PROVISIONAL ORDER.

WHEREAS the guardians of the poor of the Skull Union (herein-after called the sanitary authority) being the sanitary authority of the rural sanitary district consisting of the said Union and including the town of Skull are about to construct waterworks for the purpose of supplying the said town with water 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 lands otherwise than by agreement with reference to certain lands and premises required for the purposes of the said works: 41 & 42 Vict. c. 52.

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

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Skull.
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 made 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:

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

Compulsory powers to purchase lands and other 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 lands easements lands covered with water and rights to take and convey water described in the deposited plan and book of reference and for the purposes of this Order the word "land" in the Lands Clauses Acts shall extend to and include the said lands easements lands covered with water and rights to take and convey water.

Duration of compulsory powers.

2. The compulsory powers of purchase given by this Order shall not be exercised after the expiration of three years from the confirmation of this Order.

Costs of Order.

3. The costs charges and expenses of and incidental to the application for preparing obtaining and confirming this Order shall be paid by the sanitary authority as special expenses.

Short title of Order.

4. This Order may be cited and referred to for all purposes as the Skull Waterworks Provisional Order 1898.

Given under our hands and seal of office this Twenty-first day of April in the year of our Lord one thousand eight hundred and ninety-eight.

(L.S.)

(Signed). GEORGE MORRIS.
F. MACCABE.

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