CHAPTER 37.

An Act for amending the Law relating to Local Government in Ireland, and for other purposes connected therewith. [12th August 1898.]

BE it 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:

PART I.

County Councils.

PART I.

COUNTY COUNCILS.

Constitution.

Establishment of county councils.

1. A council shall be established in every administrative county, and be entrusted with the management of the administrative and financial business of that county, and shall consist of a chairman and councillors.

Election and qualification of councillors.

2.—(1.) The councillors of a county shall (subject to the provisions herein-after contained with respect to additional members) be elected by the local government electors for the county.

(2.) The councillors shall hold office for a term of three years and shall then retire together, and their places shall be filled by a new election.

(3.) The number of councillors and the divisions in every county for their election (in this Act referred to as county electoral divisions) shall be those provided by an order of the Local Government Board made before the first day of January next after the passing of this Act, subject after the first election to alteration in manner provided in pursuance of this Act:

Provided that—

(*a*) One councillor only shall be elected for each county electoral division except where an urban district forming one such division returns more than one councillor; and

(*b*) The county electoral divisions shall be arranged with a view to the population of each division being, so nearly as conveniently may be, equal, regard being had to a proper representation both of the rural and urban population, and to the distribution and pursuits of such population, and to the last published census for the time being, and to evidence of any considerable change of population since such census.

(4.) At an election for a county, each elector may give in a county electoral division one vote and no more, or in case of an urban district forming one county electoral division and returning

more than one councillor, one vote and no more for each of any number of persons not exceeding the number of councillors to be elected for that division, and shall not vote at the same election in more than one county electoral division of the county.

(5.) A person shall not be qualified to be elected or to be a councillor for a county, unless he is a local government elector for such county.

Additional members and chairman and vice-chairman of county council, and constitution of chairman as justice.

3.—(1.) The chairman of every rural district council (established under this Act) within the county shall, by virtue of his office, be an additional member of the county council, but if such chairman is otherwise a member, or is disqualified for election as a member, of the county council, the district council may assign one of their number who is not so disqualified to take during the term of office of that chairman the place of the chairman as additional member of the county council.

(2.) The county council may choose from persons qualified to be councillors one or two persons who shall be additional councillors during the term of office of the council by whom the choice is made.

(3.) The first business of the council after any triennial election shall be the consideration of the question of choosing additional councillors.

(4.) The county council may annually choose a chairman, and if they think fit a vice-chairman, from among the councillors, and the chairman, subject as hereafter provided by this Act, shall, during the term of and by virtue of his office, be a justice of the peace for the county, but before acting as such justice he shall, if he has not already done so, take the oaths required by law to be taken by a justice.

Powers of County Councils and County Court.

Transfer to county council of business of grand jury and county at large presentment sessions.

4.—(1.) Subject to the provisions of this Act, there shall be transferred to the council of each county all the business of the grand jury not excepted by this section, and all the business of the county at large presentment sessions; and the county council for the purpose of such business shall, save that any fiat or other sanction of a judge shall not be required, have the powers and duties of the grand jury and the said presentment sessions in connexion with the said business, and also such further powers and duties as are conferred on them by or in pursuance of this Act, or as may be necessary for conducting, as an administrative body, the business hereby transferred.

(2.) Nothing in this Act shall transfer to a county council or a member thereof—

(*a*) any business relating to bills of indictment or any business of the grand jury at common law relating to crime; or

(*b*) any business by this Act transferred to the county court; or

(*c*) any power to appoint a visiting committee for a prison.

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Transfer to county court of grand jury business respecting compensation for criminal injuries and amendment of law respecting such compensation.

6 & 7 Will. 4. c. 116.

24 & 25 Vict. c. 97.

5.—(1.) There shall be transferred to the county court the business of any presentment sessions and grand jury in relation to compensation for criminal injuries, that is to say, compensation under the enactments mentioned in Part One of the First Schedule to this Act, and of those enactments section one hundred and thirty-five and the following sections of the Grand Juries Act, 1836, so far as unrepealed, shall extend to the case of maliciously setting fire to, destroying, or injuring property of any description, whether real or personal, in like manner as they apply to the setting fire to, injuring, or destroying the particular descriptions of property specified in the first-mentioned section: Provided that this Act shall not extend the application of the said sections to any case except where the malicious act done was a crime punishable on indictment under the Malicious Damage Act, 1861.

(2.) Upon an application for such compensation, the county court may either refuse the application, or make a decree against the county council, and, if the decree is made, shall have the power of a judge of assize under section one hundred and forty of the Grand Juries Act, 1836, with respect to the apportionment of the compensation.

6 & 7 Will. 4. c. 116.

(3.) Any person claiming compensation in a county may apply to the county court, and the council for the county and the council for the district in or within one mile from the boundary of which county or district the injury is alleged to have been committed, and also any person paying poor rate in that county may, as well as the applicant, appear and be heard by the county court in relation to the application.

(4.) Any person or council who appeared, or though not actually appearing was entitled to appear, before the county court in relation to such application, and also, where the area off which the compensation awarded is to be levied is less than the whole county, the council for any county district comprising all or any part of that area, may, if aggrieved by the refusal or decree of the county court, appeal to the judge of assize, and, subject to this Act and to rules of court, the County Courts (Ireland) Acts, 1851 to 1889, shall, except in so far as they require security to be given, apply in like manner as in the case of any other appeal; and the judge may vary the decree in respect of the area off which the compensation is to be levied as well as in respect of other matters.

14 & 15 Vict. c. 57.
52 & 53 Vict. c. 48.

(5.) The judge of assize upon any such appeal shall, in addition to any other power, have power if he thinks fit to empanel a jury to try any issue of fact arising on the appeal, and such jury shall, if any party to the proceedings so requires, be a special jury.

(6.) The county court and judge of assize respectively may award costs to or against any party to any proceedings under this section.

(7.) Rules of court may regulate the practice and procedure under this section, including costs, and the service of all preliminary

notices, and the time within which any proceedings are to be had or taken; and in particular such rules shall provide that non-compliance with any of the rules shall not render any proceedings void unless the court or judge of assize so direct, but the time may be extended and the proceedings may be set aside either wholly or in part, or be amended or otherwise dealt with, in such manner and upon such terms as the court or judge may think just.

(8.) Save so far as fees are taken by an existing clerk of the peace for his own use, court fees shall not be payable in any proceedings in the county court under this section.

(9.) The enactments mentioned in Part One of the First Schedule to this Act and this section shall extend to the whole of Ireland so far as they do not already so extend.

Transfer to county council of business of Boards of guardians as to poor rate, cattle diseases and explosives. 57 & 58 Vict. c. 57. 40 & 41 Vict. c. 68. 38 & 39 Vict. c. 17.

6. There shall be transferred to the council of each county—

(*a*) the business of the guardians with respect to making, levying, collecting, and recovering the poor rate in so much of the county as is not comprised in an urban county district;

(*b*) the business of the guardians as local authority under the Diseases of Animals Act, 1894, and the Destructive Insects Act, 1877; and

(*c*) the business of the justices in petty sessions under the Explosives Act, 1875, except the power to appoint any officer, which power shall cease.

Powers of county council as to technical instruction. 52 & 53 Vict. c. 76. 54 & 55 Vict. c. 4.

7. The council of a county shall be a local authority within the meaning of the Technical Instruction Acts, 1889 and 1891; but this section shall not prevent any other local authority under the said Acts from acting concurrently with the county council, if that authority act in accordance with any general scheme framed by the council, or otherwise with the consent of the council:

Provided that—

(*a*) The rate levied under the said Acts by such authority shall not, when combined with the rate levied thereunder by the county council, exceed the limit thereby authorised; and

(*b*) Nothing in this section contained shall affect any scheme for technical or manual instruction instituted or made by any local authority before the passing of this Act, or the continued payment after the passing of this Act of any aid in pursuance of such scheme by such authority.

Expenses and determination by county council of main roads.

8.—(1.) One half of the expenses of the maintenance of any main road shall be levied off the administrative county, and the other half off the county districts in which the road is situate.

(2.) Every road the expense of the maintenance of which at the passing of this Act is levied partly or wholly off the county at large shall be a main road until it ceases so to be as herein-after

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provided, and the enactments respecting mail roads shall be repealed.

(3.) The council of each county may, upon the report of the county surveyor, make a general declaration declaring what roads in the county shall be main roads, and any road not mentioned in such declaration shall cease to be a main road; and at any time after the end of five years, the council may, if they think fit, reconsider the declaration and make a new declaration, and so on at intervals of not less than five years.

(4.) The county council may declare a proposed new road to be a main road, subject to reconsideration at any time at which the council reconsider any general declaration, and the cost of and incidental to the making of such road shall be levied in like manner as its maintenance.

(5.) A declaration, whether a general declaration or a declaration respecting a new road, shall at first be a provisional declaration, and shall be communicated by the county council to each district council in the county in the prescribed manner.

(6.) After the prescribed time, and after considering any representations which may meantime have been submitted either by any district council or by any person or persons claiming to be interested, the county council shall take the said provisional declaration into consideration, and may adopt the same, either in its original form or after modifying it either by way of exclusion or inclusion of roads.

(7.) The declaration, unless suspended as herein-after mentioned, shall come into operation at the date of its final adoption, or any later date specified in the declaration.

(8.) The county council shall forthwith communicate a declaration as finally adopted to every district council in the county; and any such district council, if aggrieved by the declaration or by the omission therefrom of any road, may, within the prescribed time, appeal to the Local Government Board, and that Board, after communication with the county council, may dismiss the appeal, or make any declaration which the county council could have made, and that declaration shall operate as a declaration by the council.

(9.) In the event of such an appeal, the declaration shall be suspended while the appeal is pending. A county council may also suspend a declaration as regards a portion of an old road situate in any county district, until the council of the district have proposed the expenditure of sufficient money for placing that portion in proper repair and condition to the satisfaction of the county council.

(10.) A declaration, suspended while an appeal is pending, which afterwards becomes operative, shall operate as from the date when originally made, or any later date which may be fixed by the Local Government Board on the appeal.

(11.) This section shall apply to so much of any main or other road as is situate within an urban county district.

(12.) Nothing in this section shall be held to prevent the whole or a greater proportion than one-half of the expenses of the maintenance of any road heretofore leviable wholly off the county at large, or of the expenses of the maintenance or construction of any bridge, from being levied off the county at large.

Provision and management of lunatic asylums.

9.—(1.) It shall be the duty of the council of every county to provide and maintain sufficient accommodation for the lunatic poor in that county in accordance with the Lunatic Asylum Acts, and if it appears to the Lord Lieutenant that any council fail to perform such duty, he may order that council to remedy the failure within the time and in the manner (if any) specified in the order.

(2.) The duties of the council under this section shall be exercised through a committee appointed by them, and if the Lord Lieutenant fixes a number of the number so fixed; and out of that committee a number not exceeding one-fourth may be persons not members of the council.

(3.) There shall be transferred to the council, acting through that committee, the business of the governors and directors of the asylum under the Lunatic Asylum Acts, and the committee, subject to the general control of the council as respects finance, may act without their acts being confirmed by the council.

(4.) Plans or contracts for the purchase of land or buildings, or for the erection, restoration, or enlargement of buildings, shall not be carried into effect until approved by the Lord Lieutenant.

(5.) The county council, through the said committee, shall properly manage and maintain every lunatic asylum for their county; and, subject to the provisions of this Act, may appoint and remove the officers of the asylum and regulate the expenditure; and the powers under the Lunatic Asylum Acts of the Lord Lieutenant or the inspectors of lunatics, as to those matters, and as to land and buildings, and as to the appointment of governors or directors, shall cease, and also the Board of Control for lunatic asylums shall be abolished.

(6.) The county council, through the said committee, may, and if required by the Lord Lieutenant shall, make regulations respecting the government and management of every lunatic asylum for their county, and the admission, detention, and discharge of lunatics, and the conditions as to payment and accommodation under which private patients may be admitted into and detained in the asylum, and the regulations when approved by the Lord Lieutenant with or without modifications shall have full effect, and shall have the same effect for the purposes of the fourth section of the Lunatic Asylums (Ireland) Act, 1875, as if made by the Lord Lieutenant and Privy Council. 38 & 39 Vict. c. 67.

(7.) Where a district for a lunatic asylum comprises two or more counties, this section shall apply with the necessary modifications to those counties and to the councils thereof; and the expenses shall be defrayed by the several counties in proportion to the number of lunatics from each county according to the average of the three local financial years which ended next before the last triennial election of county councillors; and the committee for the asylum shall be a joint committee of the councils of the counties,

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with a representation of each council (determined in case of dispute by the Lord Lieutenant) in the same proportion as that in which the expenses are defrayed.

(8.) Where a county council fail or refuse to provide funds for any object approved by any such joint committee, the joint committee may, except where the majority of the county councils represented on such joint committee so fail or refuse, appeal to the Lord Lieutenant, and the said county council shall comply with any order made by the Lord Lieutenant upon that appeal.

(9.) Proceedings had or taken by any such joint committee shall be had or taken in the names of the said councils jointly, and proceedings had or taken against any such joint committee shall be had or taken against such councils jointly.

Powers of county council as to acquisition of land or easements.

10.—(1.) A county council, for the purpose of any of their powers and duties, may acquire, purchase, take on lease or exchange, any land or any easements or rights over or in land, whether within or without their county, including rights to water, and may acquire, hire, erect, and furnish such halls, buildings, and offices as they require, whether within or without their county, and for the purpose of this section section two hundred and three of the Public Health Act, 1878, shall apply with the necessary modifications, and in particular with the modification that the advertisements mentioned in sub-section two of the said section may be published in any month, and that the notice mentioned in the said sub-section shall be served in the next succeeding month.

41 & 42 Vict. c. 52.

(2.) A county council shall not take or use any such land, easements, or rights, without either the consent of the owner and occupier or the authority of a provisional order duly confirmed, and where the order does not affect demesne land, it may be confirmed without the authority of Parliament in manner provided by section twelve of the Labourers (Ireland) Act, 1885, and that section and any enactment amending the same shall apply, with the necessary modifications.

48 & 49 Vict. c. 77.

(3.) Where a county council desire for the purpose of the work of widening an old road, or making a new road, to acquire otherwise than by agreement any land other than demesne land or pleasure ground or than land situate in a borough or town, they may, if they think fit, notwithstanding anything in the foregoing provisions of this section, proceed as follows, namely:—

(*a*) Publish such advertisement and serve such notice on the owner or reputed owner, lessee or reputed lessee, and occupier, of the land as may be prescribed by the Local Government Board, and within the prescribed time petition the judge of assize for an order authorising the council to put into force with reference to such land the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement;

(*b*) The judge of assize, on due proof of the prescribed advertisements having been published and prescribed notices served, shall, unless there is an application as herein-after mentioned, make an order in accordance with the prayer of the petition;

(*c*) Any person interested in the said land on whom the said notice is required as aforesaid to be served and who objects to the land being acquired by the county council, and any owner or reputed owner, lessee or reputed lessee, or occupier, of any land who alleges that such land will be injuriously affected by the said work, and also any ratepayer in the county may, within such time after the publication of the said notices as is fixed by rules of court, apply to the judge of assize to refuse the order upon the said petition, and the judge shall hear such application and determine all questions of law and fact arising thereon, and in particular the question whether the said work is of public utility, and of such importance to the public as to justify the compulsory acquisition of the land;

(*d*) Any decision by the judge upon the hearing of such application, whether making or refusing the order, shall be subject to appeal by any party to the proceedings before the judge of assize to the Lord Lieutenant in Council within the time fixed by rules of court, and the appeal shall be heard by a committee of the Privy Council (which shall be styled the Judicial Committee), consisting of such members thereof as are or have been judges of the Supreme Court, who, or a quorum of whom consisting of not less than three, shall advise the Lord Lieutenant thereon;

Provided that, with the consent of the parties, the judge of assize may state a case for the opinion of the Court of Appeal upon any question of law, and in such case no appeal shall lie to the Lord Lieutenant in Council.

(*e*) The judge of assize and Lord Lieutenant in Council and the Court of Appeal may respectively award such costs to be paid by or to parties to any proceedings under this section as appear just;

(*f*) Rules of court regulating the practice and procedure and costs respecting the petitions to and proceedings before the judge of assize under this section, and appeals from such judge to the Lord Lieutenant in Council, and cases stated, may be made by the authority having power to make rules of court for the Supreme Court;

(*g*) An order under this section granting in whole or in part the prayer of the petition, whether made by the judge of assize or by the Lord Lieutenant in Council upon appeal from that judge, shall have effect as if it were a provisional order under section two hundred and three of the Public Health Act, 1878, duly confirmed, and upon any land being taken under the order, the compensation for the same to be paid by the county council shall, in the absence of agreement, be determined by an arbitrator appointed by the Local Government Board, or if the parties so agree, be determined by the judge of assize, either with or without a jury, according to the agreement; 41 & 42 Vict. c. 52.

(*h*) The foregoing provisions with respect to the acquisition of any land for the purpose of widening an old road, or making a new road, shall apply to the acquisition of any easement or right over land in like manner as if it were land.

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Powers of county council as to sudden damage to public works.

11.—(1.) The council of each county shall arrange for the immediate repair of sudden damage to any public work, maintained in whole or in part at the cost of the county or any rural district, but where the expense of the repair is wholly leviable off any district and not partly off the county at large, such expense shall not exceed fifty pounds if within the prescribed time the council of the district object to any larger expenditure.

(2.) For the purposes of this section "repair of sudden damage" means such repair of any sudden damage to any public work, and such erection of any temporary work in place of any public work suddenly carried away or destroyed, and such collection or preservation of the materials of any damaged public work, as, subject to the general directions of the county council, the county surveyor considers cannot, without prejudice to the public, be delayed until the ordinary procedure relating to the repair of public works can be followed.

(3.) The powers of any justices and of extraordinary presentment sessions in relation to the repair of sudden damage to public works shall cease.

Power of county council as to purchase of quarries and machinery and obtaining materials. 6 & 7 Will. 4. c. 116.

12.—(1.) The county council, without prejudice to the power under section one hundred and sixty-two of the Grand Juries Act, 1836, or any other enactment, may, for the purpose of the maintenance of the roads in their county, whether main or other roads, acquire, purchase, take on lease, or exchange any land from which materials may be got for the repair of such roads, and may purchase or hire any steam roller, scarifier, or other machine, and may place at the disposal of the persons contracting for the repair of the roads materials from the said land, and the use of the said steam roller, scarifier, or other machine, upon such reasonable terms as may be agreed upon.

(2.) Section one hundred and sixty-two of the Grand Juries Act, 1836 (which relates to the power to obtain gravel, stone, sand, or other materials), shall extend to authorise the digging for, raising, and carrying away of gravel, stone, sand, or other materials, out of any river or brook at a distance of at least a hundred and fifty feet above or below any bridge, dam, or weir, where the same can be taken away without diverting or interrupting the course of the river or brook, or prejudicing or damaging any building, highway, ford, or spawning-bed.

Powers of county council as to exceptional distress.

13.—(1.) Where the guardians of any union satisfy the council of a county that exceptional distress exists in some district electoral division situate both in the union and in the county, and the council apply to the Local Government Board, that Board may, if they think fit, by order authorise the guardians, subject to the prescribed conditions, to administer relief out of the workhouse for any time not exceeding two months from the date of the order to poor persons of any description resident in the said electoral division, and may revoke any such order either wholly or partly or with reference to any particular class of persons.

25 & 26 Vict. c. 83.

(2.) Section two of the Poor Relief (Ireland) Act, 1862 (which excludes an occupier of more than a quarter of an acre from being

relieved otherwise than in the workhouse), shall not apply as regards relief given under this section.

(3.) One half of any expenditure incurred in pursuance of an order under this section shall be levied off the county at large (so, however, that the total amount of such expenditure levied off the county at large in any one year shall not exceed a sum equal to threepence in the pound on the rateable value of the county), and the council of the county may nominate one of their members who shall be an additional member of the board of guardians for the period fixed by the order.

(4.) The guardians may, with the consent of the Local Government Board, obtain for the purpose of this section temporary advances of such amount and for such period and repayable in such manner as that Board may sanction, and may mortgage their property and funds to secure such advances.

Powers of county council as to appointment of coroners and coroners' districts and provision as to removal, salary, and qualification of coroner.

14.—(1.) A coroner for a county shall not be elected as heretofore, and on a vacancy in the office of a coroner for a county the county council shall within one month after the vacancy, or such further time not exceeding three months after the vacancy as the Lord Chancellor may allow, appoint a qualified person to the office, and if the county is divided into coroners' districts assign him a district.

(2.) The county council may alter the coroners' districts, and the enactments respecting those districts shall apply as if the county council were the justices assembled in special sessions for that purpose under the direction of the Lord Lieutenant, and the secretary of the county council were the clerk of the peace, and the powers of the Lord Lieutenant and justices and the clerk of the peace in relation to coroners' districts shall cease.

(3.) The Lord Chancellor may, if he thinks fit, remove any coroner for a county from his office for inability or misbehaviour in the discharge of his duty.

(4.) The writ de coronatore eligendo need not be issued, but neither the omission to issue that writ nor anything else in this section shall alter the jurisdiction of the Lord Chancellor, or the High Court or a judge of assize, in relation to the removal of a coroner otherwise than in manner provided by this Act, or in relation to ordering a new election of a coroner.

(5.) A person who is a coroner for a county shall not be qualified to be elected, or to be, a county or district councillor in that county.

(6.) The salary of every coroner shall be in lieu of all sums which otherwise would be payable to him for fees, mileage, and allowances, and shall be fixed with the approval of the Local Government Board by the county or borough council by whom the salary is payable, or in default of the same being so fixed then by the Local Government Board, and shall not be subject to increase or diminution during his tenure of office.

Provided that—

(*a*) nothing in this section shall deprive the coroner of the right to be repaid expenses and disbursements lawfully paid by him on the holding of any inquest; and

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(*b*) the salary of any existing coroner shall not be less than the average annual net receipts of such coroner from his office of coroner during the five years next before the passing of this Act.

(7.) So much of any Act as requires that a coroner shall possess a property qualification shall be and the same is hereby repealed.

Power of county councils as to county infirmaries and fever hospitals.

15.—(1.) A county council shall annually contribute towards any county infirmary or fever hospital which is situate in their county or to which, though situate elsewhere, they are by statute empowered to contribute, and to any officer thereof, a sum not less than was so contributed out of the county cess in the standard financial year, or any less minimum which the Local Government Board sanction.

(2.) Every such county infirmary shall be managed, and the admission of patients thereto controlled, by a joint committee appointed triennially, consisting of such number of members of the corporation of the "governor or governesses of the infirmary" appointed by the corporation, and of such number of members of the county council or other persons appointed by the council, as the Local Government Board from time to time fix in the case of each infirmary, having regard as well to the proportion of the contribution out of the county cess or the poor rate towards the building and maintenance of the infirmary as to all the other circumstances of the case; and all powers vested in the corporation in relation to the infirmary shall be exercised only by the said committee; and every member of the committee shall have the same power of recommendation as a governor.

(3.) Where the councils of two or more counties contribute to the same county infirmary, each of those councils shall be represented on the said committee.

(4.) The foregoing provisions with respect to the management of a county infirmary shall extend to every fever hospital which is vested in the corporation of the "president and assistants of the hospital."

(5.) Where a county infirmary or fever hospital is under the management of a governing body other than such corporation as above mentioned, the foregoing provisions of this section shall apply, with the necessary modifications, in like manner as if the governing body were the said corporation.

(6.) A county council may, if they think fit, contribute towards the rebuilding or enlargement or erection on a new site of any county infirmary (whether such rebuilding, enlargement, or erection takes place after the passing of this Act, or is in course of completion at that passing), or towards the re-opening of a closed county infirmary, a sum not exceeding in the whole one-third of the sums actually received from private donations or subscriptions for such rebuilding, enlargement, erection, or re-opening, and the foregoing provisions with respect to the management of the infirmary shall apply accordingly.

(7.) Where the boundary of a county for which an infirmary or hospital has been provided is altered by or in pursuance of this Act, or where part of any such county is constituted a county

borough, the contribution to be made to such infirmary or hospital shall be a subject of adjustment, and the Local Government Board in making such adjustment may provide for the representation of the council of any contributing county upon the said committee.

(8.) Nothing in this Act shall deprive any existing officer of any infirmary or hospital to which this section applies of any privileges enjoyed by him under any Act, and such officer shall not be removed from his office except with the consent of the Local Government Board, but, subject as aforesaid, every officer of the hospital or infirmary may be appointed and removed by the committee appointed under this section.

(9.) Any county council may, notwithstanding anything in any other Act, contribute to any such county infirmary or fever hospital as above in this section mentioned any amount not exceeding the amount in that behalf mentioned in the Grand Juries Act, 1836. 6 & 7 Will. 4. c. 116.

(10.) Any county councils may agree for the contribution by one council to the county infirmary or fever hospital of the other council, on such conditions as to the admission to the infirmary or hospital of patients from the county of the contributing council, and the representation of that council on the committee for managing the infirmary or hospital, as may be agreed upon. And in the case of the county of Cork the county council may contribute a portion of the amount mentioned in sub-section nine of this section towards the maintenance of the North Cork Infirmary situate in the city of Cork upon such terms and conditions, and subject to such restrictions, as may be determined upon by the councils of the county of Cork and county borough of Cork.

(11.) No ecclesiastical person shall in right of his dignity or office be entitled to be a governor or trustee of any such infirmary or fever hospital as aforesaid.

(12.) This section shall not apply to the Waterford City and County Infirmary as regulated by the Waterford Infirmary Act, 1896. 59 & 60 Vict. c. xxii.

(13.) The Charities (Ireland) Act, 1832, and section eighty-one of the Grand Juries Act, 1836, are hereby repealed. 2 & 3 Will. 4. c. 85. 6 & 7 Will. 4. c. 116.

16.—(1.) A county council shall have the same power of making byelaws in relation to their county, or to any specified part or parts thereof, as the council of a borough have of making byelaws in relation to their borough under sections one hundred and twenty-five to one hundred and twenty-seven of the Municipal Corporations (Ireland) Act, 1840, and section two hundred and twenty-four of the Public Health Act, 1878, shall apply to such byelaws: Power of county council to make bye-laws. 3 & 4 Vict. c. 108. 41 & 42 Vict. c. 52.

(2.) Provided that byelaws made under this section shall not be of any force or effect within any borough.

17. The council of a county shall have the same powers of opposing Bills in Parliament and of prosecuting and defending legal proceedings necessary for the promotion or protection of the interests of the inhabitants of the county, or any part thereof, as Power of county council as to opposing Bills in

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51 & 52 Vict. c. 53.

are conferred on the governing body in any district by the Borough Funds (Ireland) Act, 1888; and that Act shall extend to a county council as if they were a "governing body" and the county were their district: provided that—

(*a*) no approval of voters shall be required for any proceedings under this section; and

(*b*) this section shall not empower a county council to promote any Bill in Parliament, or to incur or raise any expenses in relation to such promotion.

As to marine works constructed by Congested Districts Board or Board of Works or at county expense.
59 & 60 Vict. c. 34.

18.—(1.) The council of any county may, if they think fit, agree with the Congested Districts Board for Ireland to take over from that board any marine work in the county constructed or acquired by such board, and agree with the Commissioners of Public Works in Ireland to take over any marine work constructed or acquired by those Commissioners under the Railways (Ireland) Act, 1896, and upon any such agreement the work shall become the public property of the county, subject nevertheless to the payment of compensation to any person other than the Congested Districts Board or the said Commissioners in like manner as if the same had been taken by the county council under the authority of a Provisional Order duly confirmed in pursuance of this Act.

(2.) Where any marine work becomes vested in a county council under this section, or is or becomes public property under section sixty-eight of the Grand Juries Act, 1836, the provisions of the Fisheries (Ireland) Act, 1846, and the Grand Juries Act, 1853, relative to maintenance and repair, and to tolls and rates, and to byelaws, rates, orders, and regulations, and otherwise, shall apply to such work as if it had been constructed by the Commissioners of Public Works under the said Act of 1846, and become the public property of the county under the said Act of 1853.

6 & 7 Will. 4. c. 116.
9 & 10 Vict. c. 3.
16 & 17 Vict. c. 136.

(3.) The provisions of the said Acts and of this section respecting maintenance and repair shall extend to reconstruction according to the original or any new plan.

(4.) For the purposes of this section, "marine work" means any harbour, dock, pier, quay, wharf, beacon, light, or other similar work, and includes the approaches to any marine work as above defined, and all land and property used in connexion therewith.

Powers of county council as to ancient monuments.
45 & 46 Vict. c. 73.

19.—(1.) Where any ancient monuments or remains within the meaning of this section are being dilapidated, injured, or endangered, the county surveyor of any county shall report the same to the county council, and a county council may prosecute for any penalty under section six of the Ancient Monuments Protection Act, 1882.

(2.) The provisions of section eleven of the said Act (defining "ancient monuments to which this Act applies") and section one of the Ancient Monuments Protection (Ireland) Act, 1892, shall have effect as if they were herein re-enacted, with the substitution of "county council" for "Commissioners of Works"; but this enactment shall be in addition to and not in derogation of the existing provisions of the said sections as respects the Commissioners of Works.

55 & 56 Vict. c. 46.

PART I.

County Councils.

Power to transfer to county council powers of local bodies.

20.—(1.) The Local Government Board may, with the consent of the board or body affected, make a provisional order for transferring to a county council business arising in their county under any Act of any drainage board, or other public body corporate or unincorporate (not being a district council or the commissioners of a town or a board of guardians), and where it appears to the Local Government Board that there are no persons capable of acting as such board or body, the order may be made without the consent of the board or body, and each order shall make such exceptions and modifications and also such provisions for carrying into effect the transfer as appear necessary or expedient.

(2.) Any such business, if arising within two or more counties, may be transferred to the councils of those counties jointly, and be administered by a joint committee with a representation of each council, to be determined in case of dispute by the Lord Lieutenant.

County Boroughs.

Constitution of and application of Act to county boroughs.

21.—(1.) Each of the boroughs mentioned in the Second Schedule to this Act shall be an administrative county of itself, and be called a county borough.

(2.) The mayor, aldermen, and burgesses of each county borough acting by the council shall, subject as in this Act mentioned, have the powers and duties of a county council under this Act and the powers of baronial presentment sessions in so far as they have not the same already, and the provisions of this Act with respect to administrative counties shall, so far as circumstances admit, apply in the case of every such borough with the necessary modifications, subject as follows:—

(*a*) The local government register of electors shall be the burgess roll, and persons registered therein and no others shall be the burgesses, and the provisions made by or in pursuance of this Act respecting the qualification and mode of election of councillors shall extend as well to the aldermen as to the councillors of a county borough, but, save as aforesaid or as expressly provided by this Act, the provisions so made with respect to the constitution, number, duration of office, or chairman, of the county council shall not apply;

Provided that the Local Government Board, on request made by a resolution of the council of any such borough passed by two-thirds of the members voting on such resolution, may by order apply to the borough the provisions of this Act with respect to the duration of office of councillors, and make such incidental provisions as appear to the Board necessary or expedient for bringing such application into full effect, and in particular for making the triennial election of councillors coincide with the triennial election of a portion of the aldermen;

(*b*) The provisions of this Act relating to main roads, coroners (except as to property qualification), byelaws, or the Borough Funds (Ireland) Act, 1888, shall not apply; 51 & 52 Vict. c. 53.

PART I.
County Councils.

(*c*) No approval of voters shall be necessary to enable the council of a county borough to oppose a Bill in Parliament pursuant to the provisions of the Borough Funds (Ireland) Act, 1888;

(*d*) The quorum of a council of a county borough shall be one-fourth of the total number of such council;

(*e*) The provisions of this Act with respect to compensation for criminal injuries shall apply, although the business has before the passing of this Act been vested in the council of a borough.

PART II.
District Councils and Guardians.

PART II.

DISTRICT COUNCILS AND GUARDIANS.

Constitution.

County districts and district councils.

22.—(1.) All urban sanitary authorities shall be called urban district councils and their districts shall be called urban districts, but nothing in this section shall alter the style or title of the corporation or council of a borough.

(2.) For every rural sanitary district there shall be a rural district council, whose district shall be called a rural district.

(3.) In this and every other Act, unless the context otherwise requires, the expression "district council" shall include the council of every urban district, whether a county or other borough or not, and of every rural district, and the expression "county district" shall include every urban district, whether a borough or not, which is not a county borough, and every rural district.

1 & 2 Vict. c. 56. 55 & 56 Vict. c. 41.

(4.) A poor law electoral division, that is to say, an electoral division within the meaning of the Poor Relief (Ireland) Acts, 1838 to 1892, shall be called a district electoral division.

Constitution and election of district councils in county districts.

23.—(1.) In an urban county district the members of the council of the district, other than the mayor or chairman, and if the district is divided into wards the members for each ward, shall be elected by the local government electors for the district or ward, and in a borough those electors and no other persons shall be the burgesses, and the local government register of electors shall be the burgess roll; and the provisions made by or in pursuance of this Act respecting the qualification and mode of election of councillors shall extend as well to the aldermen as to the councillors of the urban district; but, save as aforesaid or as expressly provided by this Act, there shall be no change in the constitution, number, duration of office, or chairman, of any such council:

Provided that where one-third of the councillors of any such district are elected annually, the Local Government Board, on request made by a resolution of the council passed by two-thirds of the members voting on such resolution, may by order apply to the district the provisions of this Act with respect to the duration of office of county councillors, and make such incidental provisions as appear to the Board necessary or expedient for bringing such application into full effect, and in particular, in the case of a

borough, for making the triennial election of councillors coincide with the triennial election of a portion of the aldermen.

(2.) The quorum of an urban district council shall be one-fourth of the total number of such council.

(3.) In a rural district—

(*a*) the district council shall consist of a chairman and councillors;

(*b*) two councillors shall be elected for each district electoral division, except where the Local Government Board assign more than two councillors to a town or part of a town forming one district electoral division, and the councillors for each district electoral division shall be elected by the local government electors for that division;

(*c*) at an election for the district council an elector may give in an electoral division one vote and no more for each of any number of persons not exceeding the number of councillors to be elected for the division, and shall not vote at the same election in more than one district electoral division;

(*d*) the district councillors shall hold office for a term of three years, and shall then retire together, and their places shall be filled by a new election.

(4.) A person shall not be qualified to be elected, or to be, a councillor of the council of a county district unless he is a local government elector for the district, or has, during the whole of the twelve months preceding the election, resided, and continues to reside, in the district.

Constitution and election of guardians.

24. As from the appointed day in the year one thousand eight hundred and ninety-nine, there shall be no ex-officio guardians of a union, and—

(*a*) in a rural district the district councillors for every district electoral division shall be the guardians for that division; and

(*b*) in an urban district the guardians for any district electoral division therein shall be elected by the local government electors for that division, subject to the like provisions in the like manner and at the like time as district councillors for a rural district, and shall be qualified in the like manner and hold office for the same term as such district councillors; and

(*c*) where the Local Government Board constitute any urban county district, or part thereof, or part of a county borough, a district electoral division, they may assign to that division two or more guardians; and

(*d*) each elector may give in a district electoral division one vote and no more for each of any number of persons, not exceeding the number of guardians to be elected for that division; and

(*e*) an elector shall not at the same election vote for the members, whether district councillors or guardians, of a board of guardians for a union in more than one district electoral division in that union.

Chairman of rural district council or guardians and

25.—(1.) The district council of every rural district—

(*a*) may choose from persons qualified to be councillors of the district not more than three persons, who shall be additional

PART II.

District Councils and Guardians.

councillors during the term of office of the council by whom the choice is made; and

(*b*) may annually choose a chairman, and if they think fit a vice-chairman, from among the councillors.

additional councillors and guardians.

(2.) The first business of the council after any triennial election shall be the consideration of the question of choosing additional councillors.

(3.) A person so chosen by a district council from outside their body as additional councillor shall be a member of the council, and also of the board of guardians of the union comprising the district.

(4.) Nothing in this section shall alter the power of guardians to choose their chairman and vice-chairman.

Constitution of chairman of district council and of town commissioners as justice of the peace.

26.—(1.) Where an urban or rural county district in any county contains a population, according to the last published census for the time being, exceeding five thousand, the chairman of the council for the district shall, unless a woman or personally disqualified by any Act, but subject as hereafter provided by this Act, be during the term of and by virtue of his office a justice of the peace for the county, but, except when sitting in quarter or general sessions, shall act only within the petty sessional district or districts comprising the county district, or any part of the county district.

(2.) The chairman of the council of any urban county district who is not a justice of the peace under the foregoing provisions of this section, and also the chairman of the commissioners of any town, shall, if not a woman or personally disqualified by any Act, but subject as hereafter provided by this Act, be a justice of the peace in like manner as if he had been appointed by the Lord Chancellor under section twenty-nine of the Towns Improvement (Ireland) Act, 1854.

17 & 18 Vict. c. 103.

(3.) A chairman before acting as justice under this section shall, if he has not already done so, take the oaths required by law to be taken by a justice of the peace.

(4.) The power of the Lord Chancellor under section twenty-nine of the Towns Improvement (Ireland) Act, 1854, to select a commissioner to act as justice of the peace shall cease.

(5.) This section shall apply to a borough not having a separate commission of the peace with the substitution of mayor for chairman, but shall not apply to any other borough.

Powers of District Councils and Guardians.

Transfer to district councils of business of baronial presentment sessions and grand jury and extension of powers of urban district councils as to roads.

27.—(1.) Subject to the provisions of this Act there shall be transferred—

(*a*) to the district council of every county district, the business of any baronial presentment sessions so far as respects their district; and

(*b*) to the district council of every urban county district, so far as respects their district, the business of the grand jury of the county in relation to public works, the expense of the maintenance of which is not wholly or partly leviable off the county at large;

but the said transfer shall only operate so far as the business is not already the business of the district council.

(2.) A county council shall not, without the consent of the Local Government Board, approve of any expenditure on roads proposed by the council of any rural district, which will cause the expenditure on the roads of the district to exceed by one-fourth the amount certified by that board to have been the average expenditure thereon during the three years next before the passing of this Act, and the Board may as respects each council consent either for a particular road or a particular year, or generally, and in the latter case may fix a new limit under this section.

(3.) An urban district council shall transact the business transferred to them by this section in the manner prescribed by general rules of the Local Government Board.

(4.) The council of every urban county district shall for the purpose of any business transferred to them from a grand jury, either by this or any other Act, or by any order made under the Public Health Act, 1878, have the same powers as respects land or easements or rights over land as a county council, and the provisions of Part I. of this Act with respect to the acquisition, purchase, taking on lease, or exchange of land, easements, or rights, or the taking or use of any land, easements, or rights by a county council, shall apply accordingly with the necessary modifications. 41 & 42 Vict. c. 52.

(5.) If the council of any urban county district, or the council of any adjoining rural district, consider that any contribution should be made by one council to the other in respect of a liability for maintaining any public work heretofore maintained out of money levied off an area comprising the whole or part of both such districts, the councils may agree upon such contribution, and in default of agreement either council may apply to the Local Government Board to order such contribution, and that Board shall deal with the application as a matter of adjustment under this Act.

(6.) The council of any urban county district may undertake the entire maintenance of any road in the district, the expenses of the maintenance of which are leviable partly off the county at large, and may so undertake upon such terms as may be agreed upon, or in default of agreement be fixed by an order of the Local Government Board.

(7.) Where an order of the Local Government Board, under the foregoing provisions, deals with an application to order any contribution or fixes the terms of an undertaking, and within three months after the order the Board receive a petition against it from either council affected, or from at least one-fourth of the local government electors of any district or county affected, the order shall be provisional only, and a certificate of the Local Government Board that no such petition has been received, and that the order has taken effect, shall be conclusive evidence of those facts.

(8.) Nothing in this section or in the provisions of this Act with respect to main roads shall, save as respects the alteration of financial relations in Part Four of this Act mentioned, affect the provisions of any local Act, or any Provisional Order confirmed by

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an Act, respecting the maintenance of any road in an urban county district, or respecting the liability of the district to contribute towards any expenses of the maintenance of any road outside the district.

Transfer to urban district councils of business of guardians as to poor rate.

28. There shall be transferred, subject to the provisions of this Act, to the council of every urban district the business of the guardians as regards making, levying, collecting, and recovering the poor rate within the district.

Transfer of business of burial boards in certain towns. 41 & 42 Vict. c. 52. s. 160.

29. There shall be transferred to the council of every urban district excepted from section one hundred and sixty of the Public Health Act, 1878 (by reason of being a town or township having commissioners under a local Act), the business of the board of guardians as burial board, and the said council shall be the burial board for the district.

Transfer to guardians of business of dispensary committees.

30. There shall be transferred to the guardians the business of every committee of management of a dispensary district within their union, and those committees shall cease to be appointed.

Extension of power of purchase of market under 41 & 42 Vict. c. 52. s. 104.

31. The power conferred by section one hundred and four of the Public Health Act, 1878, upon an urban authority to purchase a market from a market company shall extend to authorise the purchase from any person of any franchise or right to hold a market or fair, whether under Act, letters patent, or otherwise, and the said section shall apply accordingly, with the necessary modifications.

Transfer of sanitary powers of guardians under 41 & 42 Vict. c. 52.

46 & 47 Vict. c. 59.

32. There shall be transferred to every urban and rural district council the business of the board of guardians under section one hundred and fifty of the Public Health Act, 1878 (which relates to the execution of the regulations made when Ireland appears to be threatened by any formidable epidemic, endemic, or infectious disease), or under any enactment amending or extending that section, and section three of the Epidemic and Other Diseases Prevention Act, 1883, shall be repealed.

Powers of rural district councils under Public Health Acts. 41 & 42 Vict. c. 52.

33.—(1.) There shall be transferred to the district council of every rural district the business of the rural sanitary authority in the district.

(2.) Rural district councils shall also have such powers and duties of urban sanitary authorities under the Public Health Acts or any other Act, and such provisions of any of those Acts relating to urban districts shall apply to rural districts as the Local Government Board by general order direct; and every such order shall be forthwith laid before Parliament.

59 & 60 Vict. c. 51.

(3.) The power to make such general order shall be in addition to, and not in substitution for, the power conferred on the Board by section one of the Public Health Act, 1896 (which relates to investing rural authorities with the powers of urban authorities), and that power may be exercised by the Board on the application of a county council.

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34. Where a rural district council hold, under the Labourers (Ireland) Acts, 1883 to 1896, any land on lease, they may by agreement purchase the interest of the lessor or any other superior interest in such land, and shall have the same power of borrowing the purchase money as they have of borrowing money for the purchase of land under the said Acts, and for the purpose of any such purchase an advance may be made under section eighteen of the Labourers (Ireland) Act, 1883, as amended by the Public Works Loans Act, 1897.

Power of district council to purchase lessor's interest in lands held by them on lease.
46 & 47 Vict. c. 60.
60 & 61 Vict. c. 51.

35. The provisions of the Towns Improvement (Ireland) Act, 1854, as amended by the Local Government Board (Ireland) Act, 1872, respecting byelaws in relation to boats plying for hire and the owners and boatmen thereof, shall apply to every rural district in like manner as if the council of the district were commissioners under the first-mentioned Act.

Byelaws in rural district regulating boats plying for hire.
17 & 18 Vict. c. 103.
35 & 36 Vict. c. 69. s. 2.

36.—(1.) An urban district council, and if so authorised by order of the Local Government Board a rural district council, may—

(*a*) acquire, purchase, or take on lease, lay out, plant, improve, and maintain land for a recreation ground or public walk; and

(*b*) support or contribute to the support of a recreation ground or public walk, or contribute towards the purchase or cost of the laying out, planting, or improvement of any recreation ground or public walk, when provided by any person and permanently dedicated as such; and

(*c*) make byelaws for the regulation of any such recreation ground or public walk, and by such byelaws provide for the removal from such recreation ground or public walk, by any officer of the said council or a constable, of any person infringing any such byelaw.

Powers of district council as to recreation ground and public walks.

(2.) The recreation ground or public walk may be either within or without the district of the council, if it is convenient for the use of the inhabitants of such district.

(3.) Any expenses incurred under this section by a district council shall be defrayed as expenses under the Public Health Act, 1878.

41 & 42 Vict. c. 52.

(4.) The acquisition of land for the purpose of this section shall be deemed to be a purpose for which land may be acquired under the Public Health Act, 1878, and the provisions of that Act with respect to the acquisition of land shall apply accordingly.

(5.) Sections two hundred and nineteen to two hundred and twenty-three of the Public Health Act, 1878, shall apply to the byelaws made under this section.

37.—(1.) The council of any county district comprising the whole or part of a fishery district under the Fisheries (Ireland) Act, 1848, may, at the request of the board of conservators of such fishery district, made in pursuance of a resolution passed by such board at a meeting specially convened for the purpose of considering such resolution, make towards the expenses of that board a contribution not exceeding in any one local financial year a sum equal

Provision as to contribution by district council to fishery district.
11 & 12 Vict. c. 92.

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to a rate of one halfpenny in the pound on the rateable value of the county district at the beginning of the year.

(2.) Any such contribution shall be an annual contribution for a period of not less than three years, but (unless renewed) of not more than five years, and shall be a debt to the board of conservators, and the clerk of such board may sue for the same on behalf of the board.

(3.) A district council, upon paying in any year such contribution, may appoint such number of persons as the Lord Lieutenant may determine to act for that year as conservators of fisheries for that fishery district, in addition to and together with the conservators under the said Act, but the total number of conservators appointed under this section shall always be less than the number of conservators under the said Act.

Consent to byelaws. 3 & 4 Vict. c. 108.

38. So much of the Municipal Corporations (Ireland) Act, 1840, as requires the approval of the Honourable Society of the Governor and Assistants of London of the new plantation in Ulster within the realm of Ireland to any byelaw made by the council of the boroughs of Coleraine and Londonderry shall be repealed.

District and Union Committees.

Appointment by district councils and guardians of committees consisting partly of non-members.

39.—(1.) A rural district council for any purpose of the Public Health Acts, and a board of guardians for the purpose of the admission of paupers to the union workhouse, may appoint for a dispensary district or other part of their district or union a local committee composed either wholly of members of their own body representing that dispensary, district or part, or partly of such members and partly of other persons, whether members of their own body or not, resident or interested in the said district or part.

(2.) The appointing body may authorise the committee to institute any proceedings or do any act which that body might have instituted or done for the said purpose, except that they shall not authorise the committee to raise any money, nor to expend any money beyond such limit as is fixed by the appointing body, nor to appoint, remove, or alter the remuneration of, any officer.

(3.) The same persons may be appointed by any council and board to be a committee under this section of each appointing body in the same area.

(4.) A district council, on the application of a committee under this section for any area, may authorise any expenditure, which otherwise would be general expenses under the Public Health Acts, to be incurred by the committee, on condition that the cost of the same is levied as special expenses off such area.

(5.) The appointing body may revoke in whole or in part any appointment or authority made or given under this section.

Counties of Cities and Towns.

Application of Act to counties of cities and

40.—(1.) Any county of a city or town which does not become a county borough shall, for the purposes of this Act, be situated in and form part of the administrative county which it adjoins, or if

it adjoins more than one such county, then such one of those counties as the Local Government Board order.

(2.) The council of the county of which it so forms part shall in relation thereto have all the powers and duties of a county council; and any urban district council within the area of such county of a city or town shall have all the powers and duties under this Act of an urban district council, and their urban district shall be a county district of the said county; and the provisions of this Act with respect to the business of the grand jury, and presentment sessions, shall apply accordingly.

towns not county boroughs.

(3.) Provided that nothing in this section shall deprive the council of a borough of the right to appoint as heretofore a coroner, and that coroner shall be subject in all respects to the law relating to borough coroners.

(4.) Such portion of the county of the town of Carrickfergus as is not at the passing of this Act comprised in an urban sanitary district shall form part of the rural sanitary district constituted by the union in which that portion is situate, and upon the election under this Act of a rural district council, the business of the Municipal Commissioners of Carrickfergus in relation to the said portion shall be transferred to that council, and any question as to the right of the said portion to share in the property vested in those Municipal Commissioners shall, on the application of the rural district council, be dealt with by the Local Government Board as a matter of adjustment under this Act.

Application of 17 & 18 Vict. c. 103. to certain towns.

41.—(1.) The Towns Improvement (Ireland) Act, 1854, and the enactments amending the same, shall, subject to the exceptions and with the amendments made by this Act, apply to the town forming the urban sanitary district of Carrickfergus, and to every town having commissioners under the Lighting of Towns (Ireland) Act, 1828, and shall so apply in like manner as if it had been in whole adopted in the town, and the boundaries of each such town at the passing of this Act were the boundaries approved under the first-mentioned Act.

9 Geo. 4. c. 82

(2.) In each such town the number of councillors or commissioners, as the case may be, shall be the same as the existing number of commissioners: Provided that, if the Local Government Board think fit to divide the town into wards, the wards shall be determined and set out, and the commissioners apportioned among the wards, in manner provided by section fifteen of the said Act of 1854 for a town where there are municipal commissioners, and the number of commissioners may be varied so as to be in accordance with section sixteen of the said Act.

(3.) The urban district council of Carrickfergus shall, as successors of the municipal commissioners of Carrickfergus, be the Carrickfergus Harbour Commissioners, and the enactments relating to the transfer of property from the said municipal commissioners to the urban district council shall be subject to the provisions of this Act with respect to such portion of the county of the town of Carrickfergus as forms part of the rural sanitary district.

PART II.

District Councils and Guardians.

Towns not Urban Sanitary Districts.

Orders as to making, dissolving, or extending urban sanitary districts.

42.—(1.) Where a town has a population exceeding one thousand five hundred according to the last published census for the time being, but is not an urban sanitary district, any order of the Local Government Board constituting such town an urban sanitary district shall, unless within three months after the order is published the Board receive a petition against it,

(*a*) if the petition is before the first election of rural district councils from at least one-fourth of the parliamentary electors registered in respect of qualifications within the town, or from the guardians of the union comprising the town or any part thereof, or

(*b*) if the petition is after such first election, then from at least one-fourth of the local government electors within the town, or from the guardians of the union, or council of the rural district, comprising the town or any part thereof,

take effect without the authority of Parliament; and a certificate of the Board that no such petition has been received, and that the order has taken effect, shall be conclusive evidence of those facts.

41 & 42 Vict. c. 52.

(2.) An order of the Local Government Board under section seven of the Public Health Act, 1878, for adding any town having a population according to the last census of less than five thousand and being an urban sanitary district to a rural sanitary district, if made before the end of six months after the passing of this Act, and if the powers of the grand jury in respect of roads have not been previously transferred to the sanitary authority of the district, shall, unless within three months after the order is published the board receive a petition against it from at least one-fourth of the parliamentary electors registered in respect of qualifications within the town, or from the guardians of the union comprising the town or any part thereof, take effect without the authority of Parliament; and a certificate of the board that no such petition has been received and that the order has taken effect shall be conclusive evidence of those facts; provided that until the expiration of ten years from the said year, an order shall not be made constituting such town an urban sanitary district.

(3.) An order made after the passing of this Act for constituting a town an urban sanitary district, or for adding an urban sanitary district to a rural sanitary district, or for enlarging the boundaries of an urban county district, shall contain such provisions as may seem necessary or expedient for adapting the provisions of this Act in respect to public works, and making an adjustment of property, rights, and liabilities.

PART III.

Finance.

PART III.

FINANCE.

Incidence of Rates as regards Areas and establishment of County, &c. Funds.

Raising of guardians' expenses equally over union.

43. Notwithstanding anything in any Act, all expenses of the guardians of a union shall be raised equally over the whole union, and shall be called union charges, and where a union is divided

between more than one county the total amount to be raised over the union shall be apportioned between each divided part in proportion to rateable value, and the amount so apportioned to a divided part shall be raised equally over that part as if it were a separate union.

Raising of road and sanitary expenses in rural districts equally over rural district.

44. Notwithstanding anything in any Act, all expenses incurred in relation to the business of the council of a rural district, including those expenses connected with any public work in the district which are not leviable off the county at large, shall, subject to the provisions of this Act with respect to excluded charges, be raised equally over the whole district, and shall be called district charges.

Raising of expenses of county council equally over county or district.

45.—(1.) The expenses incurred by the council of a county at large in the execution of this Act, or otherwise in relation to their business, which are not union or district charges, nor the excluded charges herein-after mentioned, shall, where no provision is otherwise made by law, be raised equally over the whole county, and shall be called county at large charges.

(2.) Where any expenses so incurred by the council of a county may by virtue of any enactment, or any direction given thereunder, be levied off an urban district, they shall be called urban charges.

(3.) Where any expenses so incurred by the council of a county may, by virtue of any enactment or any direction given thereunder, be levied off a barony or other portion of a county, they shall, according as the county council direct, be raised equally over the whole of the county district or districts comprising the barony or portion, or equally over the whole of the county, and shall be district charges or urban charges or county at large charges accordingly.

Raising of expenses of council of urban county district and county borough.

46.—(1.) The expenses of the council of an urban county district, if incurred in meeting the demands of the county council, or in connexion with the poor rate, shall be defrayed out of the poor rate.

(2.) The expenses not above mentioned, but incurred by the council of an urban county district in relation to the business transferred to the council by or in pursuance of this Act or otherwise in the execution of this Act, shall be defrayed out of the fund or rate out of which the cost of paving and cleansing the streets in such district are or can be defrayed, but shall be excluded in ascertaining any limit imposed by law upon any such rate.

(3.) The expenses incurred by the council of a county borough, if incurred in meeting the expenses of guardians or in connexion with the poor rate, shall be defrayed out of the poor rate, and if not so incurred and incurred in relation to the business transferred to the council by or in pursuance of this Act or otherwise in the execution of this Act, or as incidental to their powers and duties as a county council, shall, where the like expenses have hitherto been defrayed out of any rate levied by the council of the borough

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other than county cess, or than a rate levied under the enactments relating to county cess, continue to be so defrayed, but in any other case shall be defrayed out of the poor rate.

(4.) Provided that the foregoing provisions with respect to the expenses incurred by the council of an urban county district or county borough shall not extend to the expenses incurred under any provision of this Act amending or extending the Public Health Acts.

County and borough and district fund and raising of deficiency in county fund.

47.—(1.) All receipts of a district or county council, whether from rates levied off the whole or any part of the district or county, or from sources other than rates, shall be paid to the treasurer of such council, and the receipt alone of that treasurer shall be a good discharge to the person paying the same; and, subject to the provisions of this Act, all such receipts shall be carried in a county or other borough to the borough fund, and in any other county or county district to the county or district fund, as the case requires, and all payments for any purpose out of any such fund shall be made by the treasurer;

Provided that the receipt given by a collector of rates in the case of payment of rates, or, where the treasurer is a banking company, by the secretary or clerk of the council in the case of any payment unconnected with rates, shall be a good discharge to the person making the payment, but the amount of the payment shall be forthwith paid by such collector secretary or clerk to the treasurer.

(2.) A council shall not directly or indirectly apply any part of their county or district fund, or any moneys under their control, for any purpose not authorised by this or any other Act, or, in the case of money derived from trust funds, then by the specific trusts affecting those funds.

(3.) In the county fund separate accounts shall be kept of all receipts and payments in respect of county at large, union, urban, and district charges respectively; and if the moneys standing to the county fund on account of any of those charges are insufficient to meet the sums payable in respect thereof, including the sums required to reimburse the treasurer for sums by law payable by him thereout, the county council shall raise the deficiency in manner provided by this Act by means of the poor rate; and the poor rate shall be levied, where the deficiency is in respect of union, urban, or district charges, off the union or district as the case requires, and in any other case off the county at large.

Agricultural Grant.

Payment to and out of Local Taxation (Ireland) Account of agricultural grant. 59 & 60 Vict. c. 41.

48.—(1.) As from the twenty-ninth day of September next after the passing of this Act, section one of the Local Taxation (Ireland) Estate Duty Act, 1896, shall be repealed, and there shall be annually paid out of the Consolidated Fund to the Local Taxation (Ireland) Account a sum (in this Act referred to as the agricultural grant) equal to half the amount certified under this Act to be taken for the purpose of this Act as having been raised

in the whole of Ireland by poor rate and county cess off agricultural land, as herein-after defined, during the twelve months ending as regards poor rate on the twenty-ninth day of September, one thousand eight hundred and ninety-seven, and as regards county cess on the last day of June in the same year (which twelve months are respectively in this Act referred to as the standard financial year).

(2.) Such portion of the agricultural grant as is certified under this Act to be payable to each county council shall be issued by the Lord Lieutenant from the Local Taxation (Ireland) Account to that council half-yearly, subject nevertheless to such conditions and provisions as are contained in this Act.

(3.) The first payments under this section to the Local Taxation (Ireland) Account shall be made during the six months ending on the last day of March next after the passing of this Act, so as to make up the sum required to meet the half-yearly payments to the county councils on account of the six months next ensuing on such last day of March, but such half-yearly payments shall not be applied towards the cost of work done or expenses incurred before such six months.

(4.) The provisions of this Act with respect to agricultural land shall extend to every hereditament entered as land in the valuation list within the meaning of the Valuation Acts which is not part of a railway or canal, but shall not extend to any hereditament situate within the boundary of any borough or of any town which is (for the time being) an urban sanitary district.

Certificates by Local Government Board as to poor rate and county cess in standard financial year.

49.—(1.) Subject to the provisions herein-after contained with respect to excluded charges, the Local Government Board, on the report of the Commissioner of Valuation made in accordance with the prescribed rules, and on taking into account any exceptional circumstances which appear to the Board to have caused a variation from the average, shall, as soon as may be after the passing of this Act, certify as respects the standard financial year,—

(*a*) the amounts to be taken for the purpose of this Act as having been raised in the whole of Ireland by poor rate and county cess off agricultural land and off any other hereditaments respectively; and

(*b*) the portion of each of those amounts which is to be taken for the purpose of this Act as having been raised in each administrative county—

(i) in respect of county at large charges; and
(ii) in respect of union charges; and
(iii) in respect of urban charges; and
(iv) in respect of district charges; and

(*c*) the rate in the pound (in this Act referred to as the standard rate) at which poor rate and at which county cess is respectively to be taken for the purpose of this Act as having been levied off agricultural land and off other hereditaments respectively, in each union or district, in respect of county at large and union and urban or district charges added together; and

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(*d*) any other matters in relation to the poor rate or county cess levied off agricultural land or other hereditaments that are required by this Act to be certified, or that may appear to the Board to be required for carrying this Act into effect.

(2.) In estimating the sums to be taken for the purpose of this Act as having been raised in any county, or district, or union, or in estimating the standard rate, all sums raised to meet expenses which, if this Act had been in force in the standard financial year would have been raised equally over the whole county or district or union, shall be treated as having been so raised; and any town which is constituted an urban sanitary district or which being an urban sanitary district is added to a rural sanitary district shall, if the order for such constitution or addition was made before the end of six months after the passing of this Act, whether made before or after that passing, and whether confirmed or taking effect before or after the end of such six months, be treated as having been so constituted or added, as the case may be, during the standard year; and where a union is divided between more than one administrative county, the amount which would have been apportioned to each divided part shall be ascertained, and treated as having been so raised over a separate union.

(3.) The sum payable to each county out of the agricultural grant shall be equal to half the amounts so certified as aforesaid to be taken as having been raised in the county off agricultural land in respect of county at large and union and district charges when added together, and shall be certified accordingly.

(4.) For the purpose of certificates under this section the Local Government Board, on the report of the Commissioner of Valuation, shall determine, in the prescribed manner, the adjustments which are to be made in consequence of any difference between the authorities or the boundaries of counties unions or other areas, as existing in the standard financial year, and as they will exist after the appointed day, or in consequence of other changes made by or in pursuance of this Act.

(5.) The Local Government Board and Commissioner of Valuation in acting under this section shall obtain such information and make such inquiries and in such manner as seems fit, and every officer of any local authority shall give the Board and Commissioner such information and reply to such inquiries and in such form as they or he may require.

(6.) The Local Government Board, on the report of the Commissioner of Valuation, may in case of error amend, or for the purpose of meeting any alteration in an area or authority to which a certificate relates vary, a certificate under this section, and any such amendment or variation shall have effect from the date of the original certificate, or any later date fixed by the amending or varying certificate; but, save as aforesaid, a certificate under this section shall be final and binding on all persons.

(7.) Provisional certificates may, if it is thought necessary, be given for enabling the first payments under this Act to and out

of the Local Taxation (Ireland) Account to be made before sufficient information has been obtained to enable final certificates to be given.

Disposal of agricultural grant in case of constitution or extension of urban district.

50.—(1.) Where, by virtue of an order respecting the constitution of an urban county district, whether by the constitution of a new or the extension of the boundaries of an old urban county district, any agricultural land in a rural district becomes included within the boundaries of the said urban district, such portion of the agricultural grant payable to the council of the county comprising the district as is proportionate to the rateable value in the standard financial year of that agricultural land shall be applied by the county council in manner directed by the said order for the relief of the said land from rates, whether by the payment thereof to the council of the urban district in exchange for an adequate exemption from rates or otherwise.

(2.) This section shall apply to a county borough in like manner as to an urban county district, but in that case the said portion of the agricultural grant shall be paid direct to the council of the county borough instead of to the council of the county at large.

Method of raising Expenses.

Raising of expenses of district councils, guardians, and county councils by poor rate, and deduction of agricultural grant.

51.—(1.) The money required to meet the expenses of a rural district council or of a board of guardians shall be supplied by the county council upon the prescribed demand by the district council or board; and the county council shall pay the money so demanded out of the county fund.

(2.) The county council shall apportion every amount to be raised for county at large charges, and every amount to be raised for union charges, between any urban district situate in the county or union, and the rest of the county or union, in proportion to rateable value, and shall also apportion, in proportion to rateable value, every amount to be raised partly off any urban and partly off any rural district in the county, and any amount apportioned as aforesaid to an urban district, and also any urban charge leviable off an urban district shall be paid by the council of that district to the county council upon the prescribed demand.

(3.) The county council shall divide the amount which is not so apportioned to an urban district and is to be raised either for county at large or union charges, and every amount which is to be raised for district charges, between the agricultural land in the county, union, or district and the other hereditaments therein, in proportion to rateable value.

(4.) There shall be deducted from the amount assigned upon such division to the agricultural land the sum payable out of the agricultural grant to the council—

(*a*) where the amount is to be raised for county at large charges, then in respect of county at large charges; and

(*b*) where the amount is to be raised for union or district charges, then in respect of union or district charges in that union or district;

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as certified for the standard financial year, and the balance remaining after that deduction shall be the amount to be levied off the agricultural land in respect of the amount so assigned thereto.

(5.) The council shall raise the several amounts apportioned as above-mentioned to any part of the county which is not an urban district by means of the poor rate, and shall make that poor rate twice a year, and every demand note in respect of that rate shall specify approximately the respective rates in the pound required to raise the several amounts above mentioned, and the rates in the pound to which the sums deducted in respect of the agricultural grant amount.

(6.) Such poor rate shall be made either immediately prior to, or at the beginning of, the first six months of the local financial year and the second six months of that year, and shall be made in respect of the service of such first six months or second six months, as the case may be.

(7.) Every debt, claim, or demand which is directly or indirectly payable out of the poor rate, and becomes due after the passing of this Act, shall be paid within the half year (whether the first or the second six months of the local financial year), in which the same was incurred or became due, or within three months after the expiration of such half year, and not afterwards: Provided that the Local Government Board may, if they think fit, extend the time within which such payment may be made to a time not exceeding twelve months from the date at which the same was incurred or became due.

(8.) If any person claiming any such debt, claim, or demand commences any legal proceedings within the time herein-before limited, or the time to which the Local Government Board may grant extension, and with due diligence prosecutes such proceedings to judgment or other final settlement of the question, such judgment shall be satisfied notwithstanding that the judgment is recovered or the final settlement arrived at after the expiration of the said time, and all proceedings taken by mandamus or otherwise for enforcing such judgment without delay shall be deemed to be within the operation of this enactment.

(9.) This section shall apply, with the necessary modifications—

(*a*) to the making of a poor rate by the council of a county borough or other urban district; and

(*b*) to a county borough so far as regards the demands of a board of guardians, and the money required to meet those demands or to meet expenses of the council of the borough which under this Act are to be defrayed out of the poor rate: Provided that in a county borough the council may, if they think fit, either immediately prior to or at the beginning of each local financial year, make one poor rate for the whole financial year, and collect the same in equal moieties, one moiety for each half year.

Incidence of Rates.

Incidence of poor rate as between occupier and landlord. 6 & 7 Vict. c. 92.

52.—(1.) The poor rate shall be made upon the occupier and not the landlord of a hereditament, except where under section four of the Poor Relief (Ireland) Act, 1843, it is made on the landlord as the immediate lessor of a house let in separate apartments or lodgings, and except that if made heretofore in respect of a half rent under section sixty-three of the Poor Relief (Ireland) Act, 1838, and the enactments amending the same, it shall continue to be so made.

(2.) The occupier of a hereditament shall not be entitled to deduct from his rent any part of the poor rate, and any contract to the contrary respecting such deduction shall be void; subject nevertheless to the exceptions in this Act and to the provisions herein-after contained respecting occupiers under existing tenancies.

Rates of urban district councils and towns, and power to consolidate rates.

53.—(1.) Where the council of any borough or other urban district or the commissioners of any town independently of this Act can make any rate in respect of any hereditament upon the landlord or immediate lessor, and not on the occupier of the hereditament, such rate shall be made on the occupier of the hereditament, except where it is a house let in separate apartments or lodgings, and except that if made heretofore in respect of a half rent under section sixty-three of the Poor Relief (Ireland) Act, 1838, and the enactments amending the same, it shall continue to be so made; Provided that the foregoing provisions of this section shall not apply to a rate under a local Act in any county borough, if the council of that borough by a majority of not less than two-thirds of the members present at a meeting specially summoned for the purpose so resolve.

(2.) Where an urban district council independently of this Act—

(*a*) can raise a sum by a rate upon the same basis as the poor rate, that sum may be raised by means of the poor rate, but as a separate item thereof, and any right to deduct any part of the said rate from rent shall continue as respects that item; or

(*b*) can make more than one rate upon the same basis, but on a basis different from that of the poor rate, such rates may be consolidated and made, levied, collected, and recovered as one rate, and be made half-yearly, but the demand note shall specify the amount in the pound required for each such rate.

(3.) "The same basis" in this section means the same property, the same rateable value, and subject to the same exemptions.

Adjustment of rent as between occupier and landlord in consequence of agricultural grant, and change in incidence of rate.

54.—(1.) Where the poor rate is made upon an occupier of any holding under an existing tenancy, then, until the tenancy is determined or a new statutory term in the tenancy begins, the following provisions shall have effect as from the gale day next after the appointed day:—

(*a.*) Where the occupier is entitled to deduct from his rent one-half of the county cess, the rent shall be reduced by half the appropriate standard amount (herein-after defined):

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(*b.*) Where the occupier is entitled to deduct from his rent one-half of the poor rate, and the holding is not agricultural land, the rent shall be reduced by half the appropriate standard amount:

(*c.*) Where the occupier is entitled to deduct from his rent the whole of the county cess or poor rate, the rent shall be reduced, in the case of cess, by the whole of the appropriate standard amount, and in the case of poor rate, where the holding is agricultural land by half, and where it is not agricultural land by the whole, of the appropriate standard amount:

(*d.*) Where the occupier is not entitled to make any deduction from his rent in respect of poor rate, and the holding is agricultural land, he shall be liable to pay annually to his landlord a sum equal to half the appropriate standard amount, and such sum shall be recoverable as, and be deemed for all purposes to be, part of his rent.

(2.) Provided that where the occupier is entitled to deduct from his rent a sum less than one-half of the county cess or of the poor rate, as the case may be, the foregoing provisions shall apply, with the exception that a sum bearing such proportion to half the appropriate standard amount as the amount he was entitled to deduct bore to half the county cess or poor rate, shall be substituted for a sum equal to half the appropriate standard amount.

(3.) An occupier entitled, whether by law or contract, to deduct a sum from his rent shall be deemed entitled to deduct within the meaning of this section; and where a person under the law existing at the time of his contract of tenancy, or under his contract of tenancy, is not liable to any cess or rate, he shall be in the same position under this section as if he were entitled to deduct the whole of that cess or rate from his rent.

(4.) Where a person receiving rent in respect of any holding which is not agricultural land also pays rent in respect of such holding, and the rent he receives is reduced by virtue of this section, the rent he pays shall, except where under the terms of his contract he is not entitled to make any deduction from his rent in respect of rates, be reduced by a sum bearing such proportion to the amount of the reduction as the rent he pays bears to the rent he receives.

(5.) Where part of a holding is agricultural land and part is not agricultural land, the foregoing provisions of this section shall apply separately to each such part as if it were a separate holding.

(6.) The "standard amount" for the purposes of this section means, in relation to any holding a sum equal to what is produced by a rate on the rateable value of the holding in the standard financial year, according to the standard rate of poor rate or county cess, as the case requires.

(7.) Where any change of the rent of a holding, whether by way of reduction, payment, or deduction, caused by the provisions of this section, would amount to less than sixpence, no such change shall be made; and where though exceeding sixpence it would involve a fraction of sixpence, then if the fraction amounts to

threepence or upwards, the change shall include the full sixpence and if the fraction amounts to less than threepence the change shall exclude the fraction.

(8.) Any difference which may arise as to the amount to be deducted or paid by occupiers under existing tenancies in pursuance of this section, shall be referred to the Commissioner of Valuation, whose decision shall be final.

(9.) An occupier of any holding under an existing tenancy shall, until the tenancy is determined or a new statutory term in the tenancy begins, be entitled notwithstanding any provision of this Act, to deduct from his rent the like proportion of any sum paid by him for poor rate on account of any railway, harbour, navigation or public health charge, as he would have been entitled to deduct from his rent on account of any cess or rate to meet the charge, if the provisions of this Act with reference to the deduction of poor rate from his rent had not been enacted, and in the case of existing charges, as if the charge had continued to be raised by the same cess or rate as previously.

(10.) The secretary of the county council, including the town clerk of a county borough, shall, on request by the landlord or occupier of any holding, give a certificate of the rateable value of the holding and of the standard rate in the pound under this Act for the union or district in which the holding is situate, and, where part of the holding is agricultural land and part is not agricultural land, shall distinguish the rateable value of each such part. The said certificate shall be in such form, and contain such particulars, and the said secretary shall be entitled to such payment for each certificate as may be prescribed.

(11.) Where the existing tenancy of a holding in an urban district is constituted by a lease for lives, or a lease of which not less than five years are unexpired on the appointed day, then, notwithstanding anything in the foregoing provisions of this section, the rent of such holding shall be unaltered, but the occupier shall be entitled to deduct from his rent such portion of the amount of poor rate actually paid by him from time to time in respect of such holding as he would have been entitled to deduct if this Act had not passed, or, if he was entitled before the passing of this Act to deduct all the poor rate and county cess, then the whole of the poor rate so actually paid.

(12.) Where the occupier of a hereditament in an urban district becomes, by reason of this Act, liable to pay all or part of any rate made by the council of such urban district, other than the poor rate, and such rate was previously made upon the landlord, or immediate lessor, he shall, until his tenancy determines, be entitled, save so far as his contract of tenancy otherwise provides, to deduct the amount for which he so becomes liable from his rent.

Consideration by Land Commission of poor rate in fixing future fair rents.

55. After the appointed day a fair rent in a rural district shall be fixed under the Land Law (Ireland) Acts on the assumption that there has been no decrease or increase of the rate in the pound of poor rate as compared with the total rate in the pound to which the standard rates for poor rate and county cess as certified under this Act, when

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added together, amount, and that the tenant is to have any benefit from the agricultural grant given in respect of the county cess, and that the landlord is to have any benefit from the agricultural grant given in respect of the poor rate; and where after the appointed day any such fair rent is fixed there shall be recorded in the schedule specified in section one of the Land Law (Ireland) Act, 1896, the standard amount as defined in the preceding section both for poor rate and county cess, and the benefit in respect of the holding received by the landlord and tenant respectively out of the agricultural grant.

69 & 60 Vict. c. 47.

Excluded Charges.

Special provision as to charges for police and compensation for criminal injuries. 6 & 7 Will. 4. c. 13.; 60 & 61 Vict. c. 64.

56.—(1.) In estimating the sums raised by county cess, and estimating the standard rate, the Local Government Board on the report of the Commissioner of Valuation shall exclude such amount as they determine is to be taken as having been raised during the standard financial year in any area for the purpose—

(*a*) of expenses in relation to additional constabulary under the Constabulary (Ireland) Acts, 1836 to 1897; or

(*b*) of compensation for criminal injuries as before defined;

and the amount so excluded is in this Act included in the expression "excluded charges."

(2.) The amount required to meet any charge in connexion with such expenses or compensation shall be separately estimated and raised by means of the poor rate, but as a separate item thereof, and the provisions of this Act with respect to raising expenses and to the poor rate shall apply with the necessary modifications; Provided that—

(*a*) the provisions with respect to the division between agricultural land and other hereditaments, and the deduction in respect of the amount assigned to agricultural land, shall not apply; and

(*b*) the amount may be raised as heretofore off any area though less than a district or union, and for that purpose there shall be a separate account in the county fund.

Special provisions as to charges for railways, harbours, navigations, and public health and labourers' dwellings.

57.—(1.) In estimating the sums raised by poor rate and county cess, and in estimating the standard rate, the Local Government Board on the report of the Commissioner of Valuation shall exclude such amount as they determine is to be taken as having been raised during the standard financial year, in any area for the purpose—

(*a*) of any railway or harbour charge, that is to say, any charge in connexion with—

(i) any railway or tramway under the Tramways and Public Companies (Ireland) Act, 1883, the Light Railways (Ireland) Act, 1889, or the Railways (Ireland) Act, 1890, or any special Act, whether public or local; or

46 & 47 Vict. c. 43. 52 & 53 Vict. c. 66. 53 & 54 Vict. c. 52.

(ii) any railway or means of communication under the Railways (Ireland) Act, 1896; or

59 & 60 Vict. c. 34.

(iii) any harbour, pier, or quay, under the Fisheries (Ireland) Act, 1846, the Piers and Harbours (Ireland)

9 & 10 Vict. c. 3. 29 & 30 Vict. c. 45.

Act, 1866, the Public Works Loans Act, 1882, the Sea Fisheries (Ireland) Act, 1883, or the Public Works Loans Act, 1887, or under any special Act, whether public or local; or 45 & 46 Vict. c. 62. 46 & 47 Vict. c. 26. 50 & 51 Vict. c. 37. 43 Vict. c. 4.

(iv) any work under the Relief of Distress (Ireland) Act, 1880, and the Acts amending the same; or

(*b*) of any navigation or public health charge, that is to say, any charge in connexion with—

(i) navigation works under the Drainage and Navigation (Ireland) Acts, 1842 to 1857, or any special Act whether public or local; or 5 & 6 Vict. c. 89. 20 & 21 Vict. c. 23.

(ii) special expenses leviable off a contributory place in a rural sanitary district, either under the Public Health Acts or under any enactment directing expenses to be levied as expenses under those Acts;

and the amount so excluded is in this Act included in the expression "excluded charges."

(2.) The amount required to meet payments in respect of any railway or harbour charge, or any navigation or public health charge, shall be separately estimated and raised by means of the poor rate, but as a separate item thereof, and the provisions of this Act with respect to raising expenses and to the poor rate shall apply with the necessary modifications;

Provided that—

(*a*) the provisions with respect to the division between agricultural land and other hereditaments and the deduction in respect of the amount assigned to agricultural land shall not apply; and

(*b*) the amount may be raised as heretofore off any area though less than a district or union, and for that purpose there shall be a separate account in the county fund.

(3.) The provisions of this Act with reference to the fixing of fair rents shall not apply in the case of any item of the poor rate raised under this section.

(4.) The expenses incurred by a sanitary authority, in the execution of the Labourers Acts, 1883 to 1896, when incurred in the standard year, shall not be deemed to have been special expenses within the meaning of this section, and when hereafter incurred, whether in respect of transactions begun before or after the passing of this Act shall be expenses incurred in relation to the business of the council of a rural district, and be levied as district charges accordingly. 46 & 47 Vict. c. 60. 59 & 60 Vict. c. 53.

Licence Duties and Local Grants.

58.—(1.) After the thirty-first day of March next after the passing of this Act there shall be annually paid out of the Consolidated Fund to the Local Taxation (Ireland) Account— Payment of proceeds of local taxation licences and of 79,000*l.* annually to Local Taxation (Ireland)

(*a*) a sum equal to the amount which is ascertained in manner provided by the regulations of the Treasury to be the proceeds, in the previous financial year, of the duties collected in Ireland

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Account and payments thereout in lieu of local grants. 51 & 52 Vict. c. 41.

by the Commissioners of Inland Revenue on the local taxation licenses specified in the Third Schedule to this Act, and such amount shall be ascertained in like manner as under section twenty of the Local Government Act, 1888; and

(*b*) an annual sum of seventy-nine thousand pounds.

(2.) Whereas by reason of this section certain grants heretofore made out of the Exchequer in aid of the rates will cease, the Lord Lieutenant shall cause to be paid in respect of every local financial year, out of the Local Taxation (Ireland) Account, at such times and by such payments as he may direct, the following sums, namely,—

(*a*) to each county council, on behalf of the guardians of every union, the following amounts towards the salaries approved by the Local Government Board of the following officers, namely,

(i) one-half of the said salaries of the medical officers of the workhouse and dispensaries in respect of their duties under those guardians; and

(ii) one-half of the said salary of one trained nurse in each workhouse, who is actually employed and possesses the prescribed qualifications; and

(iii) the whole of the said salaries of schoolmasters and schoolmistresses in the workhouses;

and also one-half of the cost of such medicines and medical and surgical appliances as are provided in accordance with the prescribed conditions; and

(*b*) to each county council, on behalf of every rural district in the county, and to each urban district council, one-half of the salaries approved by the Local Government Board of sanitary officers in respect of their duties under the district council; and

(*c*) to each county council who satisfy the Lord Lieutenant that they have fulfilled their duty with respect to accommodation and buildings for lunatic poor, and that their lunatic asylum is well managed and in good order and condition, and the lunatics therein properly maintained and cared for, sums at the rate for each lunatic in the asylum for whom the net charge upon the council (after deducting any amount received by them for his maintenance from any source other than poor rate) is equal to or exceeds four shillings a week throughout the period of maintenance for which the sum is calculated, of one-half of such net charge, or four shillings a week, whichever is least.

(3.) Where a union is situate in more counties than one, the amount payable as aforesaid on behalf of the guardians of the union shall be divided between the counties in the proportion in which the expenses of such guardians are divided.

(4.) Where the amount required to be raised in any area by a county council in any local financial year, in order to meet any railway or harbour charge connected with any guarantee given or transaction occurring before the passing of this Act, or to meet

two or more such charges when added together, exceeds, or would but for the payments hereinafter mentioned exceed, a sum equal to sixpence in the pound on the rateable value of the area, the Lord Lieutenant, on the report of the Commissioner of Valuation of those facts, may pay to the county council out of the sum paid under this section to the Local Taxation (Ireland) Account a sum equal to one-half of such excess to be applied by that council in reduction of the said amount.

(5.) If the amount paid under this section to the Local Taxation (Ireland) Account is insufficient to meet the sums payable thereout under this section, those sums shall be proportionately abated as directed by the Lord Lieutenant, but, if the amount exceeds the sums so payable, the excess shall be accumulated and applied to meet any future deficiency, and subject thereto be applied in such manner as Parliament directs.

(6.) All sums paid to the Local Taxation (Ireland) Account under this section shall form part of the contingent portion of the guarantee fund under the Purchase of Land (Ireland) Act, 1891. 54 & 55 Vict. c. 48.

General.

59.—(1.) All sums directed by this Act to be paid out of the Consolidated Fund shall be charged on and paid out of the Consolidated Fund of the United Kingdom, or the growing produce thereof, at such times and by such instalments as the Treasury direct. General provisions as to payments out of Consolidated Fund and as to Local Taxation (Ireland) Account.

(2.) The Treasury may make regulations respecting the accounts of the receipts and expenditure of the Local Taxation (Ireland) Account, and for carrying into effect the provisions of this Act with respect to such Account, and in particular for carrying to separate credits the several sums payable under this or any other Act to that Account, and for the accumulation and investment of sums directed to be accumulated, and for the audit of the said accounts; and such regulations shall be duly observed, and the regulations made under this section, and an annual return of the said accounts when audited, shall be laid before Parliament.

60. The term within which a loan borrowed by the county council is to be repaid shall be such period, not exceeding sixty years, as the council, with the consent of the Local Government Board, determine in each case, having regard to the duration of the work or object for which the loan is borrowed. Term of borrowing by county councils.

61.—(1.) A loan raised after the passing of this Act, under the Poor Relief (Ireland) Act, 1838, and any Acts amending that Act, including the Medical Charities Acts, shall be repaid within such period, not exceeding sixty years, as the guardians with the sanction of the Local Government Board may determine, either by equal yearly or half-yearly instalments of principal or principal and interest, or by means of a sinking fund. Loans to boards of guardians. 1 & 2 Vict. c. 56.

(2.) The provisions of section two hundred and thirty-eight of the Public Health Act, 1878, respecting a sinking fund, shall apply to the said sinking fund.

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(3.) Guardians may borrow money under the Poor Relief (Ireland) Act, 1838, and any Acts amending that Act, including the Medical Charities Acts, for the purpose of repaying any outstanding part of any loan raised by them under those Acts which they have power to repay.

(4.) Any money so borrowed shall be repaid in the manner directed by this section, and within the same period as that originally sanctioned for the repayment of the loan, unless the Local Government Board consent to the period for repayment being enlarged, but that period shall in no case exceed sixty years from the date of the original borrowing.

(5.) For the purpose of this section the expression "outstanding" means not repaid by instalments, or by means of a sinking fund, or out of capital money properly applicable for the purpose of repayment other than money borrowed for that purpose.

(6.) A loan raised by guardians shall not be of such amount as exceeds, or will make the total debt of the guardians under the Acts above in this section mentioned exceed, one-fourth of the total annual rateable value of the union: Provided that the Local Government Board by Provisional Order may extend the said maximum to double the amount above authorised, and the provisions of the Public Health Acts and this Act with respect to Provisional Orders shall apply with the necessary modifications.

(7.) In the Poor Relief (Ireland) Act, 1838, and any other enactment relating to borrowing by boards of guardians, the Commissioners of Public Works in Ireland shall, as respects any borrowing after the passing of this Act, be substituted for the Public Works Loan Commissioners, and the loan may be made for the period above mentioned.

Amendment of 53 & 54 Vict. c. 30.

62. In the construction of the Poor Law Acts (Ireland) Amendment Act, 1890, sub-section two of section two of the said Act shall have effect only in cases in which the local authority have come to such determination as in the first sub-section of the said section is mentioned.

Amendment of law as to audit. 34 & 35 Vict. c. 109. 35 & 36 Vict. c. 69. 1 & 2 Vict. c. 56.

63.—(1.) Sections twelve and thirteen of the Local Government (Ireland) Act, 1871, as amended by the Local Government Board (Ireland) Act, 1872, shall apply to the audit of the accounts of boards of guardians and their officers in like manner as it applies to the audit of accounts of governing bodies of towns and their officers; and notwithstanding anything in section one hundred and fourteen of the Poor Relief (Ireland) Act, 1838, the legality of an order of the guardians may be questioned by the auditor in like manner as the legality of an order of the governing body of a town.

34 & 35 Vict. c. 109.

(2.) Where an application, under this section or under the said section twelve of the Local Government (Ireland) Act, 1871, is made to the Local Government Board against any allowance, disallowance, or surcharge, made by any auditor of the Board—

(*a*) the Board may decide the application according to the merits of the case, and if the Board find that any disallowance or surcharge was lawfully made, but that the subject matter

thereof was incurred under such circumstances as to make it fair and equitable that the disallowance or surcharge should be remitted, they may direct that the same shall be remitted upon payment of the costs (if any) which may have been incurred by the auditor or other competent authority in enforcing the disallowance or surcharge; and

(*b*) the decision of the Board shall be final; and

(*c*) section thirteen of the Local Government (Ireland) Act, 1871, shall apply, as if the sum found by the decision of the Local Government Board to be due from any person were at the date of such decision certified by the auditor to be due, and there was no appeal. 34 & 35 Vict. c. 109.

Charge for auditing accounts of county council.

64. The charge for auditing accounts of a county council in any year shall not exceed the sum of one hundred pounds.

Amendment of 15 & 16 Vict. c. 63. and 17 & 18 Vict. c. 8. as to general revaluation.

65.—(1.) A general revaluation of rateable hereditaments under the Valuation Acts may be made, as respects a county borough, on the application of the council, and the council so applying shall pay such portion, not exceeding one-half, of the costs of the revaluation as the Treasury direct, and upon any such general revaluation the land in the borough shall be valued in the manner directed by section eleven of the Valuation (Ireland) Act, 1852, with respect to houses and buildings.

(2.) Where part of a union is within and part without any county borough in respect of which a revaluation is made under this section, the total amount to be raised for union charges in that union shall be apportioned between each such part of the union in proportion to the rateable value of each part at the date when the revaluation under this section came into force: Provided that after the expiration of five years from that date, if no general revision has meantime been made, the Commissioner of Valuation, if satisfied by the council of the borough or the guardians representing the electoral divisions of the union situated outside the borough, or a majority of them, that the apportionment has become inequitable by reason of subsequent changes in the value of any hereditaments in the union, may revise the proportion in which the union charges are to be apportioned. This enactment shall apply to the police district of Dublin metropolis and to the Dublin bridge area within the meaning of the Dublin Port and Docks Board and Bridges Act, 1876, as if it were a union, but with the substitution of the county council of the county of Dublin, with respect to the revision of the apportionment, for the said guardians. 39 & 40 Vict. c. lxxxv.

(3.) In this section the expression "general revaluation" means a general revision under section thirty-four of the Valuation (Ireland) Act, 1852. 15 & 16 Vict. c. 63.

Collection of Rates and Duties in Dublin.

Collector-General of Rates, Dublin.

66. On and after the first day of October one thousand eight hundred and ninety-nine, or such other day not more than six months earlier or later as may be appointed under Part Eight of this Act by the Local Government Board, the following provisions

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shall apply with respect to the Dublin Collector-General of Rates and to the poor rate, police rate, bridge tax, and bridge rate:—

(1.) The poor rate shall be levied in the city of Dublin in like manner as in the rest of Ireland, and all enactments with respect to making, levying, collecting, and recovering the poor rate shall apply accordingly;

(2.) The Commissioner of Police of Dublin Metropolis under the Dublin Metropolis Police Acts shall, at the prescribed time before the beginning of every local financial year, estimate the amount of money which he finds necessary for the maintenance of the police force, and for the several purposes of the said Acts during that year, not exceeding the amount which the Commissioner is, under the said Acts, or any of them, entitled to raise by a rate thereunder;

(3.) The Dublin Port and Docks Board shall, at the prescribed time before the beginning of every local financial year, estimate the amount of money which they require to be raised in that year for the purpose of the bridge tax (if any) and bridge rate respectively;

(4.) The Commissioner and Board respectively shall apportion each amount so estimated between the city of Dublin and the rest of the police district of Dublin metropolis, or of the bridge area (as the case may be) which is outside the city of Dublin, and shall so apportion according to rateable value, and shall send to the council for the city of Dublin a demand for the amount apportioned to that city, and to the council of the county of Dublin a demand for the amount apportioned to the rest of the police district or bridge area; and each council shall pay by equal half-yearly payments the amount specified in such demand, less five per cent. as and for the cost of collection and irrecoverable rates and office expenses, and also less such sum (if any) as the Local Government Board certify in each half-year to be the proportion of the Collector-General's annuity herein-after mentioned properly chargeable against any such payment;

(5.) The council of the city of Dublin shall raise, either by means of a separate rate or by means of the poor rate but as a separate item thereof, a sum equal to the amounts specified in such demand, but the demand note shall specify approximately the amount in the pound required for each amount;

(6.) A sum equal to each of the amounts specified in such demand on the county council of the county of Dublin shall be raised in manner provided by this Act with respect to a railway or harbour charge; but a council, in lieu of raising the amount required to meet the same by means of the poor rate, may, if they think fit, raise it by levying a separate rate;

(7.) A council levying a separate rate for the purpose of this section shall make, levy, and collect the same upon the same basis and in like manner as the poor rate, and all enactments relating to the poor rate shall apply accordingly, with the

exception that a person shall not be disqualified for being registered as a parliamentary or local government elector by reason of the non-payment of any such separate rate;

(8.) Where any property would but for this section be liable to be assessed for the purpose of raising any amount which under this section is to be raised by the poor rate, such property shall be liable for the purpose of that amount to be assessed to the poor rate and to the said separate rate;

(9.) In this section the expression "bridge tax" means the quay wall tax and bridge tax leviable under the Dublin Bridge Act, 1854; and the expression "bridge rate" means the rate leviable under the Dublin Port and Docks Board and Bridges Act, 1876; and the expression "bridge area" has the same meaning as in the latter Act; 17 & 18 Vict. c. 22. 39 & 40 Vict. c. lxxxv.

(10.) The offices of the Collector-General of Rates under the Dublin Collection of Rates Act, 1849, and of his officers, shall be abolished, without prejudice to the provisions of the Dublin Corporation Act, 1890; and the persons who on the last day of March one thousand eight hundred and ninety-eight, held the said offices, and continue to hold them until abolition of their offices, shall be entitled to abolition superannuation allowance in accordance with section seventy (A) of the said Act of 1890, and that section shall apply, with the necessary modifications, and in particular with the substitution of the Local Government Board for the Lord Lieutenant; 12 & 13 Vict. c. 91. 53 & 54 Vict. c. ccxlvi.

(11.) The compensation granted in pursuance of this section to the Collector-General, or any such officer, shall be apportioned in manner provided by sub-section two of section seventy-one of the Dublin Corporation Act, 1890, as if it were the abolition compensation mentioned in that section;

(12.) Any sum which on such apportionment is payable by the corporation of the city of Dublin, and such portions of any superannuation allowances, abolition superannuation allowances, or abolition compensation, as under the said section seventy-one are payable by the said corporation, shall be paid by the council of the city of Dublin to the Local Government Board;

(13.) Such portions of any compensation granted in pursuance of this section, or of any superannuation allowances, abolition superannuation allowances, or abolition compensation, under section seventy-one of the Dublin Corporation Act, 1890, as are payable otherwise than by the corporation of the city of Dublin (the total of which portions is in this Act referred to as the Collector-General's annuity) shall be obtained by the Local Government Board from, and be payable by, the county councils of the county at large and the city of Dublin in the proportions ascertained as herein-after mentioned;

(14.) The Local Government Board shall certify the amount raised during the twelve months ending the thirty-first day of December one thousand eight hundred and ninety-eight by the Collector-General of Rates in the police district of Dublin metropolis in respect of poor rate, police rate, bridge

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tax (if any), and bridge rate, distinguishing the total amount raised within and the total amount raised without the city of Dublin, and shall determine approximately, according to the proportions to each other of the said totals, the proportion of the Collector-General's annuity which should be borne by the city and county of Dublin respectively;

(15.) The council of the city of Dublin and the council of the county of Dublin respectively shall pay the proportion of the Collector-General's annuity to be borne by the city or county, as the case may be, and that proportion shall be raised as an addition to the several amounts to be raised by the council of the said city or county under this section;

(16.) Every sum to be paid to the Local Government Board in pursuance of this section shall be certified by the Board, and be paid to that Board by the council of the city or county of Dublin, as the case may be, and be a debt to the Crown from that council, and shall be applied by the Local Government Board in paying the allowances or compensation for the time being payable thereout, and so far as not required for that purpose shall be repaid to the council paying the same;

(17.) The lists of voters and jurors shall be made out in the city of Dublin in like manner as in the rest of Ireland, and the Registration Acts and the Juries (Ireland) Acts, 1871 to 1894, shall apply accordingly;

34 & 35 Vict. c. 65. 57 & 58 Vict. c. 49.

(18.) The Acts specified in Part Four of the First Schedule to this Act are in this section referred to by the short and collective titles therein mentioned.

Duties on Dublin pawnbrokers' licences under 48 G. 3. c. 140. G. 3. xii.

67. The duties payable by pawnbrokers under section sixty-six of the Dublin Police Magistrates Act, 1808, and the Act therein mentioned, in any part of the police district of Dublin metropolis, shall be payable to and be collected by the council of the borough or county district where the place of business of the pawnbroker in respect of which the duties are paid is situate, and the amount so received by such council shall be applied in aid of their expenses in the execution of this Act, and the receiver mentioned in the said section shall cease to have any concern with the said duties.

PART IV. *Boundaries and Adjustment.*

PART IV.

BOUNDARIES AND ADJUSTMENT.

Boundaries of counties, unions, rural districts, and district electoral divisions.

68.—(1.) The first council elected under this Act for a county shall, subject as herein-after mentioned, be elected for the county as bounded at the passing of this Act for the purposes of the grand jury (in this Act referred to as the existing judicial county), or where such county is for those purposes divided into ridings, for the riding: Provided that the Local Government Board, by order made within six months after the passing of this Act, may alter for the purpose of the election of such council the boundaries of any existing judicial county, and if that order is made the first council shall be elected for the county as so altered.

(2.) The county council shall have for the purposes of this Act authority throughout the county for which it is elected (in this Act referred to as an administrative county), and that county as bounded for the purpose of the first election shall, subject to alterations made in pursuance of any Order in Council under Part Six of this Act, be for all the purposes of this Act the county of such county council.

(3.) In exercising their powers under this Act or any Order in Council made under Part Six of this Act, whether in making an order or in confirming an order made by a county council, and in the exercise of their existing powers to alter by order district electoral divisions or the boundaries of unions, the Local Government Board shall secure that—

(*a*) the boundaries of counties at large and unions as existing at the date of the order shall be preserved, except in any case where the preservation thereof would cause substantial inconvenience; and

(*b*) a union shall not, if it is conveniently possible to avoid it, be divided between more than two counties, and shall not in any case be divided between more than three counties; and

(*c*) where a union is divided between more than one county, the area of each divided part, so far as it is not contained in an urban sanitary district, shall be of sufficient size and rateable value to constitute a suitable rural district; and

(*d*) a district electoral division shall be situate wholly in one county district; and

(*e*) a county district shall be situate wholly in one county.

(4.) Where a union is divided between more than one county, each divided part, so far as it is not contained in an urban sanitary district, shall be a separate rural sanitary district.

(5.) If the Local Government Board amalgamate two unions, they may, after communication with the county council and rural district councils concerned, either amalgamate the rural districts in the same county which are comprised in the amalgamated unions, or direct that those districts shall continue as separate rural districts, and in either case may make such arrangements as may be necessary for protecting the interests of the officers of the district councils holding office at the time of the amalgamation, and for that purpose the Union Officers (Ireland) Act, 1885, shall apply to officers of the district councils in like manner as it applies to the officers of boards of guardians. 48 & 49 Vict. c. 80.

(6.) The power of the Local Government Board to divide a poor law electoral division into wards or to combine poor law electoral divisions for the purpose only of election shall cease, but nothing in this Act, nor in any Order made thereunder, shall affect—

(*a*) any power of the Local Government Board in relation to sanitary districts under section seven of the Public Health Act, 1878; or 41 & 42 Vict. c. 52.

(*b*) the general power of the Board to combine, divide or otherwise alter district electoral divisions;

and the Board in the exercise of any such power may divide any townland;

PART IV.

Boundaries and Adjustment.

Provided that any order of the Local Government Board combining, dividing, or otherwise altering district electoral divisions if made after the first day of May in any calendar year, shall apply to lists of electors in the next calendar year, and to any register of electors formed out of such lists, and to elections held after the time at which the register of electors so formed has come into force, and shall not apply previously.

(7.) Such changes in the Ordnance map as appear to the Lord Lieutenant in Council to be rendered necessary by this Act, or any Order in Council made thereunder, shall be made through the Commissioner of Valuation in manner directed by the Lord Lieutenant in Council.

Boundaries of counties for judicial, militia, jury, police, and other purposes, and provision as to revocation of borough commission of the peace and as to certain clerks of Crown and peace.

39 & 40 Vict. c. 76.

69.—(1.) A place which, for the purposes of this Act, is a part of an administrative county shall, subject as in this section mentioned, form part of that county for all other purposes, whether assizes, sheriff, lieutenant, custos rotulorum, justices, general quarter or petty sessions, jurors, militia, police, registration, coroner, clerk of the peace, or other county officers, or otherwise, and a sheriff and lieutenant for the counties of the cities of Belfast and Londonderry may accordingly be appointed in like manner as for any other county of a city named in section four of the Municipal Privilege (Ireland) Act, 1876, and as respects the sheriff in the manner in the said Act provided, and a sheriff and lieutenant shall cease to be appointed for those counties of cities and towns which under this Act do not become county boroughs.

(2.) Provided that—

(*a*) the entire county of Tipperary shall, subject to variation of boundaries, continue to be one county for the said purposes so far as it is one county at the passing of this Act; and

(*b*) nothing in this Act, nor anything done in pursuance of this Act, shall alter the limits of any parliamentary borough or parliamentary county within the meaning of the Redistribution of Seats Act, 1885, or confer any right to vote at the election of a member to serve in Parliament in any parliamentary borough where such right did not previously exist.

48 & 49 Vict. c. 23.

(3.) The court house of a county at large, when situate within a county of a city or town, shall, while it continues to be such court house, be deemed to form part of the body of such county at large; provided that if any court held for the county of the city or town is held in such court house, the court house shall then be deemed, for the purpose of the jurisdiction of that court, to be part of the body of the county of the city or town.

(4.) It shall be lawful for Her Majesty the Queen, on petition from the council of any borough other than a county borough, by letters patent, to revoke the grant of the commission of the peace for the borough, and to make such provision as to Her Majesty seems proper for the protection of interests existing at the date of the revocation.

(5.) Notwithstanding anything in this Act, the same officer shall continue to be clerk of the Crown, and when the offices of clerk of the Crown and clerk of the peace are amalgamated shall be clerk of the Crown and peace, for the county of Antrim and for the county of the city of Belfast constituted by this Act, and the same officer shall continue to be clerk of the Crown and peace for the county of Londonderry, and for the county of the city of Londonderry constituted by this Act.

(6.) Nothing in this Act shall affect the provisions of section twenty-five of the Municipal Corporations (Ireland) Act, 1843, nor those provisions of section one of the Quarter Sessions (Ireland) Act, 1845, which relate to the county of the city of Kilkenny. 6 & 7 Vict. c. 93; 8 & 9 Vict c. 80;

(7.) The Juries (Ireland) Acts, 1871 to 1894, shall extend to any county of a city constituted by this Act, in like manner as if it were mentioned in the same class in the First and Second Schedules respectively to the Jurors' Qualification (Ireland) Act, 1876, as that in which the counties of the cities of Dublin and Cork are mentioned, and jurors' books shall be made for such county of a city accordingly. 34 & 35 Vict. c. 65; 37 & 38 Vict. c. 49; 39 & 40 Vict. c. 21.

Adjustment of financial relations between county at large and merged county of city or town.

70.—(1.) Where any county of a city or town becomes by virtue of this Act part of a county at large, then, on the application within the prescribed time of the council for any district, urban or rural, which comprises all or any part of the area of such county of a city or town, the Local Government Board shall make an adjustment as between that area and the rest of the said county at large respecting the contribution by the said area to the county at large charges (whether for the salaries of the county officers or main road or other purposes), and as respects the declaration of any roads within the said area to be main roads; and any order made upon such application in respect of the main roads shall have the same effect as if it were a declaration by the county council under this Act in respect of such roads.

(2.) Any order for adjustment under this section shall be subject to appeal within the prescribed time to the Appeal Commission mentioned in this Act, and in the event of an appeal the order shall be suspended, but shall afterwards operate as from the date at which it would but for the appeal have operated, or from any later date fixed by the Commission on the appeal.

Periodical revision of financial relations between county and urban district or between two county districts.

71.—(1.) If, after the expiration of not less than fifteen years from the date herein-after mentioned the council either of a county or of an urban county district as respects the financial relations between such county and district, or the council of any county district as respects the financial relations between that district and any other county district, allege that the said financial relations are inequitable, and satisfy the Local Government Board that there is reasonable ground for that allegation, the Board may inquire into the circumstances, and, if they think it just so to do, may by order alter the financial relations, but such order where it alters the provisions of any local Act or Provisional Order shall be a Provisional Order.

PART IV.

Boundaries and Adjustment.

(2.) "Financial relations" means the relations between the county and urban county district, or between the two county districts, as respects the burden of the expense of the maintenance or construction of any road or public work, or of the salaries of the county officers, or of any other county at large or district charges, or as respects any contribution by the county or any district to such expenses, salaries, or charges, whether such relations are specified in any Act, or Provisional Order confirmed by an Act, or in any agreement or order made under Part Two of this Act in respect of any public work, or by any adjustment made in pursuance of this Act, or of an Order in Council under this Act, or are not so specified.

(3.) The date from which the said fifteen years are to be calculated shall be the passing of this Act, or in case of any Act, Provisional Order, agreement, order, or adjustment, made before or after the passing of this Act, then the date at which the Act, Provisional Order, agreement, order, or adjustment came into operation, or in the case of an order under this section then the date of that order.

PART V.

Supplemental.

PART V.

SUPPLEMENTAL.

As to the Powers of County and District Councils.

General provisions as to transfer of business to county and district councils and as to use of court house.

72.—(1.) Any council, board, or court shall, as respects the business by this Act transferred to them from any authority, be subject to the provisions and limitations affecting them, whether in this Act or in any Order in Council made under Part Six of this Act, but, save as aforesaid, shall have all the powers and duties of the authority in respect of the business transferred.

(2.) There shall be transferred to the county and district council respectively, in relation to any business transferred to that council, all the powers and duties under any Act of any officer of such council other than the treasurer in relation to that business.

(3.) Except so far as the sheriff or the justices may require for the administration of justice, or the discharge of his or their duties, the use of any court house, sessions house, or other county building under his or their custody or control, the county council may use the same for the purpose of the execution of their duties, and if any difference arises between the sheriff or justices and the county council as to such use, or as to the remuneration of any court keeper or other officer, such difference shall be determined by the Lord Lieutenant.

Adaptation to county and district councils of 60 & 61 Vict. c. 43.

73. In the application of the Military Manœuvres Act, 1897, to Ireland, the council of each county, county borough, and district, shall be construed to mean the council elected in pursuance of this Act, and the references to the council of a parish shall not apply; and sub-sections one and two of section nine of that Act (which substitute boards of guardians for county councils and exclude county boroughs) shall be repealed.

Adaptation of 55 & 56 Vict. c. 42,

74.—(1.) In the Irish Education Act, 1892, the expression "baronial council" shall mean rural district council, and the expression "local rate" shall mean the rate out of which the expenses of the execution of this Act by a county or district council, as the case may be, are defrayed.

52 & 53 Vict. c. 76, and 54 & 55 Vict. c. 4.

(2.) In the application of the Technical Instruction Acts, 1889 and 1891, to the council of a county other than a county borough the expression "local rate" shall mean the poor rate, and the expenses of a county council under those Acts shall be county at large or district charges according as that council direct.

Establishment of post or telegraph offices in county boroughs or urban districts.

75. Where the council of any county borough or any urban county district consider that it would be beneficial for the inhabitants of the borough or district that any post or telegraph office should be established within such borough or district or any additional facilities (postal or other) provided by the Postmaster General within such borough or district, the council may undertake to pay the Postmaster General any loss he may sustain by reason of the establishment or maintenance of the office, or the provision of the facilities, and any expenses incurred under this section may be paid in the case of a borough out of the borough fund or the borough rate, and in the case of any urban district not a borough out of the rate out of which the expenses of the council under the Public Health Act, 1878, are defrayed.

41 & 42 Vict. c. 52.

Provision for chronic and harmless lunatics.

76.—(1.) The council for a county may, either by the exercise of their powers under this Act, or by taking over for the purpose any workhouse or other suitable building in possession of the guardians, provide an auxiliary lunatic asylum for the reception of chronic lunatics who, not being dangerous to themselves or others, are certified by the resident medical superintendent of an asylum of such council not to require special care and treatment in a fully equipped lunatic asylum; and any such auxiliary lunatic asylum shall either be a separate asylum within the meaning of the Lunatic Asylum Acts, or if the Lord Lieutenant so directs, a department of such an asylum:

Provided that the sum payable out of the Local Taxation (Ireland) Account in respect of the net charge for any lunatic therein may be paid when the net charge equals or exceeds three shillings and sixpence a week, but that sum shall not exceed two shillings a week.

(2.) The Local Government Board, on the application of a county council and after communication with the guardians concerned, may by amalgamating unions provide for placing a workhouse at the disposal of the council for the above purpose, and may dispose of the workhouse for that purpose.

(3.) Where an auxiliary asylum is so provided for any county, section nine of the Lunatic Asylums (Ireland) Act, 1875 (which relates to sending lunatics to a workhouse), shall cease to apply as respects that county.

38 & 39 Vict. c. 67.

(4.) This section shall apply with the necessary modifications to a lunatic asylum district comprising two or more counties.

PART V.

Supplemental.

Restriction on use of licensed premises for meetings, offices, &c.

77. Except in cases where no other suitable room is available either free of charge or at a reasonable cost, a district or county council, or any committee thereof, shall not hold a meeting on any licensed premises, nor shall such premises be used as an office of the council, or for any purpose of or incidental to the business of the council or of any officer of the council; and the expression "licensed premises" in this section means premises licensed for the sale of intoxicating liquor, and includes any club at which such liquor is sold.

As to navigation trackways. 36 & 37 Vict. c. 34.

78. A trackway on the bank of any navigable river within the meaning of the Grand Juries Act, 1873, shall, without prejudice to the reasonable use thereof for any purpose connected with navigation, be a public highway, and shall continue to be maintainable as provided by that Act.

Relative position of district council and guardians.

79.—(1.) Where a rural district is co-extensive with a union—

(*a*) the district councillors shall, when exercising the duties of guardians, continue to be a board of guardians under their existing name, and when exercising the duties of a district council shall be a district council under the name given by or in pursuance of this Act; and

(*b*) matters affecting the board of guardians shall not by reason only of the members thereof forming also a district council affect that council, and matters affecting the district council shall not by reason only of the members thereof forming also a board of guardians affect that board; and

(*c*) the meetings and business of the board and council may be held and transacted at the same place; and

(*d*) subject to the express provisions of this section the Local Government Board may make regulations as to the property held jointly or severally by the council and the board.

(2.) Where a rural district is comprised in but not co-extensive with a union, the council for the district shall be entitled, under the prescribed conditions, to use the board-room and offices of the guardians of the union for their meetings and business, and if such board-room and offices are situate outside their district, to hire a board-room and offices.

Imperative Presentments, Mandamus, and duty of maintaining Works.

Imperative presentments.

80.—(1.) Where the payment of a sum by any county or district council, or by the treasurer of such council or other officer of the council on behalf of the council, is ordered by a judge of assize under this or any other Act, or is required, either to comply with any enactment, or to meet either a judgment or decree of any competent court, or an order for the payment or collection of any money made by the Lord Lieutenant in pursuance of any Act, the treasurer of the council shall pay the same out of moneys under his control as such treasurer, and, if those are insufficient, out of the first moneys coming under his control as treasurer, and such payment may, to the extent of any such moneys, be enforced

against such treasurer in like manner as it might be enforced against the council.

(2.) Where any such sum is due to the Crown or any Government department, the amount thereof may be deducted from any sums payable from the Local Taxation (Ireland) Account directly or indirectly to the council by whose treasurer the first mentioned sum is payable, and be paid into the Exchequer in discharge of that sum, and where the sum was due from a district council, the county council shall debit that district council with the amount so deducted: Provided that this enactment shall be without prejudice to the guarantee fund under the Purchase of Land (Ireland) Act, 1891. 54 & 55 Vict. c. 48.

As to enforcing mandamus.

81. Where a mandamus is issued by the High Court to any county or district council, and the council fail to comply therewith, the Court may appoint an officer, and confer on him all or any of the powers of the defaulting council which appear to the Court necessary for carrying into effect the mandamus.

Duty of county and district council to maintain works.

82.—(1.) It shall be the duty of every county and district council, according to their respective powers, to keep all public works maintainable at the cost of their county or district in good condition and repair, and to take all steps necessary for that purpose.

(2.) The council of a county, upon a proposal made by the council of a district in which any old road or public work is situate, or where the expenses of the maintenance of the road or work are levied wholly off the county then without such proposal, may, if the road or work appears to such county council to be useless, and they resolve so to do, stop up or abandon the road or work; but, if an objection by any ratepayer is lodged in the manner and within the time determined by an Order in Council under Part VI. of this Act, the said resolution shall be of no effect unless approved by the Local Government Board.

(3.) If any district council complain that a county council or any county council complain that a district council, have failed to perform any such duty as aforesaid, the complaining council may, without prejudice to any other remedy, appeal to the Local Government Board, and section fifteen of the Public Health Act, 1896, shall apply, with the necessary modifications, in like manner as where default is made by a sanitary authority. 59 & 60 Vict. c. 54.

(4.) Where a county council refuse at two successive quarterly meetings to approve of any new public work submitted by a rural district council, the cost of which is to be levied wholly off that district, or fail to execute such work, the rural district council may appeal to the Local Government Board, and if that Board consider that such new work ought to be executed, they may order the county council to execute the same, and, if the county council make default in complying with the order, section fifteen of the Public Health Act, 1896, shall apply with the necessary modifications in like manner as where default is made by a sanitary authority. 59 & 60 Vict. c. 54.

(5.) The provisions of the Grand Juries Acts with respect to memorials, other than memorials by a grand jury, shall be repealed,

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and the provisions of those and any other Acts with respect to traverse shall be repealed, so far as they relate to business transferred by this Act to county or district councils or the county court.

Officers.

Officers of county.

83.—(1.) As respects the officers of the county council, the council of a county other than a county borough, subject to the provisions hereinafter contained—

(*a*) shall appoint the secretary of the council (who shall act as the clerk of the council), the treasurer of the county (who shall be treasurer of the council), and the county surveyor or surveyors; and

(*b*) may appoint such assistant surveyors and such further officers as they think necessary for the performance of the duties of the council;

and every officer so appointed shall perform such duties and, subject (in the case of any officer whose salary can be fixed without the concurrence of the Local Government Board) to any statutory limits, be paid such remuneration as the council may assign to him.

(2.) A county council may provide for the performance by a deputy of the duties of any officer in case of his illness, absence, or incapacity, and anything required by law to be done by, to, or before the officer may, subject to the directions of the council, be done by, to, or before such deputy.

(3.) The county council may take from a treasurer, when a banking company, and shall take from any other officer who receives or pays any money on behalf of the council such security as may be approved by the Local Government Board.

(4.) Part of the payment to every county council out of the agricultural grant shall be deemed to be paid in respect of part of the salary of the secretary of the county council, and of the county surveyor, and of any assistant surveyor, and any such secretary or surveyor or assistant surveyor shall not be appointed or removed, nor shall his salary be fixed or altered, without the concurrence of the Local Government Board, and he shall have such qualifications (if any) as may be prescribed.

(5.) The Local Government Board shall also have the same power as regards collectors of the poor rate appointed by the county council and their accounts as they would have if those collectors had continued to be officers of the guardians.

(6.) Save as otherwise provided by this Act, the county council may remove any of their officers.

(7.) There shall be transferred from the clerk of the union to the secretary of the county council so far as respects rural districts, and to the clerk of the council of every county borough and urban county district so far as respects that borough or district, all powers and duties in relation to the registration of electors, or to jurors' lists.

(8.) The secretary of the county council (including in a county borough the town clerk) shall send to the Lord Lieutenant or the

Local Government Board such returns and information as may from time to time be required by either House of Parliament or by that Board.

(9.) The Lord Lieutenant may, if he thinks fit, direct the assistant surveyors to be examined and their qualifications certified by the persons who examine, and certify the qualifications of, the county surveyor.

(10.) A paid officer in the permanent employment of a county council who is required to devote his whole time to such employment shall not be eligible to serve in Parliament.

(11.) The enactments relating to the superannuation of officers of boards of guardians shall, with the necessary modifications, apply to officers of county and rural district councils other than the county surveyor and any officer of a county borough, and the amount of any such superannuation shall be paid as expenses of the county or district council. 28 & 29 Vict. c. 26.

(12.) The law relating to the treasurers of counties and this section shall apply to the county of Dublin in like manner as to any other county.

(13.) Where a county surveyor, or any resident medical superintendent or assistant medical officer of a lunatic asylum, is appointed by a county council after the passing of this Act, and at the time of such appointment held a like office in another county or lunatic asylum, he shall, upon ceasing to hold office, be entitled, for the purpose of the enactments relating to superannuation, to reckon any previous service as county surveyor or as officer of a lunatic asylum which he might have reckoned if his service had been under the appointing council or committee.

(14.) This section shall be without prejudice to the provisions of this Act respecting existing officers, or to the powers of the Lord Lieutenant and Privy Council or the Lord Lieutenant under sections sixty-eight and sixty-nine of the Diseases of Animals Act, 1894. 57 & 58 Vict. c. 57.

Officers of lunatic asylum.

84.—(1.) Subject to the provisions herein-after contained, the county council acting through their committee—

(*a*) shall appoint for each lunatic asylum a resident medical superintendent and at least one assistant medical officer; and

(*b*) may appoint such other officers as they consider necessary for the performance of their duties in relation to lunatic asylums,

and every officer so appointed shall perform such duties and be paid such remuneration as the council may assign to him.

(2.) Every resident medical superintendent shall be a registered medical practitioner of not less than seven years standing, and shall have served for not less than five years as a medical officer or assistant medical officer in an asylum for the treatment of the insane, and every assistant medical officer shall be a registered medical practitioner.

(3.) The Pauper Lunatic Asylums (Ireland) (Superannuation) Act, 1890, shall apply to every officer of a lunatic asylum, save that all reference in that Act to the approval of the inspectors of lunatics or of the Lord Lieutenant shall be repealed. 53 & 54 Vict. c. 31.

(4.) The grant paid out of the Local Taxation (Ireland) Account for lunatics shall be deemed to be paid in respect of a part of the

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salary of any resident medical superintendent and assistant medical officer, and any such superintendent or medical officer shall not be appointed or removed, nor shall his salary be fixed or altered, without the concurrence of the Lord Lieutenant, and he shall have such qualifications (if any) as may be prescribed.

(5.) This section shall be without prejudice to the provisions of this Act respecting existing officers.

Officers of rural district council and guardians and salary of medical officer of urban or rural district.

85.—(1.) The clerk or treasurer of the union shall be the clerk or treasurer of the council of every rural district comprised in the union, except where the Local Government Board authorise such council to appoint a separate clerk or treasurer, in which case the council may appoint a clerk or treasurer, and in the case of the clerk with such salary as that Board approve.

(2.) The portion of the salary of the clerk of the union which is to be paid in respect of his duties as clerk of any rural district council shall be determined by the Local Government Board, and this sub-section shall apply with the necessary modifications to any other officer of a board of guardians who, by virtue of this Act, becomes also an officer of a rural district council.

(3.) Subject as aforesaid, the Local Government Board may make rules as to the employment of the same officers by the council of a rural district and the guardians of the union comprising that district.

(4.) The additional salary granted to the medical officer of a dispensary district by reason of his being (under section eleven of the Public Health Act, 1878) medical officer of health of any sanitary district shall be paid by the council of the latter district.

41 & 42 Vict. c. 52.

Obligation of county and other local officers, and their superannuation.

86. Where by or in pursuance of this Act, or any Order or rules made thereunder by the Lord Lieutenant in Council or the Local Government Board, any officer paid out of the poor rate or any other local rate or cess is required to perform any duty, make any return, give any information, or do any other thing, and wilfully fails or refuses so to do, he shall be liable, if sued by the county or district council or Local Government Board, to a fine not exceeding forty shillings, or, in the case of any continuing offence, not exceeding forty shillings a day during the continuance of the offence, and any such fine may be recovered as a Crown debt, or to an amount not exceeding one hundred pounds before a court of summary jurisdiction.

Amendment of law as to superannuation of officers.

87. An officer holding a pensionable office, whether the superannuation allowance is payable out of the poor rate, or any town rate, or other local rate, shall not be disqualified for receiving such an allowance by reason only of his having acted, whether before or after the passing of this Act, as an officer of a school attendance committee under the Irish Education Act, 1892.

55 & 56 Vict. c. 42.

Amendments of Law.

Power of county borough council as to

88.—(1.) A council of a county borough may make regulations for regulating the use and speed of bicycles, tricycles, velocipedes, and other similar machines, in the streets and roads within the

county borough, and the carrying of lights on such machines, and the warning of approach to be given by persons using the same, and for preventing any obstruction or danger being caused by the same, and the provisions of sections two hundred and nineteen to two hundred and twenty-three of the Public Health Act, 1878, with respect to byelaws, shall apply to all regulations made under this section as if the same were byelaws authorised by that Act. bicycles and other machines. 41 & 42 Vict. c. 52.

(2.) Any person summarily convicted of offending against any regulations made under the powers by this section conferred shall, for each and every such offence, forfeit and pay any sum not exceeding forty shillings.

Licensing in county or city of Dublin of theatrical performances for charitable objects.

89.—(1.) Notwithstanding anything in the Act of the Parliament of Ireland of the twenty-sixth year of the reign of King George the Third, chapter fifty-seven, intituled An Act for regulating the stage in the city and county of Dublin, the Lord Lieutenant may, on the application of the council for the county of Dublin or the county borough of Dublin, or of any urban district within the county of Dublin, grant an occasional licence for the performance of any stage play or other dramatic entertainment in any theatre, room, or building where the profits arising therefrom are to be applied for some charitable purpose or in aid of the funds of any society instituted for the purpose of science, literature, or the fine arts exclusively.

(2.) The licence may contain such conditions and regulations as appear fit to the Lord Lieutenant, and may be revoked by him.

Conversion of workhouse hospital into district hospital.

90.—(1.) A board of guardians, with the consent of the Local Government Board, may make regulations for—

(*a*) the conversion of their workhouse hospital into a district hospital; and

(*b*) the transfer of the duties and powers of the guardians as regards such hospital and the administrative control thereof to a committee of hospital governors appointed by the guardians of whom two-thirds at least shall be members of the board; and

(*c*) the payment and accommodation under which private patients may be admitted.

(2.) Subject to the regulations of the Local Government Board and to the powers of that Board with respect to guardians and their officers, the guardians, acting through the said committee, shall properly manage and maintain such district hospital, and may appoint and remove officers, and regulate expenditure, and may receive and apply for the benefit of such district hospital any endowments or subscriptions given by private persons for that purpose.

(3.) Subject to the general control of the guardians in respect of all moneys provided out of rates, the acts of the committee shall not require confirmation by the guardians.

(4.) The guardians shall have power to dissolve the committee at any time on giving six months notice of their intention so to

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do, but such dissolution shall not invalidate any act done by the committee before dissolution.

As to leases to boards of guardians for dispensary houses. 42 & 43 Vict. c. 25.

91. Notwithstanding anything in the eleventh section of the Dispensary Houses (Ireland) Act, 1879, a lease to a board of guardians made thereunder may be for any term which the owner has power to grant, not being less than sixty years.

Amendment of 46 & 47 Vict. c. 43. as to management of tramway.

92. Where the undertaking of a company becomes or has become the property of a county council, pursuant to the provisions of the Tramways and Public Companies (Ireland) Act, 1883, or any Order in Council issued thereunder, the council may, with the approval of the Lord Lieutenant in Council, enter into an arrangement with any railway or tramway company with any of whose railways or tramways the said undertaking is connected, for the working of the said undertaking upon such terms as may be agreed upon.

Amendment of 23 & 24 Vict. c. 152. s. 38, as to tramways.

93. Section thirty-eight of the Tramways (Ireland) Act, 1860, shall have effect as if the words "of not less than two-thirds" were omitted therefrom.

Miscellaneous.

Special provisions as to qualifications, elections, and retirement of councillors, guardians, commissioners, &c., day of annual or borough quarterly meeting, and day for electing mayor or chairman, selecting sheriffs, &c.

94.—(1.) A person being in holy orders or being a regular minister of any religious denomination shall not be eligible as a county or district councillor.

(2.) So much of any enactment, whether public or local, as requires a member of the council of a borough, or of an urban or rural sanitary authority, or board of guardians, or commissioners of a town, to have any property qualification, or to have any other qualification than that of being a local government elector or resident as required by this Act, shall be repealed.

(3.) Any member of the council of a county or county district or board of guardians or commissioners of a town who, after the passing of this Act, is convicted of acting when disqualified, or of voting when prohibited, shall for a period of seven years after such conviction be disqualified for being elected or being a member of the same or any other such council, board, or commissioners.

(4.) Casual vacancies in the council of any county (not being a county borough) or in any rural district council shall be, as soon as may be, filled by the council.

(5.) Casual vacancies among the guardians elected for any electoral division in a county borough or urban county district may be filled by the board of guardians.

(6.) Outside a county borough the elections of county and rural district councillors shall be held together, and each district electoral division shall, unless the Local Government Board on the representation of the county council otherwise direct, be a polling district, and such direction, if given, may authorise the poll for a councillor for a district electoral division to be taken outside that division, if it is taken within the county electoral division comprising it.

(7.) The ordinary day of election of such councillors shall be the first day of June, or such day not more than seven days earlier or

later than that day as may be fixed by the county council with respect to their county, and the day of the annual meeting and ordinary day of election of the chairman and vice-chairman of a rural district council shall be the fifth day, and of a county council the twelfth day, next after the said day of election of councillors.

(8.) Outside a county borough the old county and rural district councillors shall retire, and the newly elected councillors shall come into office, on the day next after the said day of election of councillors, which day shall be the ordinary day of retirement of councillors.

(9.) In the case of the council of an urban district other than a borough, and of the commissioners of a town, the ordinary day of election of councillors and commissioners shall be the fifteenth day of January, and the day of the annual meeting and ordinary day of election of the chairman and vice-chairman of the council or commissioners shall be the twenty-third day of January, and such chairman or vice-chairman shall come into office as soon as he has made the declaration accepting the office.

(10.) In the case of the council of a borough, the ordinary day of election of councillors and aldermen shall be the fifteenth day of January, and the quarterly meeting of the council shall be held at noon on the twenty-third day of January, and at such hour on such other three days before the fifteenth day of January then next following, as the council at the quarterly meeting in January decide.

(11.) The first business transacted at the said quarterly meeting in January shall be the election of the mayor, and the outgoing mayor shall retire and the newly elected mayor shall come into office on the ordinary day of retirement of the mayor, or as soon after as the new mayor has made a declaration accepting the office, and the ordinary day of retirement of the mayor shall be the day of the said quarterly meeting, or, if the council have by a general resolution so directed, the following twenty-third day of February.

(12.) In a county of a city or town, the selection of three persons qualified to fill the office of sheriff shall be part of the business transacted at the said quarterly meeting in January, and the day of that meeting and the twenty-third day of February shall respectively be substituted for the first day of December and the first day of January in sections three and four of the Municipal Privilege (Ireland) Act, 1876, and the day next before the day of the said quarterly meeting shall be substituted for the thirtieth day of November in section five of the said Act. 39 & 40 Vict. c. 76.

(13.) In the case of the council of any borough or other urban district, or the commissioners of any town, the outgoing aldermen, councillors, and commissioners shall retire, and the newly elected aldermen, councillors, and commissioners shall come into office on the sixteenth day of January, and that day shall be the ordinary day of retirement of aldermen, councillors, and commissioners.

(14.) The fact that an outgoing mayor, chairman, alderman, councillor, or commissioner has ceased, upon the new register of local government electors coming into force on the previous first

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day of January, to be a local government elector shall not disqualify him for continuing in office until the above-mentioned ordinary day of retirement of mayor, chairman, alderman, councillor, or commissioner, as the case may be, and also, if he is a mayor or chairman and a new mayor or chairman has been elected, until that new mayor or chairman has made a declaration accepting the office.

(15.) Where any members of a joint committee or joint board are appointed by any county or district council, whether under this or any other Act or an Order in Council, and the council are elected triennially, the members appointed by such council who are in office at the date of any triennial election shall continue to be members of such joint committee or board until the day after the first meeting of the newly elected council, and the consideration of the appointment of such members shall be part of the business at the said meeting after the election of mayor or chairman.

(16.) The scale of expenses of any election shall require the approval of the Local Government Board.

Position of chairman as justice of the peace.

95.—(1.) A chairman of any county or district council, or of any commissioners, who is by virtue of this Act a justice of the peace, and has been re-elected to the said office of chairman on the expiration or other determination of a previous term of office, may continue to act as a justice of the peace without again taking the oaths required by law to be taken by a justice of the peace.

(2.) Every such chairman who is by virtue of this Act a justice of the peace shall, in his capacity of justice but not otherwise, notwithstanding anything in the other provisions of this Act, be subject to the same restrictions, disqualifications, and power of removal by the Lord Chancellor, as any other justice of the peace.

As to rate books and lists of voters and jurors.

96.—(1.) The secretary of every county council and the clerk of every urban district council shall, within the prescribed time after making a poor rate, send, without payment, to every board of guardians for a union wholly or partly situate within the county or district, a copy, certified by such secretary or clerk to be a true copy, of so much of the rate book containing the said poor rate as relates to the union, and the Evidence Act, 1851, shall apply as if the copy were a certified copy within the meaning of that Act, and every person shall have the same right to inspect and take copies or extracts from the said copy as he would have if it were a poor rate, and section seventy of the Poor Relief (Ireland) Act, 1838, and any other enactment relating to such inspection, copies, or extracts, shall apply accordingly.

14 & 15 Vict. c. 99.

1 & 2 Vict. c. 56.

(2.) Every county council shall arrange by contract for all printing, whether of lists, forms, registers, or otherwise, required in connexion with the Registration Acts, or with the Juries (Ireland) Acts, 1871 to 1894, whether such printing is required by the secretary of the council, or any clerk of the peace, clerk of a union, or town clerk, and the said printing shall be done in accordance with the contract so made, and not otherwise, unless in any exceptional case the county council for special reasons so permit.

34 & 35 Vict. c. 65. 57 & 58 Vict. c. 49.

(3.) Every such contract shall be made in like manner and the like tenders shall be obtained in like manner, so nearly as circumstances admit, as in the case of a public work the expenses of which are leviable off the county at large.

Adaptation of Acts as to the persons entitled to petition for charter, &c. as to voting on adoption of Act, and as to qualification of town commissioner.

97.—(1.) The local government electors of any town or other area shall be the persons entitled to vote at the election of commissioners of the town, or to petition for a provisional or other order in relation to the government of the town or area, or for a charter, or to petition, present a memorial, or vote respecting the adoption of any Act or enactment capable of being adopted for such town or area, and shall be so entitled in substitution for the persons who, under any enactment, are entitled so to petition or vote, except where the persons so entitled are a council elected under this Act.

(2.) Where a poll is taken with reference to such adoption, it shall be taken by ballot, in accordance as near as may be with the ballot taken at the election of a council under this Act.

(3.) A person shall not be qualified to be elected or to be a commissioner of a town unless he is a local government elector for such town, or has during the whole twelve months preceding the election resided and continues to reside in the town.

Registration of electors.

98.—(1.) The local government register of electors shall be completed, and on sale to the public, and come into operation on the same day as the parliamentary register of electors, and shall continue in force for the same period.

(2.) In a district electoral division comprised in a parliamentary borough in which, prior to the passing of this Act, the freeholders voted for the parliamentary county and not for the parliamentary borough, the names of the freeholders, that is to say, the persons entitled in respect of a freehold, leasehold, or copyhold qualification within the parliamentary borough, shall be entered in a separate list, and that list shall form part of the local government supplement in the said division; but nothing in this enactment shall alter the right of such freeholders to vote for the parliamentary county, or confer on them a right to vote at a parliamentary election for the parliamentary borough.

(3.) A person registered as a freeman in a parliamentary borough shall be entitled to vote as a local government elector—

(*a*) if his place of abode is in the borough, then in the electoral division in which that place of abode is situate; and

(*b*) if his place of abode is not in the borough (in this Act referred to as a non-resident freeman), then in the electoral division to which he is allotted by the revising barrister;

and shall not be entitled in respect of the qualification of freeman to vote elsewhere than in such electoral division, and the registration of electors shall be conducted, and the register arranged, so as to give effect to this enactment.

(4.) The non-resident freemen shall be allotted among the several district electoral divisions of the borough in proportion, as nearly as may be, to the number of electors in each electoral division, and shall be so allotted in like manner as is provided

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by section fourteen of the Redistribution of Seats Act, 1885, with respect to the allotment of non-resident freemen among the several divisions of a parliamentary borough.

48 & 49 Vict. c. 23.

(5.) Where an electoral division is situate partly within and partly without a parliamentary borough this section shall apply to each divided part as if it were an electoral division.

(6.) Where the non-resident freemen have been allotted among the divisions of a parliamentary borough in manner provided by section fourteen of the Redistribution of Seats Act, 1885, the provisions of this section shall apply as if each such division were a parliamentary borough.

43 & 49 Vict. c. 23.

61 & 62 Vict. c. 2.

(7.) Rules under the Registration (Ireland) Act, 1898, may be made for carrying into effect the provisions of this Act with respect to local government electors, and in particular for adapting the Registration Acts to the provisions of this Act and Orders in Council made thereunder; and so much of the said Act of 1898 as requires the rules to be made before the end of the year one thousand eight hundred and ninety-eight, shall be repealed.

40 & 41 Vict. c. 37. 61 & 62 Vict. c. 2.

(8.) For the purpose of section twenty-one of the County Officers and Courts (Ireland) Act, 1877, the Registration (Ireland) Act, 1898, and this Act shall be deemed to be Acts relating to the registration of voters.

(9.) The sums payable to the Exchequer under the Registration (Ireland) Act, 1898, shall be paid by the several county councils in lieu of the guardians.

(10.) In this Act, and in every Act hereafter passed, the expression "local government register of electors" shall, unless the context otherwise requires, mean, as respects any county or borough, district, electoral division, ward, or other area in Ireland, the register of parliamentary electors, or the portion of that register which relates to such county or borough, district, electoral division, ward, or other area, together with the local government supplement.

Provisions as to ballot boxes, &c. at elections.

99.—(1.) Ballot boxes, fittings, and compartments shall be provided and kept for each county and county district and for each electoral division of a union situate in an urban district, at the expense of the rates of such county, district, or union, and may be used free of charge at any parliamentary election for any county or parliamentary borough comprising the whole or any part of such county, district, or union, and any damage other than reasonable wear and tear caused to the same shall be paid as part of the expenses of the election in which they are so used.

(2.) It shall be the duty of the returning officer at any such parliamentary election to make use, so far as practicable, of the ballot boxes, fittings, and compartments provided in pursuance of this section, or otherwise the property of any county or district council, and the court upon taxation of his accounts shall have regard to the provisions of this section.

As to contracts in writing by county and district councils.

100. Any contract in writing, which if made by private persons would not by law be required to be made under seal, may, if made by a county or district council, and if the subject matter thereof

does not exceed fifty pounds in value, be made under the hand of any two councillors acting by the direction and on behalf of the council.

Powers of Lord Lieutenant and Local Government Board.

101.—(1.) Nothing in this Act shall affect any powers of the Local Government Board with respect to guardians or the officers of guardians; and that Board may, on the application of any council, exercise in relation to the council and the officers of the council all such powers of holding inquiries on oath and deputing any officer of the Board to attend at the meetings of the council as they are by law empowered to exercise in the case of guardians and their officers.

(2.) Where the Lord Lieutenant or the Local Government Board is authorised to make an order under this Act, such order may be enforced by mandamus.

(3.) Any difference which under any enactment applied by an Order in Council under this Act can be referred to the High Court may, if the parties to such difference so agree, be referred to and decided by the Local Government Board.

(4.) A Provisional Order made under this Act shall be of no effect until confirmed, and, save as otherwise provided, until confirmed by Parliament, and sections two hundred and fourteen and two hundred and fifteen of the Public Health Act, 1878, shall, with the necessary modifications, apply for the purpose of any such Order. 41 & 42 Vict. c. 52.

As to constitution of Local Government Board.

102.—(1.) Any act to be done or instrument to be executed by or on behalf of the Local Government Board may be done or executed in the name of that Board by the president, or by the under secretary to the Lord Lieutenant, or by the vice-president, or by any person appointed by the president or vice-president to act on behalf of the vice-president.

(2.) A rule, order, or regulation made by the Local Government Board shall be valid if it is made under the seal of the Board and signed by any of the above-mentioned persons.

(3.) Every document purporting to be a rule, order, or regulation of the Local Government Board, and to be sealed and signed as above mentioned, shall be received in evidence, and be deemed to be a rule, order, or regulation duly made by the Board, unless the contrary is shown.

(4.) The Local Government Board may distribute the business of the Board among the several members thereof in such manner as the Board may think right.

(5.) The President of the Local Government Board may appoint an inspector or auditor of the Board or other person to be temporarily a commissioner of the Board for the purpose of aiding in the additional work of the Board in bringing this Act into operation and in carrying it into effect and superintending the working thereof during a limited period. Such appointment shall be in the first instance for one year after the passing of this Act, but may, with the consent of the Treasury, be continued from year to year for a total term not exceeding five years after the passing of this Act.

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(6.) There shall be paid to the temporary commissioner, out of moneys provided by Parliament, such sum as the Treasury may sanction, not exceeding together with any other remuneration received by him the remuneration paid to a commissioner of the Board.

Appeal Commission.

103.—(1.) If within six months after an order of the Local Government Board is made under Part Four of this Act with respect to county boundaries a petition against the order, so far as it affects any county, is presented to the Local Government Board by the council or grand jury for the county, or by any sanitary authority, district council, or guardians, in the county, or by not less than one hundred parliamentary electors for the county, the order so far as it relates to that county shall be referred to the Appeal Commission in this Act mentioned, and after that Commission have held such inquiry as they think necessary, and given an opportunity of being heard to all parties concerned who apply within the prescribed time to be heard, may be annulled or varied by order of that Commission, and that order of the Commission shall after it comes into operation have effect as if made by the Local Government Board under this Act.

(2.) The order of the Commission shall not, unless it otherwise provides, come into operation until the second election of the county council, and if it so otherwise provides, the Commission shall by the same or any subsequent order make such arrangements respecting county and district councils and boards of guardians and the members thereof, and respecting all other matters, as appear necessary or expedient for bringing the order into operation at the earlier date, and for that purpose may make the like provisions as are authorised by or in pursuance of this Act to be made by the Local Government Board.

(3.) Where any other provision of this Act provides for an appeal to the Appeal Commission, the foregoing provisions of this section shall apply with the necessary modifications.

(4.) The Appeal Commission shall consist of the Vice-President of the Local Government Board and four other commissioners, of whom two at least shall be members of the Commons House of Parliament, appointed by the Lord Lieutenant.

(5.) Any vacancy arising among any such four commissioners, whether by death, resignation, incapacity, or otherwise, may be filled by the Lord Lieutenant; and the Lord Lieutenant may appoint any member of the Local Government Board to take the place of the Vice-President in case of his illness or unavoidable absence.

(6.) For the purposes of any inquiry, an Appeal Commissioner shall have the same powers as an inspector of the Local Government Board when holding an inquiry under the Public Health Act, 1878; and the Commission shall have the same power respecting costs as is given to the Local Government Board by section two hundred and ten of that Act.

41 & 42 Vict. c. 52.

(7.) Any expenses of the Appeal Commission and of any officer assigned by the Local Government Board to assist the Commission

shall be defrayed in like manner as the remuneration of officers appointed by the Board for carrying this Act into effect is directed by Part Eight of this Act to be defrayed.

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(8.) Any act of the Appeal Commission may be signified by any three of the commissioners under their hands.

PART VI.

PART VI. *Orders and Rules.*

ORDERS AND RULES.

Application with adaptations by Order in Council of English and Scotch enactments respecting supplemental provisions.

104.—(1.) There shall apply to Ireland so much as the Lord Lieutenant by Order in Council declares applicable of the English and Scotch enactments specified in the Fourth Schedule to this Act, and the enactments amending the same, being enactments relating among other matters to—

(*a*) the making of registers of electors according to street order;

(*b*) elections of county and district councils and guardians;

(*c*) acceptance of office, fine, resignation, casual vacancy, &c.;

(*d*) disqualifications of persons for being members of a county or district council, or board of guardians, and of members of any such council or board, and their partners, for appointment to an office;

(*e*) incorporation of county and district councils;

(*f*) transfer of property and expenses of county and district councils;

(*g*) accounts, audit, and annual budget;

(*h*) borrowing by county councils;

(*i*) transfer of powers of Treasury in relation to borrowing, and to the acquisition and disposition of land by councils of boroughs;

(*j*) alteration of boundaries and adjustments of property and liabilities;

(*k*) the division of a borough into wards or alteration of wards;

(*l*) local inquiries and Provisional Orders by the Local Government Board;

(*m*) construction of enactments relating to business transferred by this Act;

(*n*) proceedings and committees of county and district councils, and chairman and vice-chairman of those councils; and

(*o*) powers of the Local Government Board for the purpose of remedying defects and bringing the Act into full operation upon the commencement thereof, and transitional proceedings and savings.

(2.) An Order in Council under this section may—

(*a*) apply any of the said enactments to both county and district councils and guardians and town commissioners, and committees appointed by or comprising members of any of such councils, guardians, or commissioners, or to any of them, notwithstanding that they relate to county councils only or to district councils only or to guardians only; and

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(*b*) provide for the transfer to county councils of lunatic asylums and all property and liabilities connected therewith, and for the exception of any debt incurred (whether before or after the passing of this Act) on account of lunatic asylums from being reckoned in the limitation of amount imposed by any of the said enactments upon the borrowing by county councils, and for the joint committee of the counties comprised in a lunatic asylum district exercising jointly for the purpose of the lunatic asylum the powers of these councils relating to borrowing; and

(*c*) make such adaptations of the said enactments as appear necessary or expedient for carrying into effect the application thereof to Ireland; and

(*d*) make such adaptations of local Acts as appear required to bring them into conformity with any of the said enactments.

Order in Council for adapting Irish enactments.

105. The Lord Lieutenant by Order in Council may make such adaptations of the Irish enactments specified in the Fifth Schedule to this Act, or of other enactments affected by this Act, as appear to him necessary or expedient for carrying into effect this Act or any Order in Council made thereunder; and for that purpose may modify the provisions in the Valuation Acts as to dates and mode of procedure, and as to levying a rate pending an appeal.

Order in Council for regulating procedure of councils, and making transitory provisions for bringing Act into operation.

106. The Lord Lieutenant by Order in Council may do all or any of the following things, that is to say—

(1.) Regulate the procedure of county and district councils in connexion with the business transferred to them by this or any other Act from presentment sessions and grand juries:

(2.) Make such transitory provisions as appear to him necessary or expedient for bringing this Act into operation, and in particular—

(i) for regulating the actions of guardians and grand juries and presentment sessions and councils authorities and officers affected by this Act, during the period between the passing of this Act and the time at which this Act comes into full operation;

(ii) for securing to existing officers until they begin to receive remuneration under the provisions of this Act the like remuneration as they would have received if this Act had not passed;

(iii) for regulating the proceedings of the collector general of rates in Dublin until the abolition of his office, and for the estimating, raising, and collecting, until this Act comes into full operation, of the sums which but for such abolition would be raised by him;

(iv) for the first elections, and for the retirement and first meetings and proceedings of councillors and aldermen and commissioners of a town elected at the first elections;

(v) for regulating the continuance in or retirement from office of the members of any existing local authority affected by this Act; and

(vi) for enabling the Local Government Board to adjust any property, income, debts, liabilities, and expenses, of any area or local authority, or any other matter which requires adjustment in consequence of this Act, or any order made or thing done in pursuance of this Act within twelve months after the passing thereof.

General provisions and restrictions as to Orders in Council.

107.—(1.) An Order of the Lord Lieutenant in Council under this Part of this Act, shall, save as herein-after mentioned, be made before the last day of January next after the passing of this Act, and unless annulled as herein-after mentioned shall be deemed to have been duly made, and to be within the powers conferred by this Act, and no objection to the validity thereof shall be taken in any proceedings.

(2.) The Order shall be laid before both Houses of Parliament as soon as may be after it is made, and, if within the next subsequent forty days on which either House has sat, that House presents an address to Her Majesty praying that any such Order may either in whole or in part be annulled, Her Majesty in Council may annul the same either in whole or in part, as the case may require, and the Order or part so annulled shall thenceforth become void, without prejudice to the validity of any proceedings taken under the same in the meantime:

Provided that where any Order or any part thereof is so annulled the Lord Lieutenant in Council may, within six months thereafter make another Order in place of the Order or part so annulled, subject nevertheless to be laid before Parliament and to be annulled by Her Majesty in Council in manner above mentioned, and so on as often as occasion requires.

Rules and Provisional Orders by Local Government Board.

108.—(1.) The Local Government Board may make rules—

(*a*) for carrying into effect the provisions of Part Three of this Act so far as regards councils and guardians and their officers; and in particular for regulating—

(i) the communication by rural district councils and guardians to county councils and by county councils to urban district councils, of the amounts respectively required to be raised in each local financial year or any part thereof; and

(ii) the estimates to be made by district councils or guardians or their officers of their receipts and expenditure in each local financial year; and

(*b*) for regulating any matter authorised by this Act to be prescribed or to be regulated by rules of the Local Government Board; and

(*c*) generally for carrying into effect this Act, so far as the Lord Lieutenant in Council is not authorised to make provision for that purpose.

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Orders and Rules.

(2.) The Local Government Board may make Provisional Orders for adapting any local Act to the provisions of this Act and of any Order in Council made thereunder.

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Definitions and Repeals.

PART VII.

DEFINITIONS, SHORT TITLE, AND REPEALS.

Interpretation of certain terms in the Act.

109.—(1.) In this Act, unless the context otherwise requires :—

The expression "union" means a poor law union:

The expression "borough" means a municipal borough having a town council:

The expression "town" means the area comprised in any town or township having commissioners under the Lighting of Towns (Ireland) Act, 1828, or the Towns Improvement (Ireland) Act, 1854, or under any local Act:

9 Geo. 4. c. 82. 17 & 18 Vict. c. 103.

The expression "mayor" includes a lord mayor:

The expression "guardians" means a board of guardians:

The expression "presentment sessions" includes road sessions and special road sessions:

The expressions "local authority" and "authority" respectively include a grand jury and presentment sessions:

The expression "Local Government Board" means the Local Government Board for Ireland:

The expression "Board of Control for lunatic asylums" means the Commissioners for General Control and Correspondence, and for the superintending and directing the erection, establishment, and regulation of asylums for the lunatic poor in Ireland:

The expression "Commissioner of Valuation" means the Commissioner of Valuation and Boundary Surveyor:

The expression "judge of assize" shall, as respects the county of Dublin, or the county of the city of Dublin, mean the High Court or any judge thereof:

The expression "revising barrister" has the same meaning as in the Parliamentary Registration (Ireland) Act, 1885 :

48 & 49 Vict. c. 17.

The expression "high constable or collector of a barony" includes a collector for a district of a barony appointed under the County Cess (Ireland) Act, 1848 :

11 & 12 Vict. c. 32.

The expression "Local Taxation (Ireland) Account" has the same meaning as in the Probate Duties (Scotland and Ireland) Act, 1888:

51 & 52 Vict. c. 60.

The expression "road" includes any bridge, pipe, arch, gullet, fence, railing, or wall forming part of such road:

The expression "public work" means any road or work in respect of which, under the Grand Juries Acts, a presentment might but for this Act be made by any presentment sessions for a barony or county at large or any grand jury:

The expression "maintenance," when used in relation to any road or public work, includes the reasonable improvement and enlargement of such road or work:

The expression "lunatic asylum" means an asylum for the lunatic poor under the Lunatic Asylum Acts:

The expression "landlord," when used with reference to land or other hereditaments, means the immediate lessor or other person receiving rent in respect of such land or hereditaments:

The expression "holding" means any house or land or house and land held by a tenant of a landlord for the same term and under the same contract of tenancy:

The expression "rateable value," when used in relation to any hereditament or area, means the annual rateable value under the Valuation Acts of such hereditament or of all the hereditaments comprised in such area:

The expression "local government electors" means as respects any county or borough, district, electoral division, ward, or other area, the persons for the time being registered in the local government register of electors in respect of qualifications within such county, district, division, borough, ward, or other area:

The expression "prescribed" means prescribed by the Local Government Board:

The expression "existing" means, as respects any officer, an officer holding office on the last day of March one thousand eight hundred and ninety-eight, and also on the appointed day, and in any other case existing at the time specified in the enactment in which the expression is used, and if no such time is expressed, then at the appointed day for the coming into operation of such enactment:

The expression "powers" includes rights, jurisdiction, capacities, privileges, and immunities:

The expression "duties" includes responsibilities and obligations:

The expression "powers and duties" includes all powers and duties conferred or imposed by or arising under any local Act:

The expression "office" includes any office, situation, or employment, and the expression "officer" shall be construed accordingly:

The expression "pensionable office" means an office coming within the provisions of any Act authorising the grant of a superannuation allowance:

The expression "local financial year" means the twelve months ending the thirty-first day of March:

The expression "Registration Acts" means the Acts and enactments relating to the registration of parliamentary voters in Ireland:

The Grand Juries (Ireland) Acts, 1816 to 1895, are in this Act referred to as the Grand Juries Acts, and each of them is in this Act referred to as the Grand Juries Act of the year in which it was passed: 56 Geo. 3. c. 87. 58 & 59 Vict. c. 8.

The expression "Lunatic Asylum Acts" means the Acts specified in Part Two of the First Schedule to this Act:

The Public Health (Ireland) Acts, 1878 to 1896, are in this Act referred to as the Public Health Acts, and each of them is in 41 & 42 Vict. c. 52. 59 & 60 Vict. c. 54.

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this Act referred to as the Public Health Act of the year in which it was passed:

42 & 43 Vict. c. 25.

The expression "Medical Charities Acts" means the Acts so defined by the Dispensary Houses (Ireland) Act, 1879, and includes the last-mentioned Act:

The expression "Valuation Acts" means the Acts specified in Part Three of the First Schedule to this Act:

The expression "Dublin Metropolis Police Acts" means the Acts specified in Part Five of the First Schedule to this Act.

Each of the Acts relating to the Dublin collection of rates specified in Part Four of the First Schedule to this Act is in this Act referred to by the short title in that schedule mentioned.

52 & 53 Vict. c. 63. 1 & 2 Vict. c. 56.

(2.) For the purposes of the Interpretation Act, 1889, this Act shall be deemed to be an Act amending the Poor Relief (Ireland) Act, 1838.

Extent of Act, short titles, and repeal.

110.—(1.) This Act shall extend to Ireland only, and may be cited as the Local Government (Ireland) Act, 1898.

(2.) The enactments specified in the Sixth Schedule to this Act are hereby repealed to the extent in the third column of that schedule mentioned.

Provided that—

(*a*) any enactment or document referring to any Act or enactment hereby repealed shall be construed to refer to this Act or to the corresponding enactments in this Act:

(*b*) the existing rules of the Lord Lieutenant in Council under the Lunatic Asylum Acts shall continue in force in every county and lunatic asylum district until the first regulations under this Act in respect of that county or district come into force, and upon any such regulations coming into force, the said rules shall cease as respects that county or district.

(3.) The order of the Lord Lieutenant in Council relating to the division of Tipperary may be varied by the Lord Lieutenant in Council, so as to bring the same into conformity with this Act and with the Orders in Council made in pursuance of this Act, but otherwise shall continue in force.

(4.) Any other enactments of any Act, whether general or local, touching any business transferred to county or district councils or the county court by this Act, so far as they relate to any fiat or other sanction of a judge, court, or recorder, or relate to traverses or memorials other than memorials by a grand jury, shall be repealed.

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PART VIII.

TRANSITORY PROVISIONS.

First Elections and Councils.

First elections of county and rural district councillors and urban guardians and first councils.

111.—(1.) The first election under this Act of county and rural district councillors and guardians in urban districts shall be held on the twenty-fifth day of March next after the passing of this Act, or on such day within fourteen days before or after that day as the Local Government Board may appoint.

(2.) The foregoing provisions of this section shall not apply to councillors of county boroughs.

(3.) The Local Government Board in the case of the first election—

(*a*) may give a direction under this Act with respect to a district electoral division not being a polling district, although there is no representation made by the county council; and

(*b*) if of opinion that any district electoral division ought to be divided, may allow more than two councillors to be elected for that division, and in that case each elector in that division may at the first election give one vote, and no more, for each of any number of persons not exceeding the number of councillors authorised by the Board to be elected for that division.

(4.) A poor law electoral division as adopted in fact for the purpose of registration in the year one thousand eight hundred and ninety-eight shall be deemed to have been legally so adopted, and shall, except so far as the Local Government Board otherwise direct, be a district electoral division for the purpose of the election of county and rural district councillors and guardians at the first election under this Act.

First election of aldermen and councillors in county boroughs and urban districts and of town commissioners.

112. The first election in accordance with this Act of aldermen and councillors of any county borough or any urban district and of town commissioners shall be held on the fifteenth day of January next after the passing of this Act, and except in the county boroughs of Belfast and Londonderry the whole number of aldermen and councillors of each borough or district and of commissioners of each town shall be then elected, and shall come into office on the day next after the day of election.

Additional councillors for first councils and additional members of first lunatic asylum committee.

113.—(1.) The grand jury of any county other than a county of a city or town at the spring assizes, or in the county of Dublin at the Easter presenting term, next after the passing of this Act, may choose or appoint a committee to choose from persons who are then serving, or have at any time during the previous three years served, as grand jurors, three persons who shall be additional councillors of the first council for that county.

(2.) The Lord Lieutenant may nominate persons to be additional members of the first committee of a county council (including the council of a county borough), or joint committee of such county councils, for any lunatic asylum district, but the number shall not exceed one-fourth of the whole number of the committee.

(3.) The first rural district council under this Act shall, at their first meeting, choose as additional councillors three persons from among the persons who have at any time during the preceding three years been ex-officio guardians of the union, co-extensive with, or comprising the whole or part of, their district, and have actually served as such guardians, and are willing to serve as district councillors, and, if they fail so to choose, the county council shall, as soon as may be, appoint from among those persons additional councillors, who shall be in the same position as if they

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had been so chosen; and additional councillors so chosen or appointed shall also be additional guardians.

(4.) All additional councillors appointed or chosen under this Part of this Act, and the additional members of the first committee for a lunatic asylum district, shall retire from office in the third year after the election of the council upon which, or upon the committee of which, they are appointed or chosen to serve, and shall so retire on the day fixed by this Act for the ordinary day of retirement of the councillors of such councils.

As to registration in 1898.

114.—(1.) In the year one thousand eight hundred and ninety-eight the Registration Acts shall have effect as if for every date therein mentioned in July or August in respect of any matter, other than one affecting qualification, there were substituted such day as is seven days later than that date.

(2.) As regards the registers of voters to be made in the year one thousand eight hundred and ninety-eight, no election shall be questioned by reason of any error or informality whatsoever in relation to the filling up the forms or lists, the forming, printing, publishing, revising, or completing the lists of voters, or the register of voters, for any county or borough, or by reason of any matter or thing not having been done within the time limited by law for that purpose. The signature of the chairman or revising barrister, or his deputy, to such register shall be conclusive evidence that such register has been in all respects duly made and revised at the time and in the manner prescribed by and in conformity with the Registration Acts and this Act and the rules made thereunder.

Existing Officers.

Provision for interests of existing officers.

115.—(1.) Where the business of any authority is transferred by or in pursuance of this Act to any county or district council, the existing officers of that authority employed in that business, and not in any other business of that authority, shall become the officers of the council of that county or district in like manner, subject to the provisions of this section, as if they had been appointed by that council; and for the purpose of this section any secretary of the grand jury, county treasurer, county surveyor, assistant surveyor, county solicitor, public analyst for a county, and a high constable and collector or collector of a barony, and a deputy collector duly appointed under section one hundred and forty-eight of the Grand Juries Act, 1836, and also any deputy of the county treasurer or secretary of the grand jury, appointed with the approval of the Lord Lieutenant, who has devoted his whole time to his office, shall be deemed to be an officer of the grand jury, and the existing officers of every lunatic asylum shall be deemed to be existing officers of the governors and directors of that asylum; and every existing officer of the grand jury of a county shall be transferred to the council of the county, and not to the council of any urban county district.

(2.) The foregoing provisions of this section shall apply to a county of a city or town; but, if it does not become a county borough, any existing officer of the grand jury shall become the

officer of the council of the county at large of which such county of a city or town will by virtue of this Act form part.

(3.) For the purpose of the enactments relating to superannuation, the service of any existing officer of any authority before the transfer to a county or district council shall be reckoned as service under that council, and the service of any existing secretary as assistant or deputy secretary in the same county shall be reckoned as part of his service.

(4.) Any existing secretary of the grand jury, unless he dies or resigns, or is removed with the concurrence of the Local Government Board, shall become and continue the secretary of the county council up to the last day of March nineteen hundred, and may then, if he has given three months' previous notice in writing to the county council of his intention to retire, retire from office, and shall thereupon be entitled to receive an allowance under this Act of the same amount as if his office were abolished.

(5.) The county council may by notice given three months next before the said last day of March require such secretary to retire, and if they do so without the concurrence of the Local Government Board he shall be entitled to the same compensation under this Act as if his office were abolished.

(6.) If at any time after the said last day of March such secretary retires voluntarily, he shall be entitled to receive from the county council a superannuation allowance on the scale provided by the Acts and rules relating to Her Majesty's Civil Service, and the amount of such allowance in case of dispute shall be determined by the treasury.

(7.) If at any time before the said last day of March such secretary satisfies the Local Government Board that he is unable, through age or infirmity, to discharge the duties of his office under this Act, he may retire from office, and shall thereupon be entitled to receive an allowance under this Act of the same amount as if his office were abolished.

(8.) The secretary of the grand jury of the county of Tipperary shall become the secretary of the council of each riding of such county, and the foregoing provisions of this section shall apply as if he were separately the secretary of each such council, and the proportion of the remuneration, allowance, or compensation, to be paid by each riding shall in default of agreement be determined by the Local Government Board.

(9.) An existing officer of the grand jury of any county of a city or town, who by this Act becomes the officer of the council of the county at large of which such county of a city or town will form part, shall perform under the like officer of the council of that county at large the like duties as he has hitherto performed as respects the county of a city or county of a town, but in other respects the foregoing provisions of this section with respect to the like officer of a grand jury of a county at large shall apply to him.

(10.) Every county council shall, within six weeks after their first meeting, submit to the Local Government Board a scheme setting forth their arrangements for the collection of the poor rate,

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and the officers they propose to employ for the purpose, and the names and descriptions of the existing officers transferred to the county council by this Act (whether high constables and collectors, or collectors of a barony, or deputy collectors, or poor rate collectors of the guardians, or deputy collectors of such poor rate collectors, where such deputy collectors devote their whole time to the work of rate collection) whom they propose to employ as officers under such scheme, and the scheme shall not authorise the employment of officers not transferred to or previously employed by the council if sufficient existing officers have expressed their willingness to serve.

(11.) The scheme shall provide for the existing officers employed under the scheme receiving remuneration substantially identical with that which they formerly received.

(12.) An existing officer who can be employed under the scheme—

(*a*) if he holds a pensionable office, and has within the prescribed time notified his willingness to serve, shall, if he is not continued by the scheme as an officer of the county council, be entitled to receive from the county council the same compensation under this Act as if his office were abolished; and

(*b*) if he holds a pensionable office, and has not within the prescribed time expressed his willingness to serve, and is not continued by the scheme as an officer of the county council, shall be entitled to receive from the county council a gratuity; and

(*c*) if he does not hold a pensionable office, and either within the prescribed time expresses his unwillingness to serve, or is not continued by the scheme as an officer of the county council, shall be entitled to receive from the county council a gratuity.

(13.) Every such gratuity shall be according to the scale in Part One of the Seventh Schedule to this Act: Provided that, until the expiration of not less than twelve months after receiving a gratuity under that schedule, an officer shall not be qualified to be appointed to any office under the county council, unless he refunds to the county council the gratuity. Of such gratuity, one-half shall be repaid to the county council out of the moneys standing to the Local Taxation (Ireland) Account by virtue of the Local Taxation (Ireland) Estate Duty Act, 1896, and the half of any gratuity so refunded shall be repaid by the council to that account.

59 & 60 Vict. c. 41.

(14.) For the purpose of the foregoing enactments a person appointed collector under the County Dublin Grand Jury Act, 1844, shall be deemed to hold a pensionable office.

7 & 8 Vict. c. 106.

(15.) The Local Government Board may approve any such scheme with or without modifications; and all officers employed in pursuance of the scheme shall be deemed to be poor rate collectors appointed by the county council within the meaning of this Act.

(16.) If in the case of any officer the area in which his duties are required to be performed is, by reason of any alteration of any

boundary by or in pursuance of or for the purposes of this Act, increased or diminished, the officer shall be bound to perform his duties in such altered area.

(17.) If, by reason of a change made within six months after the passing of this Act in the boundaries of a union or dispensary district, the office of any existing dispensary doctor becomes in the opinion of the Local Government Board unnecessary, that office shall be deemed to be abolished within the meaning of the enactment applied by this Act; and any compensation payable to him shall be paid by the guardians of the unions which comprise his former district in such proportion as may be agreed upon, or in default of agreement be determined by the Local Government Board.

(18.) Subject to the provisions of this Act, every existing officer transferred under this section shall hold his office by the same tenure and upon the same terms and conditions as heretofore, and while performing the same or analogous duties shall receive not less remuneration than heretofore; and if, by reason of any alteration of boundary or other thing done by or in pursuance of this Act, his duties are increased or diminished, the officer shall be bound to perform those duties, and shall receive such increase or diminution of remuneration in proportion to the increase or diminution of his duties as the Local Government Board may determine, subject nevertheless in case of diminution to such compensation as is provided by this Act; provided that any county or district council may, subject to the approval of the Local Government Board, make a special agreement with any of such existing officers respecting the terms and conditions on which he may continue to hold his office, and the remuneration which he shall receive therefor.

(19.) Section one hundred and twenty of the Local Government Act, 1888, set out in Part Two of the Seventh Schedule to this Act (which relates to compensation to existing officers), shall apply in the case of existing officers affected by this Act, who are remunerated out of the cess or rate raised in any county or district, or in an urban district out of any borough or corporate fund, whether officers above in this section mentioned or not, and references in the said section one hundred and twenty to the county council shall include references to a district council; and if any officer transferred by this Act to a council who can be removed without the concurrence of the Local Government Board or the Lord Lieutenant (and is not a banking company) is within five years from the date of the transfer removed from his office for any cause other than misconduct or incapacity, his office shall be deemed to have been abolished within the meaning of the said section. 51 & 52 Vict. c. 41.

(20.) Any difference as to the council to whom an officer is transferred by this Act shall, in the absence of agreement, be determined by the Local Government Board.

(21.) All expenses incurred by any council in pursuance of this section shall be paid as expenses of the execution of this Act, and in the case of a county council may, if the county council, with the

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consent of the Local Government Board, so direct, be defrayed as district charges.

(22.) The provision of a gratuity by a council to any existing officer under this Act shall be a purpose for which such council may borrow in accordance with the enactments relating to borrowing by such council.

(23.) Every pension, allowance, or other compensation, granted under this section shall be payable to or in trust for the officer to whom it is granted, and shall not be assignable for nor chargeable with his debts or other liabilities.

Provision for existing town clerks.

116. If any existing town clerk of a borough or clerk to the commissioners of any town is removed from his office for any cause other than misconduct or incapacity, he shall, without prejudice to any existing right, be entitled to receive from the council of such borough or district, if he is qualified for a superannuation allowance under the Local Officers Superannuation (Ireland) Act, 1869, a superannuation allowance on the scale provided by the Acts and rules relating to Her Majesty's civil service, and if he is not so qualified a gratuity according to the scale in Part One of the Seventh Schedule to this Act, and the amount of any such allowance or gratuity shall, in case of dispute, be determined by the Treasury, and while any such clerk remains in office he shall receive not less remuneration than heretofore, and shall, if his duties are increased, receive such increase of salary in proportion to that increase of duties as the Local Government Board may determine.

32 & 33 Vict. c. 79.

Existing clerks of Crown and peace, coroners, and justices.

117.—(1.) Each of the following officers, namely, the existing clerk of the Crown and peace for the county of the city of Kilkenny, and the existing clerk of the Crown and peace for the county of the town of Galway, shall continue to hold his office and to perform the duties thereof for the like area, and while performing the same shall be entitled to receive the same emoluments, as heretofore.

(2.) The existing coroner of the county of the town of Galway, and the existing coroner of the county of the town of Carrickfergus shall respectively continue to be coroner in like manner as if the county of the town were a coroner's district of the county of Galway or of Antrim, as the case requires.

(3.) Every existing justice of the county of the town of Galway, or the county of the town of Carrickfergus, shall be a justice of the county of Galway or of Antrim, as the case requires, in like manner as if he were named a justice in the commission of the peace for such county; and the said county of the town shall, until any other district is made, form part of the county petty sessional district to which it adjoins, or, if it adjoins more than one such district, then of the district with which it has the longest common boundary, and any such existing justice shall, except when at quarter or general sessions, act only within the petty sessional district of which such county of a town forms part.

Superannuation allowance of existing officers.

118.—(1.) Every existing officer who is by this Act transferred to any county or district council, or is an officer of any board of guardians, and would, if he were to retire on the appointed day, be

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qualified for a superannuation allowance, shall, without prejudice to any existing right, when he resigns or ceases to hold his office for some cause other than misconduct, be entitled to receive a superannuation allowance on the scale and according to the Acts and rules relating to Her Majesty's civil service.

(2.) For the purpose of the provisions of this Part of this Act with respect to existing officers, the expression "qualified for superannuation allowance" shall mean qualified as regards age and length of service, and, except as respects a medical officer to whom the Medical Officers Superannuation Act (Ireland), 1869, applies, the devotion of his whole time to the service.

32 & 33 Vict. c. 50.

Provision for existing officers of urban authorities other than town clerks.

119. The provisions of this Act with respect to officers transferred to a county council shall apply to all existing officers of any urban district council or town commissioners other than a town clerk or clerk to the commissioners, in like manner as if they were officers transferred by this Act to such council or commissioners, and an annual election or appointment shall not in future be necessary in the case of any such existing officer.

Provision as to county cess in arrear.

120. Nothing in this Act shall prevent any high constable and collector, or collector of a barony, from collecting, in like manner as if this Act had not passed, any county cess comprised in any warrant held by him on the appointed day:

Provided that, if such constable or collector alleges that any portion of the said cess not recovered by him is irrecoverable, or that from sufficient cause he has been unable to collect the same before the appointed day, he may apply to the county council to relieve him from so paying that portion, or if he has paid it to the county treasurer, to repay him the sum paid; and the county council, with the approval of the Local Government Board, if it seems, having regard to the diligence used by the high constable or collector, and to the poundage he received in respect of the collection, and to all the circumstances of the case, equitable to grant the application in whole or in part, may so grant the application and pay the necessary sum as part of their expenses in the execution of this Act; provided always that, in the case of a high constable or collector who is not employed as a rate collector under a scheme made in pursuance of this Part of this Act, in the event of the refusal of such application by the county council, the high constable and collector or collector of a barony may appeal from such refusal to the Local Government Board, who shall entertain the subject matter of such appeal, and make such order thereon as to them seems just.

Performance of duties under Registration and Juries Acts by existing officers.

34 & 35 Vict. c. 65.

57 & 58 Vict. c. 49.

121. Every existing clerk of a union shall, unless he otherwise agrees with the county council, or urban district council, as the case may be, continue to perform the duties of the clerk of a union under the Registration Acts and the Juries (Ireland) Acts, 1871 to 1894, and every collector of poor rate shall continue to give the same information and assistance as heretofore to that clerk in relation to the said duties.

PART VIII.

Transitory Provisions.

Miscellaneous.

Employment and payment of officers by Local Government Board.

122.—(1.) The Local Government Board and Commissioner of Valuation respectively may, with the consent of the Treasury, as to number and remuneration, appoint and remove such officers and other persons as they or he may think necessary for the purposes of any adjustment under this Part of this Act, or otherwise, for the purpose of any work to be done for carrying this Act into effect, if such adjustment is made or work is done within twelve months after the commencement thereof, and the remuneration and expenses of all officers and other persons so appointed shall be defrayed out of the money standing to the Local Taxation (Ireland) Account under the Local Taxation (Ireland) Estate Duty Act, 1896.

59 & 60 Vict. c. 41.

(2.) The officers employed in auditing county treasurers' accounts, who were formerly officers in the office of the Receiver Master and were subsequently transferred to the Local Government Board, shall become officers under that Board at the same remuneration as they have hitherto received; and they shall be qualified to receive a grant of such superannuation allowance as is authorised by the Local Officers (Ireland) Superannuation Act, 1869; and their service as such officers after the transfer shall, as well as their past service, be reckoned as service for the purpose of such superannuation allowance, and any such allowance shall be paid out of the fee fund mentioned in the said Act; and any surplus of that fee fund above what is required to meet such superannuation and other expenses payable thereout shall be paid to the Local Taxation (Ireland) Account, and be applied as if it had been paid under the said Act of 1896.

32 & 33 Vict. c. 79.

Provisions consequential on change of boundaries of judicial county.

123.—(1.) Any change made by this Act, or by an order made within six months after the passing of this Act, as respects the boundary of a judicial county shall not take effect until the jurors' books which are revised in the year one thousand eight hundred and ninety-nine come into operation; Provided that in that year the jurors' lists and books shall be made out by the same officer and in the same manner as if the said order had taken effect.

(2.) Every matter, civil or criminal, arising before such change takes effect, which would have been heard, tried, determined, or otherwise dealt with, by any court or justices, may after such change takes effect be heard, tried, determined, and dealt with in like manner as if such change had taken effect before the said matter arose.

(3.) Provided that, where any proceeding in relation to any such matter had begun before the change took effect, the same may, if the court or justices so direct, be continued as if the change had not taken effect, and recognizances existing at the date of such change shall have effect and may be enforced in like manner, as nearly as circumstances admit, as they would have been if such change had not taken effect.

Commencement and Appointed Day.

PART VIII.

Transitory Provisions.

Commencement of Act.

124.—(1.) Subject as in this Act mentioned, this Act shall, in each administrative county, come into operation as to rural district councils and guardians on the twenty-fifth day of March, and as to county councils and urban districts on the first day of April, and as to all other matters on the first day of April next after the passing thereof, or on such other day, not more than twelve months earlier or later, as in any case the Local Government Board (but after the election of county councillors for such county, on the application of the county council) may appoint, either generally or with reference to any particular provision of this Act, and different days may be appointed for different purposes and different provisions of this Act, whether contained in the same section or in different sections or for different counties, and where any particular day is appointed for any particular provision of this Act coming into operation, that provision shall not come into force until the day so appointed.

(2.) Provided that the enactments relating to the registration of local government electors, or to the elections, or to any matter required to be done for the purpose of bringing this Act into operation on the appointed day, shall come into effect on the passing of this Act.

(3.) A reference in any enactment of this Act to the appointed day shall mean the day upon which such enactment comes into operation.

SCHEDULES.

FIRST SCHEDULE.

ACTS REFERRED TO.

PART I.

Section 5.

Enactments relating to Compensation for Criminal Injury.

Session and Chapter.	Short Title.	Enactments referred to.
6 & 7 Will. 4. c. 116.	The Grand Jury (Ireland) Act, 1836.	Section one hundred and six; sections one hundred and thirty-five to one hundred and forty so far as unrepealed.
11 & 12 Vict. c. 69.	The Malicious Injuries (Ireland) Act, 1848.	The whole Act.
16 & 17 Vict. c. 38.	The Malicious Injuries (Ireland) Act, 1853.	The whole Act.
57 & 58 Vict. c. 60.	The Merchant Shipping Act, 1894.	Section five hundred and fifteen, so far as it relates to Ireland.

Also any enactment applying or amending any of the above enactments, or otherwise touching compensation thereunder.

Section 109.

PART II.

Lunatic Asylum Acts.

Session and Chapter.	Short Title.
1 & 2 Geo. 4. c. 33.	The Lunacy (Ireland) Act, 1821.
7 Geo. 4. c. 14.	The Lunacy (Ireland) Act, 1826.
11 Geo. 4. and 1 Will. 4. c. 22.	The Richmond Lunatic Asylum Act, 1830.
8 & 9 Vict. c. 107.	The Central Criminal Lunatic Asylum (Ireland) Act, 1845.
9 & 10 Vict. c. 115.	The Lunatic Asylums (Ireland) Act, 1846.
18 & 19 Vict. c. 109.	The Lunatic Asylums Repayment of Advances (Ireland) Act, 1855.
30 & 31 Vict. c. 118.	The Lunacy (Ireland) Act, 1867.
31 & 32 Vict. c. 97.	The Lunatic Asylums (Ireland) Accounts Audit Act, 1868.
38 & 39 Vict. c. 67.	The Lunatic Asylums (Ireland) Act, 1875.
53 & 54 Vict. c. 31.	The Pauper Lunatic Asylums (Ireland) (Superannuation) Act, 1890.
60 & 61 Vict. c. xxxvii	Richmond District Asylum Act, 1897.

Section 109.

PART III.

Valuation Acts.

Session and Chapter.	Short Title.
15 & 16 Vict. c. 63.	The Valuation (Ireland) Act, 1852.
17 & 18 Vict. c. 8.	The Valuation (Ireland) Act, 1854.
19 & 20 Vict. c. 63.	The Grand Juries (Ireland) Act, 1856.
23 & 24 Vict. c. 4.	The Annual Revision of Rateable Property (Ireland) Amendment Act, 1860.
27 & 28 Vict. c. 52.	The Valuation (Ireland) Act, 1864.
37 & 38 Vict. c. 70.	The Valuation (Ireland) Amendment Act, 1874.
17 & 18 Vict. c. 17.	The Boundary Survey (Ireland) Act, 1854.
20 & 21 Vict. c. 45.	The Boundary Survey (Ireland) Act, 1857.
22 & 23 Vict. c. 8.	The Boundary Survey (Ireland) Act, 1859.

PART IV.

Sections 66, 109.

Dublin Collection of Rates Acts.

Session and Chapter.	Title.	Short Title.
12 & 13 Vict. c. 91.	An Act to provide for the collection of rates in the City of Dublin.	The Dublin Collection of Rates Act, 1849.
17 & 18 Vict. c. 22.	An Act to enable the Collector-General of Dublin to levy money to repay a certain outlay by the corporation for preserving and improving the port of Dublin in and about repairing the quay wall of the River Liffey, and for future repairs thereof, and for repairing and rebuilding bridges over the said river.	The Dublin Bridge Act, 1854.

PART V.

Section 109.

Dublin Metropolis Police Acts.

Session and Chapter.	Title or Short Title.
6 & 7 Will. 4. c. 29.	The Dublin Police Act, 1836.
7 Will. 4. & 1 Vict. c. 25.	The Dublin Police Act, 1837.
2 & 3 Vict. c. 78.	The Dublin Police Act, 1839.
5 & 6 Vict. c. 24.	The Dublin Police Act, 1842.
12 & 13 Vict. c. 91.	An Act to provide for the collection of rates in the city of Dublin.
22 & 23 Vict. c. 52.	The Dublin Police Act, 1859.
31 & 32 Vict. c. 95.	The Dublin Police Act, 1867.
37 & 38 Vict. c. 23.	The Resident Magistrates and Police Commissioners Salaries Act, 1874.
46 & 47 Vict. c. 14.	The Constabulary and Police (Ireland) Act, 1883.

SECOND SCHEDULE.

Section 21.

COUNTY BOROUGHS.

Dublin.
Belfast.
Cork.
Limerick.
Londonderry.
Waterford.

Section 58.

THIRD SCHEDULE.

Local Taxation Licences.

Licences for the sale of intoxicating liquor for consumption on the premises;

- Retailers of spirits (publicans).
- Retailers of spirits, occasional licences.
- Retailers of beer.
- Retailers of beer and wine.
- Retailers of wine.
- Retailers of wine, occasional licences.
- Retailers of sweets.

Licences for the sale of intoxicating liquor by retail, by persons not licensed to deal therein, for consumption off the premises;

- Retailers of spirits (grocers).
- Retailers of beer and wine.
- Retailers of wine.
- Retailers of table beer.

Licences to deal in game.

Licences for—

- Beer dealers.
- Spirit dealers.
- Sweet dealers.
- Wine dealers.
- Refreshment house keepers.
- Guns.
- Appraisers.
- Auctioneers.
- Hawkers.
- House agents.
- Pawnbrokers.
- Plate dealers.
- Tobacco dealers.

Certificates for killing game.

Section 104.

FOURTH SCHEDULE.

English and Scotch Enactments capable of being applied.

Session and Chapter.	Short Title.	Enactments capable of being applied.
38 & 39 Vict. c. 55.	The Public Health Act, 1875.	Section one hundred and ninety-nine, and sub-sections six and eleven of Schedule One.
41 & 42 Vict. c. 26.	The Parliamentary and Municipal Registration Act, 1878.	Section twenty-one.
45 & 46 Vict. c. 50.	The Municipal Corporations Act, 1882.	Section seven, sub-section one of section twelve, sub-section three of section fifteen, section twenty-two, sub-section one of section twenty-seven, sub-sections one and three to six of section twenty-eight, sections thirty, thirty-four, thirty-five, thirty-six, and thirty-seven, sub-section four of section thirty-nine, sections forty and forty-one,

Session and Chapter.	Short Title.	Enactments capable of being applied.
45 & 46 Vict. c. 50.—*cont.*		sub-section one of section forty-two, sections sixty-one and sixty-eight, Schedule Two, and Schedule Eight.
51 & 52 Vict. c. 10. -	The County Electors Act, 1888.	Sub-section three of section four.
51 & 52 Vict. c. 41. -	The Local Government Act, 1888.	Sub-section six of section two, sub-sections one, three, and four of section fifty-four, sub-sections one to six of section fifty-seven, sections fifty-nine, sixty, and sixty-three, sub-sections one, two, and three of section sixty-four, sub-section three of section sixty-five, sub-sections seven and eight of section sixty-eight, sections sixty-nine, seventy, seventy-two, seventy-four and seventy-five, sub-section two of section seventy-six, section seventy-eight, sub-section three of section seventy-nine, sub-sections one to three of section eighty, section eighty-one, sub-section three of section eighty-two, sub-sections one, two, and five of section eighty-seven, section one hundred, sub-sections one, three, and four of section one hundred and eight, section one hundred and ten (except sub-section three), section one hundred and eleven (except sub-section three), and sections one hundred and twenty-two, one hundred and twenty-three, and one hundred and twenty-four.
52 & 53 Vict. c. 50. -	The Local Government (Scotland) Act, 1889.	Sub-section one of section nine, and sub-section five of section eighty-three.
54 & 55 Vict. c. 68. -	The County Councils (Elections) Act, 1891.	Section five.
56 & 57 Vict. c. 9. -	The Municipal Corporations Act, 1893.	The whole Act.

Session and Chapter.	Short Title.	Enactments capable of being applied.
56 & 57 Vict. c. 73. -	The Local Government Act, 1894.	Sub-section two (so far as relates to the qualification of women) and sub-section five of section twenty, sub-section two (so far as relates to the qualification of women) and sub-section five of section twenty-three, sub-sections four and seven of section twenty-four, sections forty-three, forty-six, and forty-eight, sub-sections three, four, and five of section fifty-five, sub-sections one, two, and three of section fifty-eight, sub-sections one and five of section fifty-nine, sections sixty-seven and sixty-eight, sub-sections one and three of section seventy, sections seventy-three and seventy-five, sub-section five of section eighty-five, and Part Four of Schedule One.
59 & 60 Vict. c. 1. -	The Local Government (Elections) Act, 1896.	Section one.

Section 105.

FIFTH SCHEDULE.

IRISH ENACTMENTS SUBJECT TO ADAPTATION BY ORDER IN COUNCIL.

The Grand Juries Acts.
The Municipal Corporations (Ireland) Act, 1840.
The Lighting of Towns (Ireland) Act, 1828.
The Towns Improvement (Ireland) Act, 1854.
The Public Health Acts, 1878 to 1896.
The Valuation Acts.
The Registration Acts.
The Lunatic Asylum Acts.
The Local Government (Ireland) Act, 1871.
The Local Government Board (Ireland) Act, 1872.
The Tramways (Ireland) Acts, 1860 to 1896.

SIXTH SCHEDULE.

Section 110.

ACTS REPEALED.

PART I.—GRAND JURIES ACTS.

Session and Chapter.	Short Title.	Extent of Repeal.
4 Geo. 4. c. 33.	The County Treasurers (Ireland) Act, 1823.	The whole Act so far as unrepealed.
3 & 4 Will. 4. c. 37.	An Act to alter and amend the laws relating to the temporalities of the church in Ireland.	Section seventy-two.
3 & 4 Will. 4. c. 78.	The Grand Juries (Ireland) Act, 1833.	Section seventy-four from "Provided always" to the end of the section.
6 & 7 Will. 4. c. 116.	The Grand Jury (Ireland) Act, 1836.	Sections four to twenty-eight. Section twenty-nine from "shall inspect the schedules" to "the said "commission and such "sheriff," and the word "so" where the same next occurs, and from "and "the clerk of the Crown" to the end of the section. Section thirty. Section thirty-two from "or "to act" to the end of the section. Section thirty-three from "and the assizes of each "county" to the end of the section, and so much of the rest of the section as relates to the powers and duties of the grand jury in relation to the business transferred by this Act. Section thirty-four from "other than those" to "concerns of the county," and from "and the whole "of such fiscal" down to "herein-after provided "and," and from "save "the making" to the end of the section. Section thirty-five to "pro-"vided further that." Section thirty-seven. Section thirty-eight from "which fact together with "the necessity" to the end of the section.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Will. 4. c. 116. —*cont.*		Sections thirty-nine and forty. Section forty-one. Section forty-two. Section forty-three from "and "each such surveyor" down to "instalments at "each assizes," and from "and every such assis- "tant" to the end of the section. Section forty-five. Section forty-six from "and "in case" to the end of the section. Sections forty-seven to forty-nine. Section fifty from "provided "always" to the end of the section. Section fifty-two from "pro- "vided always" to the end of the section. Section fifty-five from "unless such new" to the end of the section. Sections sixty to sixty-four. Section sixty-nine from "and whenever any pre- "sentment" to the end of the section. Sections seventy-two, seventy-four, seventy-five, and eighty-one. Section eighty-four, from "and to set forth" to "yearly instalments," and from "and the treasurer" to the end of the section. Section eighty-seven from "and every person ap- "pointed" to the end of the section. Sections ninety-one and ninety-two. Section ninety-three except as respects the repayment of advances made before the commencement of this Act. Sections ninety-four and ninety-six. Section one hundred and seven from "and such "presentment" to the end of the section. In section one hundred and ten the words "secretaries "to grand juries," "medical officers of "prisons," and "payable "half-yearly at each

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Will. 4. c. 116. —*cont.*		"assizes by equal moieties," and from "and the grand "jury at any assizes," to the end of the section, so far as respects officers appointed under this Act. Section one hundred and eleven. In section one hundred and seventeen, the words "high "constable" wherever they occur. Section one hundred and twenty-four. Section one hundred and twenty-six, except as respects the repayment of advances made before the commencement of this Act. Sections one hundred and twenty-seven to one hundred and thirty-four so far as unrepealed. Section one hundred and thirty-five from "any "person or persons "injured" to "touching "the said offence and." Sections one hundred and thirty-six, one hundred and thirty-eight, one hundred and thirty-nine to "re- "ceived to any such pre- "sentment," one hundred and forty-two and one hundred and forty-four. Sections one hundred and forty-five to one hundred and forty-nine. Sections one hundred and fifty-two to one hundred and fifty-four. Section one hundred and fifty-five from "sanc- "tioned" to "may be "made." Section one hundred and sixty-six. Sections one hundred and seventy-five to one hundred and seventy-seven. Schedule Z, Form A, Form B, and Form C; Schedules X, Y, and T. In Schedule S, anything relating to medical officers of prisons and secretaries to grand jury.
7 Will. 4. & 1 Vict. c. 2.	The Grand Jury (Ireland) Act, 1837.	Section two, from "and for "the more speedy" to the end of section.

Session and Chapter.	Short Title.	Extent of Repeal.
7 Will. 4. & 1 Vict. c. 2.—*cont.*		Sections three, four, and eight. Sections twelve to sixteen.
7 Will. 4. & 1 Vict. c. 54.	The County Treasurers (Ireland) Act, 1837.	The whole Act so far as unrepealed, except section seven so far as that section relates to existing treasurers not banking companies.
1 & 2 Vict. c. 51.	The Grand Jury Cess (Dublin) Act, 1838.	Section two.
1 & 2 Vict. c. 53.	The County Treasurers (Ireland) Act, 1838.	The whole Act so far as unrepealed, except section one so far as that section relates to existing treasurers not banking companies.
1 & 2 Vict. c. 115.	The County Dublin Baronies Act, 1838.	The whole act so far as unrepealed.
1 & 2 Vict. c. 116.	The County Institutions (Ireland) Act, 1838.	The whole Act so far as unrepealed.
2 & 3 Vict. c. 50.	The Public Works (Ireland) Act, 1839.	Sections eighteen and nineteen, except as respects the repayment of advances made before the commencement of this Act. Sections twenty-two to twenty-four.
4 & 5 Vict. c. 10.	An Act for extending to the county of the city of Dublin the provisions of an Act passed in the nineteenth and twentieth years of His late Majesty King George the Third, in Ireland, intituled "An Act to prevent "the detestable "practices of hough-"ing cattle, burn-"ing of houses, "barns, haggards, "and corn, and for "other purposes," so far as relates to burning of houses.	The whole Act.
6 & 7 Vict. c. 32.	The Grand Juries (Ireland) Act, 1843.	The whole Act, except sections fourteen, nineteen, twenty, and twenty-six.

Session and Chapter.	Short Title.	Extent of Repeal.
7 & 8 Vict. c. 106.	The County Dublin Grand Jury Act, 1844.	Sections two to four. Section five from "and in "case" to end of section. Section six. Sections seven to twelve. Section thirteen from "and "whenever any present- "ment" to the end of the section. Sections sixteen and eighteen. Sections twenty-seven and twenty-eight. Section twenty-nine, except as respects the repayment of advances made before the commencement of this Act. Sections thirty and forty-one. Section forty-two from "and "such presentment" to the end of the section. Section forty-five from "pay- "able half-yearly" to "in "the said schedule." Section forty-six. Section forty-seven from "subject nevertheless" to the end of the section. Section fifty-one, the words "the judges of the Court of "Queen's Bench or," wherever those words occur, "or any finance committee," and "or the finance "committee." Section fifty-eight from "provided always that" to the end of the section. Section sixty-one. Section sixty-two. Sections sixty-four to eighty-four. Section eighty-five from "which fact, together with "the necessity," to the end of the section. Sections eighty-six to one hundred and six. In section one hundred and eight, the words "or any "road warden" and "or "road warden" wherever those words occur. Section one hundred and nine. Section one hundred and ten from "and every person" to the end of the section.

Session and Chapter.	Short Title.	Extent of Repeal.
7 & 8 Vict. c. 106.—*cont.*		Sections one hundred and eleven and one hundred and twelve. Section one hundred and fourteen from "sanctioned" to "may be made." Sections one hundred and twenty-two to one hundred and twenty-eight. Sections one hundred and thirty-one, one hundred and thirty-four, and one hundred and thirty-five. Schedules Number One to Number Fourteen; Number Fifteen so far as it specifies the amount of any salary; Number Sixteen.
8 & 9 Vict. c. 81.	The Grand Jury (Dublin) Act, 1845.	Sections two, three, eight, nine, and eleven.
11 & 12 Vict. c. 26.	The Grand Jury Cess (Ireland) Act, 1848.	The whole Act so far as unrepealed, except section six.
11 & 12 Vict. c. 32.	The County Cess (Ireland) Act, 1848.	The whole Act so far as unrepealed.
11 & 12 Vict. c. 69.	The Malicious Injuries (Ireland) Act, 1848.	Section two from "Provided "always that" to the end of the section.
13 & 14 Vict. c. 82.	The Grand Jury Cess (Ireland) Act, 1850.	The whole Act so far as unrepealed.
14 & 15 Vict. c. 65.	The Grand Jury Cess (Dublin) Act, 1851.	The whole Act so far as unrepealed.
16 & 17 Vict. c. 38.	The Malicious Injuries (Ireland) Act, 1853.	Section one from "Provided "always that" to the end of the section.
19 & 20 Vict. c. 63.	The Grand Jury (Ireland) Act, 1856.	The whole Act, so far as unrepealed, except sections thirteen, seventeen, eighteen, and twenty-one.
20 & 21 Vict. c. 7.	The Grand Jury Cess (Ireland) Act, 1857.	Sections one and two.
20 & 21 Vict. c. 15.	The Grand Jury (Ireland) Act, 1857.	The whole Act.
24 & 25 Vict. c. 63.	The County Surveyors, &c. (Ireland) Act, 1861.	The whole Act.

Session and Chapter.	Short Title.	Extent of Repeal.
25 & 26 Vict. c. 106.	The County Surveyors (Ireland) Act, 1862.	In section two, the words "the Lord Lieutenant subject to the approval of."
30 & 31 Vict. c. 46.	The County Treasurers (Ireland) Act, 1867.	Sections four to nine. Section eleven from "to fix the nature" to "nominated or appointed treasurer." Sections twelve to fifteen. Section seventeen except as regards any existing treasurer. Sections nineteen and twenty.
30 & 31 Vict. c. 112.	The Public Works (Ireland) Act, 1867.	The whole Act.
32 & 33 Vict. c. 79.	The Local Officers Superannuation (Ireland) Act, 1869.	Section five save so far as relates to any existing officer.
34 & 35 Vict. c. 106.	The Detached Portions of Counties (Ireland) Act, 1871.	The whole Act except section four.
35 & 36 Vict. c. 48.	The County Boundaries (Ireland) Act, 1872.	Section five.
36 & 37 Vict. c. 65.	The County and City of Dublin Grand Jurors Act, 1873.	Section two.
38 & 39 Vict. c. 56.	The County Surveyors (Superannuation) Ireland Act, 1875.	Section three.
40 & 41 Vict. c. 57.	The Supreme Court of Judicature (Ireland) Act, 1877.	Section seventy-five from "the jurisdiction to audit" to "jurisdictions aforesaid," so far as relates to the auditors of county treasurers' accounts, and from "to transfer and attach" to "prescribe and also."
58 & 59 Vict. c. 8.	The Grand Jury (Ireland) Act, 1895.	The whole Act.
60 & 61 Vict. c. 2.	The County Dublin Surveyors Act, 1897.	The whole Act.

PART II.—MUNICIPAL CORPORATIONS (IRELAND) ACTS.

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Section fourteen from "and "if the persons" to "and "in every such case." Section sixteen, from "or "until there shall" to "Fourth," where that word next occurs, and from "or "upon the election" to "Fourth" where that word next occurs; and from "or "in the commissioners" down to "case may be"; section eighteen, from "or "until" down to "Fourth" where that word next occurs, and from "or upon "the election" down to "Fourth" where that word next occurs, and from "or "in the commissioners" down to "case may be." In section thirty, the words "as herein-after men-"tioned," from "if duly "enrolled" to "contained," and from "and in any "borough" to the end of the section. Sections thirty-one to thirty-four. Sections thirty-six to forty-seven. Sections forty-nine and fifty, section fifty-two from "but "in case where" to "Monday following"; section fifty-three except as regards the mayor; section fifty-four. Section fifty-five, from "shall "cause" to "year and" and from "and of the "churchwardens" to "as "aforesaid." Section fifty-six. Section fifty-seven, from "and "in every such borough" to the end of the section. Section fifty-eight from "nor "shall any person be quali-"fied" to the end of the section. Section fifty-nine, from "deli-"vered to the town clerk" to the end of the section. Sections sixty-four to seventy. In section seventy-one the words "with respect to the "revision of the lists of "burgesses or."

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Vict. c. 108.—*cont.*		Section seventy-three. In section seventy-four the words "by the provisions "herein-before contained" and from "except that "every such election" to the end of the section. In section eighty-one the words "municipal commis- "sioner, auditor or as- "sessor," and "or Commis- "sioners," and from "and "such election shall be "held" to "as aforesaid." Section eighty-three from "and in like" to the end of the section. In section eighty-five "muni- "cipal commissioner, audi- "tor or assessor" wherever those words occur, and the words "alderman, coun- "cillor, or assessor," and the words "or commis- "sioners," and from "and "in the case" to the end of the section. In section eighty-six the words "auditor or assessor" and "assessors or auditors," and from "and every muni- "cipal" to "his office." Section eighty-eight. In section eighty-nine the words "or municipal com- "missioner or auditor or "assessor," "according to "the provisions of this "Act," from "and every "person" to "ward as the "case may be," and the words "commissioner, audi- "tor or assessor" twice occurring, and the words "auditor or assessor," and the words "or by a person "qualified to vote for the "commissioners for such "borough," and "such "person" where those words next occur; and the words "or town fund." In section ninety-two the words "or board of muni- "cipal commissioners," "or commissioners," and "or is qualified to vote as "aforesaid," and the words "or board," "or chairman," and "or commissioner" wherever they occur; and

Session and Chapter.	Short Title.	Extent of Repeal.
3 & 4 Vict. c. 108.—*cont.*		from "the whole" to "whole council or board" and from "and the said "quarterly meetings" to the end of the section. In section ninety-three the words "or board of com- "missioners" and the words "or board" wherever they occur. In section ninety-five the words "or board" wherever they occur. Section ninety-eight. Section one hundred and twenty-five from "provided "further" to the end of the section. In section one hundred and twenty-nine from "or on "account" to "of this Act," the words "or commis- "sioners," and from "or "person" to "such com- "missioners." In section one hundred and thirty the words "or com- "missioners." Section one hundred and thirty-six from "and all "the accounts" to "sign "the same" and the words "or commissioners," and "or commissioner" and "so respectively examined "and" and "in the month "of September." Sections one hundred and thirty-eight and one hundred and fifty. Section one hundred and fifty-three from "and in "such of the said "boroughs" to "office of "coroner," and from "pro- "vided always that in "every" to the end of the section.
5 & 6 Vict. c. 104.	The Municipal Corporations (Ireland) Act, 1842.	Section seven.
6 & 7 Vict. c. 93.	The Municipal Corporations (Ireland) Act, 1843.	Sections two and three. Section four. Section five from "and at "the like times" to the end of the section. Sections thirteen, fourteen, nineteen, and twenty.

Session and Chapter.	Short Title.	Extent of Repeal.
6 & 7 Vict. c. 93.—*cont.*		Section twenty-six except so far as it affects the title of any property real or personal.
		Sections twenty-seven and twenty-eight.
15 & 16 Vict. c. 5.	The Municipal Corporations Act, 1852.	The whole Act so far as unrepealed.
22 Vict. c. 35.	The Municipal Corporations Act, 1859.	The whole Act so far as unrepealed.
23 & 24 Vict. c. 74.	The Borough Coroners (Ireland) Act, 1860.	Section one from "no person "shall be elected" to "said recited Act and".
34 & 35 Vict. c. 109.	The Local Government (Ireland) Act, 1871.	In section eleven the words "except the boroughs or "municipalities of Cork, "Kilkenny, and Water-"ford," and sections twenty, twenty-one, and twenty-seven.
35 & 36 Vict. c. 60.	The Corrupt Practices (Municipal Elections) Act, 1872.	The whole Act so far as unrepealed.
38 & 39 Vict. c. 40.	The Municipal Elections Act, 1875.	The whole Act so far as unrepealed.
39 & 40 Vict. c. 76.	The Municipal Privilege Act, Ireland, 1876.	Section four, from "the "Council of the city of "Kilkenny" to "County "of the town of Drog-"heda."
42 & 43 Vict. c. 53.	The Municipal Elections (Ireland) Act, 1879.	The whole Act so far as unrepealed.
48 & 49 Vict. c. 9.	The Municipal Voters Relief Act, 1885.	The whole Act so far as it relates to Ireland.

PART III.—IRISH TOWN ACTS.

Session and Chapter.	Short Title.	Extent of Repeal.
9 Geo. 4. c. 82.	The Lighting of Towns (Ireland) Act, 1828.	The whole Act, except so far as it is applied by any Act or enactment.
17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act, 1854.	Section four, from "each of "such" to "or upwards" and from "or the chair-"man" down to "be in "force."
		Section five, from "provided "always" to the end of the section, so far as regards towns which are urban districts.

Session and Chapter.	Short Title.	Extent of Repeal.
17 & 18 Vict. c. 103. —*cont.*		Section seven, from "that is "to say" to the end of the section. Section ten, from "at such "polling place" to the end of the section. Sections eleven and twelve. In section fourteen, "qualified "in each case respectively "as aforesaid" and "and "occupiers" wherever those words occur respectively. Section seventeen. Section nineteen. Section twenty-one, from "qualified as next herein-"after mentioned" to the end of the section; section twenty-two; so much of section twenty-four as incorporates sections twenty-one to twenty-three and sections twenty-six to thirty-one and section thirty-five of the Commissioners Clauses Act, 1847; section twenty-five; so much of section twenty-six as incorporates sections six to ten and twelve to sixteen of the Commissioners Clauses Act, 1847. Section sixty-four, from "provided that" to the end of the section, and the rest of the section except so far as it applies to any case where a rate can, under the provisions of this Act, be made on the immediate lessor. Section sixty-eight, so far as regards towns which are urban districts and Schedule B.

PART IV.—POOR RELIEF (IRELAND) ACTS.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Vict. c. 56.	The Poor Relief (Ireland) Act, 1838.	Section seventeen from "and "the guardians shall" to the end of the section. Section nineteen to "pro-"vided always that" Section twenty.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Vict. c. 56.—*cont.*		Section twenty-one from "for the ensuing" to the end of the section. Sections twenty-three to twenty-five. Section thirty-one, from "for "superintending" to "for "the purposes of this Act," so far as unrepealed. In section thirty-two the words "or of any electoral "division comprised there-"in" Section forty-four from "and the board" to the end of the section. Sections sixty-two and seventy-four; section seventy-five except so far as it applies to any case where a rate can, under the provisions of this Act, be made on the immediate lessor. Section seventy-eight from "provided always" to the end of the section. Section seventy-nine from "that no deduction on ac-"count of" down to "pro-"vided also" and the rest of the section so far as regards rent except so far as it applies to any case where a rate can, under the provisions of this Act, be made on the immediate lessor. Section eighty, from "and "not entitled" to "from "the rent paid by him." Sections eighty-one to eighty-six. Section eighty-eight.
2 & 3 Vict. c. 1.	The Poor Relief (Ireland) Act, 1839.	Sections two and five.
6 & 7 Vict. c. 92.	The Poor Relief (Ireland) Act, 1843.	Sections one to three except so far as they apply to any case where a rate can, under the provisions of this Act, be made on the immediate lessor. Section four from "provided "always" where it last occurs to the end of the section. In section eleven the words "on any electoral division" Sections twelve, thirteen, nineteen, and twenty. Sections twenty-two to twenty-six.

Session and Chapter.	Short Title.	Extent of Repeal.
10 & 11 Vict. c. 31. -	The Poor Relief (Ireland) Act, 1847.	Section six, and section eleven from "which determine" down to "provisions of the said Acts" where those words next occur; and from "and all provisions of the said Acts which relate to the power" to the end of the section. Section twelve. In section thirteen the words "of the electoral division in which such person shall be resident," and from the first "notwithstanding" to "of such electoral division and" Section fifteen from "all expenses" to "situated and" Section sixteen.
11 & 12 Vict. c. 25. -	The Poor Relief (Ireland) Act, 1848.	In section three the words "or any electoral division therein" and from "at large" to the end of the section.
12 & 13 Vict. c. 91. -	An Act to provide for the Collection of Rates in the City of Dublin.	In section twenty-nine the words "poor rates" and "grand jury cess" Section thirty-two. Section thirty-four. Section forty-one. In Schedule A. and Schedule B. the words "poor rate" and "grand jury cess"
12 & 13 Vict. c. 104.	The Poor Relief (Ireland) Act, 1849.	Sections six to nine. Section eleven. Section twenty-five from "at large" to the end of the section. In section twenty-six the words "or electoral division" "on any electoral division or divisions," "resident therein respectively," "or of any electoral division or divisions thereof," and "of the electoral division or divisions." Section twenty-seven from "the sums or sum of money" to "repayment thereof and that." Section twenty-eight from "resident or relievable" to "shall have been so charged or."

Session and Chapter.	Short Title.	Extent of Repeal.
14 & 15 Vict. c. 68. -	The Poor Relief (Ireland) Act, 1851.	Section six from "and from "and after a day" to "force "for the time being," and from "and shall likewise "declare" to the end of the section. Section seven. In section eleven the words "or member of the com- "mittee of management." In section twelve the words "the committees of "management." In section eighteen the words "or dispensary com- "mittee."
25 & 26 Vict. c. 83. -	The Poor Relief (Ireland) Act, 1862.	In section three the words "electoral division or," and from "at large" to "Ireland." Section four from "to the "credit of the electoral" to "such poor person or," and the words "as the case "may be." In section seven the words "or electoral division as "the case may be." Sections thirteen to twenty. Sections twenty-four and twenty-five.
29 & 30 Vict. c. 38. -	The Poor Persons Burial (Ireland) Act, 1866.	In section one the words "the electoral division or "of" and from "in like "manner" to the end of the section.
39 & 40 Vict. c. 50. -	The Poor Law Rating (Ireland) Act, 1876.	Sections three, five, and six.
42 & 43 Vict. c. 25. -	The Dispensary Houses (Ireland) Act, 1879.	Section eleven the words "not being more than "sixty years" and from "of the electoral division" to "dispensary district." Section twelve from "of the "electoral division" to "in relief" and from "of "the same" to the end of the section. Section thirteen from "of the "electoral division" to "property in Ireland."
53 & 54 Vict. c. 30. -	The Poor Law Acts (Ireland) Amendment Act, 1890.	Section three.
55 & 56 Vict. c. 41. -	The Boards of Management of Poor Law District Schools (Ireland) Act, 1892.	Section two from "any sum "so paid" to the end of the section, being subsection two.

PART V.—LUNATIC ASYLUM ACTS.

Session and Chapter.	Short Title.	Extent of Repeal.
1 & 2 Geo. 4. c. 33.	The Lunacy (Ireland) Act, 1821.	Section one. Section two from "and that "every such asylum" to "Privy Council," where those words lastly occur, and the rest of the section except so far as relates to districts. Sections four to thirteen so far as unrepealed.
7 Geo. 4. c. 14.	The Lunacy (Ireland) Act, 1826.	Section one from "and that "every such asylum" where those words first occur to "said recited Act" where those words last occur, and the rest of the section except so far as it authorises the Lord Lieutenant to alter asylum districts.
11 Geo. 4. & 1 Will. 4. c. 22.	The Richmond Lunatic Asylum Act, 1830.	Section two so far as it applies any enactments repealed by this Act. Sections three and five.
8 & 9 Vict. c. 107.	The Central Criminal Lunatic Asylum (Ireland) Act, 1845.	Sections thirteen to sixteen. Section nineteen so far as it applies any enactments repealed by this Act. Sections twenty to twenty-two. Section twenty-five from "in the forms" to the end of the section. The Schedules.
18 & 19 Vict. c. 109.	The Lunatic Asylums Repayment of Advances (Ireland) Act, 1855.	The whole Act, so far as unrepealed, except sections four and eight, and except so far as respects money expended or expenses incurred before the passing of this Act.
19 & 20 Vict. c. 99.	The Lunatic Asylums Superannuations (Ireland) Act, 1856.	The whole Act, except so far as it relates to existing officers or pensions.
30 & 31 Vict. c. 118.	The Lunacy (Ireland) Act, 1867.	Sections two to five; and sections one, six, and eight, except so far as they relate to existing officers or pensions.
31 & 32 Vict. c. 97.	The Lunatic Asylums (Ireland) Accounts Audit Act, 1868.	The whole Act so far as unrepealed.

Session and Chapter.	Short Title.	Extent of Repeal.
40 & 41 Vict. c. 27. -	The Public Works Loans (Ireland) Act, 1877.	Section five, except as respects the repayment of advances made before the commencement of this Act.
41 & 42 Vict. c. 24. -	The Lunatic Asylums Loans (Ireland) Act, 1878.	The whole Act.
53 & 54 Vict. c. 31. -	The Pauper Lunatic Asylums (Ireland) Superannuation Act, 1890.	Section three, from "within "the meaning" down to "one hundred and "eighteen," and the words "with the approval of the "inspectors of lunatics, or "one of them" and the words "or servant" wherever they occur in that section; and section four.

PART VI.—MISCELLANEOUS ACTS.

Session and Chapter.	Short Title.	Extent of Repeal.
55 Geo. 3. c. 89. -	The Court Houses (Ireland) Act, 1815.	Sections one and two.
2 & 3 Will. 4. c. 85. -	The Charities (Ireland) Act, 1832.	The whole Act.
3 & 4 Will. 4. c. 37. -	An Act to alter and amend the laws relating to the temporalities of the Church in Ireland.	Section seventy-two from "at "the next assizes" to the end of the section.
5 & 6 Will. 4. c. 26. -	The Assizes (Ireland) Act, 1835.	Section two, from "and to "order" down to "such "county" where those words next occur; section three from "or for dividing" to "this Act" and the words "or division"; and section four.
9 & 10 Vict. c. 37. -	The Coroners (Ireland) Act, 1846.	Section two. In section three the words "and they are hereby re-"quired," from "and to "fix" to "shall be taken," and from "and the said "clerk" to "and deter-"mined," and the words "riding or division" wherever they occur. Section four, to "in manner "as aforesaid and"

Session and Chapter.	Short Title.	Extent of Repeal.
9 & 10 Vict. c. 37.—*cont.*		In section five "riding or division" wherever those words occur. Section six, from "assembled "at" to "special sessions.' Sections seven to seventeen so far as unrepealed. Section eighteen from "upon "the receipt" to "this Act "or," and from "and to "direct a writ" to the end of the section. Section twenty. Section twenty-one from "and to order a writ" to the end of the section. In section twenty-four the words "riding or division" wherever they occur. In section twenty-nine the words "at any assizes or "presenting term," "for "the board of superintendence of the gaols of such "county, city, or town," "until the next ensuing "assizes or presenting "term," "to such board of "superintendence" and "for the said Board of "superintendence if they "shall so think fit." Section forty-two, from "and thereupon a writ" to the end of the section. Section forty-three, from "nor shall it be lawful" to the end of the section. Schedule A. and Schedule B.
15 & 16 Vict. c. 63.	The Valuation (Ireland) Act, 1852.	Section twenty-six; in section thirty-one from "and to "the town council" to "county"; in section thirty-two the words "or "town council"; sections thirty-three and forty-seven.
17 & 18 Vict. c. 8.	The Valuation (Ireland) Act, 1854.	Section three.
20 & 21 Vict. c. 45.	The Boundary Lunacy (Ireland) Act, 1857.	Section three.
23 & 24 Vict. c. 152.	The Tramways (Ireland) Act, 1860.	Section thirty-six and in section thirty-eight the words "of not less than two-"thirds."
24 & 25 Vict. c. 102.	The Tramways (Ireland) Amendment Act, 1861.	Section five.

Session and Chapter.	Short Title.	Extent of Repeal.
31 & 32 Vict. c. 49. -	The Representation of the People (Ireland) Act, 1868.	Section nineteen and sections twenty-one to twenty-three. Section twenty-four from "and in all towns" to "cleansing commissioners," the words "or "municipal," and from "and in towns under none" to the end of the section.
33 & 34 Vict. c. 46. -	The Landlord and Tenant (Ireland) Act, 1870.	Sections sixty-five to sixty-seven.
35 & 36 Vict. c. 69. -	The Local Government Board (Ireland) Act, 1872.	Section four from "and save as" to the end of the section.
37 & 38 Vict. c. 70. -	The Valuation (Ireland) Amendment Act, 1874.	Section two from "in equal moieties" to "assizes in "each year."
38 & 39 Vict. c. 17. -	The Explosives Act, 1875.	Section one hundred and eighteen from "including" to "under this Act" so far as relates to county councils other than the councils of county boroughs, and from "all expenses incurred in "any petty sessions district" to the end of the section.
39 & 40 Vict. c. 65. -	The Tramways (Ireland) Amendment (Dublin) Act, 1876.	Section four.
39 & 40 Vict. c. xciii.	The Coroners (Dublin) Act, 1876.	Section three, from "in addition" to "required" and the word "further."
41 & 42 Vict. c. 49. -	The Weights and Measures Act, 1878.	Section seventy-nine, from "by inquiry" to "jury."
41 & 42 Vict. c. 52. -	The Public Health (Ireland) Act, 1878.	Section six, from "and the "guardians" to the end of the section. Section two hundred and six. In section two hundred and thirty-two the words "the "electoral divisions or "parts thereof in" and from "according to the "rateable" to "thereof." Section two hundred and thirty-four, from "or of "any" to "case determine" and, so far as regards rural districts, from "Provided "always" to the end of the section.

Session and Chapter.	Short Title.	Extent of Repeal.
42 & 43 Vict. c. 57. -	The Public Health (Ireland) Amendment Act, 1879.	Section two. In section four the words "of "the electoral division or."
44 & 45 Vict. c. 35. -	The Coroners (Ireland) Act, 1881.	Section three, from "equal "to" down to "said period" and from "provided always "that" down to "hold such "inquest," and section four.
45 & 46 Vict. c. 49. -	The Militia Act, 1882.	So much of sub-section two of section fifty-three as relates to Galway; and so much of the First Schedule as relates to Kilkenny, Drogheda, and Galway.
46 & 47 Vict. c. 60. -	The Labourers (Ireland) Act, 1883.	Section five, from "provided "that" to "number of "twelve"; section six from "the scheme shall also" to "charged"; in section seven the words "and the "proposed area of charge," and from "the provisional "order shall also specify" down to "charged"; section seventeen, from the beginning down to "Part "Five of the Public Health "(Ireland) Act, 1878," and the words "out of which "special expenses are "payable."
47 & 48 Vict. c. 77. -	The Public Health (Ireland) Amendment Act, 1884.	Sections two, three, and six.
48 & 49 Vict. c. 77. -	The Labourers (Ireland) Act, 1885.	In section twelve, the words "declared by such order "to be"; and section eighteen.
49 & 50 Vict. c. 59. -	The Labourers (Ireland) Act, 1886.	Section five.
60 & 61 Vict. c. 43. -	The Military Manœuvres Act, 1897.	Section nine from "persons "not more" to "have effect," being sub-sections one and two.

SEVENTH SCHEDULE.

Sections 115 (13), (19), 116.

COMPENSATION.

PART I.

Scale of Compensation.

The compensation payable to any high constable or collector of a barony or to his deputy duly appointed under section one hundred and forty-eight of the Grand Juries Act, 1836, shall be according to the following scale:—

(*a*) If his service has not exceeded two grand jury half-years, one year's net emoluments;

(*b*) If his service has exceeded two grand jury half-years, one year's net emoluments together with one quarter of one year's net emoluments for each grand jury half-year which he has served above the two first, but not exceeding in any case five years' net emoluments;

(*c*) The net emoluments shall be ascertained according to the average for the six grand jury half-years next before the summer assizes, 1898, or if the officer has served for less than that period, then for the period of his service;

(*d*) The gross emoluments of a deputy shall not exceed the sum deducted in respect thereof in ascertaining the net emoluments of the high constable or collector whose deputy he was;

(*e*) The expression "grand jury half-year" means the period between any assizes and the next assize.

In the application of this Part of this Schedule to a person who is not a high constable or collector of a barony or his deputy, the necessary modifications shall be made, and in particular the first half and the second half of each calendar year shall be substituted for the "grand jury half-year."

PART II.

Section 113 (19).

Section 120 (*omitting subs.* (8)) *of the Local Government Act*, 1888.

Compensation to existing officers.

120.—(1.) Every existing officer declared by this Act to be entitled to compensation, and every other existing officer, whether before mentioned in this Act or not, who, by virtue of this Act or anything done in pursuance of or in consequence of this Act, suffers any direct pecuniary loss by abolition of office or by diminution or loss of fees or salary, shall be entitled to have compensation paid to him for such pecuniary loss by the county council, to whom the powers of the authority, whose officer he was are transferred under this Act, regard being had to the conditions on which his appointment was made, to the nature of his office or employment, to the duration of his service, to any additional emoluments which he acquires by virtue of this Act, or of anything done in pursuance of or in consequence of this Act, and to the emoluments which he might have acquired if he had not refused to accept any office offered by any council or other body acting under this Act, and to all the other circumstances of the case, and the compensation shall not exceed the amount which, under the Acts and rules relating to Her Majesty's Civil Service, is paid to a person on abolition of office.

(2.) Every person who is entitled to compensation, as above mentioned, shall deliver to the county council a claim under his hand setting forth the whole amount received and expended by him or his predecessors in office, in every year during the period of five years next before the passing of this Act, on account of the emoluments for which he claims compensation,

distinguishing the offices in respect of which the same have been received, and accompanied by a statutory declaration under the Statutory Declarations Act, 1835, that the same is a true statement according to the best of his knowledge, information, and belief.

5 & 6 Will. 4. c. 62.

(3.) Such statement shall be submitted to the county council, who shall forthwith take the same into consideration, and assess the just amount of compensation (if any), and shall forthwith inform the claimant of their decision.

(4.) If a claimant is aggrieved by the refusal of the county council to grant any compensation, or by the amount of compensation assessed, or if not less than one third of the members of such council subscribe a protest against the amount of the compensation as being excessive, the claimant or any subscriber to such protest (as the case may be), may, within three months after the decision of the council, appeal to the Treasury, who shall consider the case and determine whether any compensation, and if so, what amount, ought to be granted to the claimant, and such determination shall be final.

(5.) Any claimant under this section, if so required by any member of the county council, shall attend at a meeting of the council and answer upon oath, which any justice present may administer, all questions asked by any member of the council touching the matters set forth in his claim, and shall further produce all books, papers, and documents in his possession or under his control relating to such claim.

(6.) The sum payable as compensation to any person in pursuance of this section shall commence to be payable at the date fixed by the council on granting the compensation, or, in case of appeal, by the Treasury, and shall be a specialty debt due to him from the county council, and may be enforced accordingly in like manner as if the council had entered into a bond to pay the same.

(7.) If a person receiving compensation in pursuance of this section is appointed to any office under the same or any other county council, or by virtue of this Act, or anything done in pursuance of or in consequence of this Act, receives any increase of emoluments of the office held by him, he shall not, while receiving the emoluments of that office, receive any greater amount of his compensation, if any, than, with the emoluments of the said office is equal to the emoluments for which compensation was granted to him, and if the emoluments of the office he holds are equal to or greater than the emoluments for which compensation was granted, his compensation shall be suspended while he holds such office.

CHAPTER 38.

An Act to enable Parish Councils to borrow Fire-engines.

[12th August 1898.]

BE it 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:

Power of parish council as to provision of fire-engine. 30 & 31 Vict. c. 106. 3 & 4 Wm. 4. c. 90. 56 & 57 Vict. c. 73.

1.—(1.) The power of a parish council under section twenty-nine of the Poor Law Amendment Act, 1867, or section forty-four of the Lighting and Watching Act, 1833, as respectively amended by sections six and seven of the Local Government Act, 1894, to provide a fire-engine for their parish shall include power to agree with the council of any neighbouring borough or district that any