CHAPTER xxxvii.

An Act to confirm two Provisional Orders made by the Local Government Board for Ireland under the Housing of the Working Classes Act, 1890, and the Public Health (Ireland) Act, 1878, relating to the Urban Sanitary District of Dublin. [3rd July 1894.]

A.D. 1894.

WHEREAS the Local Government Board for Ireland have made the Provisional Orders set forth in the schedule hereto, under the provisions of the Housing of the Working Classes Act, 1890, and the Public Health (Ireland) Act, 1878: 53 & 54 Vict. c. 70. 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:—

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

2. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (No. 9) Act, 1894. Short title.

A.D. 1894.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Dublin.

CITY OF DUBLIN.

PROVISIONAL ORDER

Authorising the purchase and taking of lands and premises otherwise than by agreement for the purposes of the Housing of the Working Classes Act, 1890, *Part III.*

53 & 54 Vict. c. 70.

WHEREAS the Housing of the Working Classes Act, 1890, Part III., has been adopted in the city of Dublin, and the Right Honourable the Lord Mayor, aldermen, and burgesses of Dublin (herein-after called the local authority) are about to carry the same into execution with respect to a certain district in the said city between Bride Street and Nicholas Street, and for that purpose have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) in pursuance of the Housing of the Working Classes Act, 1890, and of the Public Health (Ireland) Act, 1878, praying that they may with reference to certain lands, houses, and premises required for the said purpose 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 :

53 & 54 Vict. c. 70.
41 & 42 Vict. c. 52.

And whereas the local authority have deposited in 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, houses, and premises proposed to be taken for the purposes aforesaid :

And whereas all advertisements and notices required by the said Acts having been previously duly 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 of taking lands, &c. 53 & 54 Vict. c. 70.

1. From and after the confirmation of this Order by Parliament, the local authority shall, for the purposes of carrying into execution the Housing of the Working Classes Act, 1890, Part III., 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 lands, houses, and premises described in the deposited plans and book of reference.

A.D. 1894.

Dublin.

Provision for houses of labouring class.

2. The local authority shall not, in the execution of the said Act and 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 day of December last were, occupied either wholly or partially by persons belonging to the labouring classes as tenants or lodgers unless and until:—

(1.) 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 to all the circumstances of the case, and until they have given security to 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 is to be carried out, and shall require the new buildings proposed to be provided under the scheme to be completed and 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 provisions of any such scheme, and any conditions subject to which the Local Government Board may have approved of any such scheme, or of any modifications thereof, 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 local authority acquire or appropriate any house for the purpose of this Order in contravention of the foregoing provisions, or displace or cause to be displaced persons residing in any house in contravention of the requirements of any scheme made and approved of in pursuance of this section of this Order, 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 the said penalty.

A.D. 1894.

Dublin.

41 & 42 Vict. c. 52.

(6.) Subject to the provisions of this section of this Order, the local 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 by the local 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 endorsed with notice of this proviso: Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection of this Order, subject to such conditions (if any) as they may think fit.

(7.) The local authority shall, if required by the Local Government Board, pay to the said Board a sum to be fixed by the Board in respect of the preparation and issue of any Provisional Order made in pursuance of this section of this Order, and of any expenses incurred by the Board in relation to any inquiries under this Order, including the expenses of any witness 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 be residing with them.

Duration of compulsory powers.

3. The compulsory powers of purchasing and taking lands and other premises conferred by this Order shall not be exercised after the expiration of five years from the confirmation of this Order.

Costs of Order.

4. The costs, charges, and expenses of the local authority and of the Local Government Board, of or incidental to the application for, preparation of, obtaining and confirming this Order, shall be paid by the local authority as part of their expenses under the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

Short title of Order.

5. This Order may be cited for all purposes as the Dublin (Bride's Alley Area) Provisional Order, 1894.

Given under our Hands and Seal of Office, this fourth day of May, in the year of our Lord One thousand eight hundred and ninety-four.

(L.S.) (Signed) George Morris,
F. MacCabe.

THE LOCAL GOVERNMENT BOARD FOR IRELAND. A.D. 1894.

CITY OF DUBLIN. *Dublin.*

PROVISIONAL ORDER

Authorising the purchase and taking of lands and premises otherwise than by agreement for the purpose of widening, enlarging, and improving a street.

WHEREAS the Right Honourable the Lord Mayor, aldermen, and burgesses of the city of Dublin (herein-after called the sanitary authority) are about to widen, enlarge, and improve a street in the said city, called John's Lane, and for that purpose 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 with reference to certain lands, houses, and premises required for the said purpose 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 : 41 & 42 Vict. c. 52.

And whereas the sanitary authority have deposited in 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, houses, and premises proposed to be taken for the purpose aforesaid :

And whereas all advertisements and notices required by the said Act having been previously duly 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 of taking lands.

1. From and after the confirmation of this Order by Parliament, the sanitary authority shall, for the purpose aforesaid, 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 lands, houses, and premises described in the deposited plans and book of reference.

Restriction of power to take houses of 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 said fifteenth day of December, but have been or shall 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

A.D. 1894.

Dublin.

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 such persons who may be residing with them.

Duration of compulsory powers.

3. The compulsory powers of purchasing and taking land given by this Order shall not be exercised after the expiration of five years from the confirmation of this Order.

Costs of Order.

4. The costs, charges, and expenses of the sanitary authority and of the Local Government Board, of and incidental to the application for, preparation of, obtaining and confirming this Order, shall be paid by the sanitary authority as part of their expenses under the Public Health (Ireland) Act, 1878.

41 & 42 Vict. c. 52.

Short title of Order.

5. This Order may be cited and referred to for all purposes as the Dublin (John's Lane) Provisional Order, 1894.

Given under our Hands and Seal of Office, this second day of May, in the year of our Lord One thousand eight hundred and ninety-four.

(L.S.)

(Signed) George Morris.
F. MacCabe.

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