deposited plans (being Osborne House and grounds adjacent thereto) and the part of the estate coloured yellow on the deposited plan (being Barton House and grounds) shall be under the management of the Commissioners of Works as if it had been committed to their management under section twenty-two of the Crown Lands Act, 1851; and arrangements may at any time be made, with the consent of the Treasury, for placing any part of the Osborne estate under such management, or for withdrawing any part from such management as appears convenient at the time.

(4) As a memorial to Her late Majesty, the Commissioners of Works—

(*a*) shall, during His Majesty's pleasure, preserve, so far as may be, in its present condition, and keep open to the public, in such manner and on such terms as the Commissioners, with the approval of His Majesty, determine, such part of Osborne House as appears to have been in the personal occupation of Her late Majesty; and

(*b*) shall devote the rest of Osborne House and the grounds under their management to be used for the benefit of officers of His Majesty's naval and military forces or their wives, widows or family.

And the Commissioners of Works shall allow the said part of the estate coloured yellow (being Barton House and grounds) to be used as a residence for such persons as they may determine with the approval of His Majesty.

(5) The provisions of this section shall operate to discharge the Osborne estate from all the limitations, powers and provisions to which it is subject.

Saving.

2. Nothing in this Act shall affect any of the land coloured red on the deposited plans (being land reserved for the private use of members of the Royal Family), or any grant or lease existing at the commencement of this Act and affecting any part of the Osborne estate.

Short title.

3. This Act may be cited as the Osborne Estate Act, 1902.

CHAPTER 38.

An Act to further amend the Law relating to Local Government in Ireland, and for other purposes connected therewith. [18th December 1902.]

BE it enacted by the King'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:

Amendment of 61 & 62 Vict. c. 37. s. 10 as to

1. Notwithstanding anything in sub-head (*g*) of subsection (3) of section ten of the principal Act, the compensation to be paid for land taken in pursuance of an order under that section shall,

determination of compensation.

in the absence of agreement, be determined by the judge of assize without a jury, or, if the parties so agree, be determined by an arbitrator appointed by the Local Government Board, or by the judge of assize with a jury, according to the agreement.

Increase of contributions to county infirmaries, &c.

2. In addition to the annual amount which may be contributed by a council of a county, or of a county borough, to a county infirmary or fever hospital under subsection (9) of section fifteen of the principal Act, the council may, if they think fit, contribute in any year the whole or any part of such further amount as may be certified by an auditor of the Local Government Board to be necessary to meet any deficit in the funds of such infirmary or hospital during that year.

Amendment of 61 & 62 Vict. c. 37. s. 42 (3) as to Order constituting an urban district.

3. An order of the Local Government Board for constituting a town an urban district shall contain, in addition to the provisions mentioned in subsection (3) of section forty-two of the principal Act, such provisions as may seem necessary or expedient for determining the financial relations between the district so constituted and the county in which it is situated.

Amendment of 61 & 62 Vict. c. 37. s. 51 (7) as to time for payments of debts, &c.

4. The time within which the payment of any debt, claim or demand, mentioned in subsection (7) of section fifty-one of the principal Act, may be made may be extended by the Local Government Board to a time not exceeding two years from the date at which the same was incurred or became due, in any case in which that Board are of opinion that there were reasonable grounds for delay in taking legal proceedings, or, where any such debt, claim or demand was incurred or became due at any time between the first day of April one thousand eight hundred and ninety-nine and the first day of April one thousand nine hundred and one, the aforesaid time may be extended by the Local Government Board to the first day of April next after the passing of this Act.

Amendment of 61 & 62 Vict. c. 37. s. 58 (2) (*a*) and (4) as to remuneration of medical practitioners, medicines, and sums raised in urban county districts to meet certain charges.

5.—(1) For the purposes of paragraph (*a*) of subsection (2) of section fifty-eight of the principal Act, and for no other purpose, any sum paid, with the sanction of the Local Government Board, by the guardians of a union during any financial year as remuneration to a medical practitioner, or a trained nurse temporarily employed to discharge the duties of a medical officer, or a trained nurse of a workhouse or dispensary, while he or she is absent on vacation, under the authority of any general regulation of the Local Government Board, made under the Poor Relief (Ireland) Acts, 1838 to 1900, shall be deemed to be part of the salary of that medical officer or trained nurse, and the Lord Lieutenant shall cause one half of the said sum to be paid out of the Local Taxation (Ireland) Account accordingly.

(2) The Lord Lieutenant shall cause to be paid out of the Local Taxation (Ireland) Account one half of the salary of any officer appointed by the Local Government Board for the purpose of assisting them in ascertaining whether the medicines and medical and surgical appliances mentioned in subsection (2) of the said section fifty-eight are provided in accordance with the prescribed conditions.

(3) Subsection (4) of the said section fifty-eight shall apply in the case of an amount required to be raised in an urban county district by the council of that district, to meet a railway or harbour charge, in like manner as it applies in the case of an amount required to be raised in any area by a county council; and any sum payable by the Lord Lieutenant in pursuance of the said subsection, as amended by this enactment, shall be paid by him to the council of the urban district.

Amendment of 61 & 62 Vict. c. 37. s. 58 as respects payments out of Local Taxation Account on behalf of unions and county districts.

6. As from the first day of April in the year one thousand nine hundred and three, section fifty-eight of the principal Act shall be amended as follows—

(1) After the payments out of the Local Taxation (Ireland) Account, authorised by the foregoing provisions of this Act, have been made, there shall not be paid out of that account, in any local financial year, to any county council on behalf of the guardians of any union or any rural district, or to any urban district council, a greater amount than was paid on behalf of those guardians or that rural district, or to that urban district council, as the case may be, in the local financial year ending on the thirty-first day of March one thousand nine hundred and two;

(2) Subsection five of the said section fifty-eight shall be construed as if there were substituted therein, for the words "the "sums payable thereout under this section," the words "the "sums payable thereout under this section as amended by "any subsequent enactment."

Amendment of 61 & 62 Vict. c. 37. s. 63 (2) as to remission of disallowance or surcharge.

7. Where, under subsection (2) of section sixty-three of the principal Act, the Local Government Board have directed that a disallowance or surcharge of a payment in respect of interest on any loan shall be remitted, that payment and all subsequent payments of interest at the same rate in respect of the same loan shall, until the loan is repaid, or the Local Government Board otherwise order, be legally chargeable upon such fund or rate as that Board declare to be applicable for the payment thereof.

Provision with respect to loans obtained before 1st April 1902.

8.—(1) Where, before the first of April one thousand nine hundred and two, any urban council have applied for the purposes of their district money obtained by them on loan, the Local Government Board may, if they think fit, authorise the repayment of the whole or any part of that money, with interest, out of any fund at the disposal of the council, or any rate which the council are authorised to make, or any money raised by reborrowing.

(2) Any limit on the borrowing power of the council contained in subsection (2) of section two hundred and thirty-eight of the Public Health (Ireland) Act, 1878, or in any local Act, shall not restrict the borrowing of any sum authorised to be borrowed for the purposes of this section. 41 & 42 Vict. c. 52.

(3) Nothing in this or the last preceding section shall prejudice or affect any legal proceedings pending at the passing of this Act and commenced before the first day of August one thousand nine hundred and two.

Validation of schemes for the collection of poor rate.

9. All officers employed in pursuance of a scheme for the collection of the poor rate, purporting to have been framed by a county council under subsection (10) of section one hundred and fifteen of the principal Act, shall be deemed to be, and to have always been, poor rate collectors appointed by the county council within the meaning of that Act; and no act done in pursuance of the scheme shall be, or be deemed to have been, invalid by reason only that the amount of the remuneration of any existing officer was not fixed by the scheme as approved by the Local Government Board.

Superannuation of certain officers of urban district councils. 32 & 33 Vict. c. 79.

10. The provision in section one of the Local Officers Superannuation Act (Ireland), 1869, which prohibits a public body from granting a superannuation allowance to an officer, unless his whole time has been devoted to the service of that body, shall not have effect in the case of a medical officer of health of an urban district or any existing officer within the meaning of the principal Act.

Amendment of Application of Enactments Order, 1898, schedule, article 24. 63 & 64 Vict. c. 63. 18 & 19 Vict. c. 40.

11. Article twenty-four of the schedule to the Local Government (Application of Enactments) Order, 1898 (which provides for the transfer of powers from the Treasury to the Local Government Board), as amended by section nine of the Local Government (Ireland) Act, 1900, shall apply to the powers conferred by section nine of the Public Libraries (Ireland) Act, 1855.

Amendment of Application of Enactments Order, schedule, article 36, as to number of meetings of councils.

12.—(1) Notwithstanding anything in Article thirty-six of the schedule to the Local Government (Application of Enactments) Order, 1898, the Local Government Board shall, by order, on request made by a resolution of a county council, passed by two-thirds of the members of the council duly summoned on not less than one month's notice, authorise the council to hold half-yearly, instead of quarterly, meetings.

(2) An order under this section may provide for the transaction, at a half-yearly meeting, of any business which would, if the order had not been made, have been transacted at a quarterly meeting.

(3) An order under this section may make such modifications, in the application to the rural district councils comprised in the county, of the provisions of any Order in Council made under Part VI. of the principal Act, or of the Order confirmed by the Local Government Board (Ireland) Provisional Order Confirmation (No. 3) Act, 1901, as the Local Government Board may consider necessary for giving full effect to the order under this section.

1 Edw. 7, c. cxli.

(4) An order under this section may be revoked by the Local Government Board on request made, in accordance with the provisions of this section, by the county council affected by the order.

(5) If, by reason of anything done in pursuance of this section, the duties of any officer of a county or district council 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 the case of diminution, to such compensation as is provided by subsection (19) of section one hundred and fifteen of the principal

Act, and that subsection shall apply accordingly to any such officer in like manner as it applies to existing officers affected by the principal Act.

Extension of 1 Edw. 7. c. 28. s. 3.

13. In section three of the Local Government (Ireland) Act, 1901, the words "two years" shall be substituted for the words "one year."

Power to Local Government Board to alter days or hours of meetings of town commissioners. 17 & 18 Vict. c. 103.

14. On request made by a resolution of the commissioners of a town, passed by two-thirds of the commissioners voting on the resolution, the Local Government Board may, notwithstanding anything in section twenty-seven of the Towns Improvement (Ireland) Act, 1854, make an order altering the day or hour, or both, on or at which the monthly meetings of the commissioners may be held, and the order shall contain such consequential provisions as the Local Government Board may consider necessary for giving effect thereto.

Admission of the press.

15. No resolution of any council, board or commissioners to exclude from its meetings representatives of the press shall be valid unless sanctioned by the Local Government Board in pursuance of byelaws, which the Local Government Board are hereby empowered to frame, regulating the admission of the representatives of the press to such meetings.

Provision for subscription to funds of general council.

16. Whereas an association of county councils of Ireland has been formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government: Therefore a county council may pay out of the county fund, as general expenses incurred by them in the execution of the principal Act, any sum, not exceeding ten pounds in any one year, as an annual or other subscription to the funds of the association, as well as any reasonable expenses of not more than two representatives at not more than two meetings of the association.

Power to insure against accidents to workmen. 60 & 61 Vict. c. 37. 63 & 64 Vict. c. 22. 43 & 44 Vict. c. 42.

17. A county or district council may insure against any liabilities of the council under the Workmen's Compensation Acts, 1897 and 1900, the Employers' Liability Act, 1880, and at common law, and may pay the costs of such insurance out of any fund or rate applicable for defraying general expenses incurred in the execution of the principal Act.

Amendment of law relating to acceptance of tenders.

18.—(1) Where a rural district council or a proposal committee, in the exercise of their powers under Article eighteen of the Local Government (Procedure of Councils) Order, 1899, accept a tender for the execution of a public work which is not the lowest tender received for that work, a minute shall be made in the prescribed manner and form stating the reasons for the non-acceptance of the tender, or, in case of more than one, of each tender, which is lower than the accepted tender.

(2) The minute shall be produced at any audit of accounts which include any payments made under any contract entered into in accordance with such accepted tender, and a certified copy of the minute shall be furnished by the secretary or clerk of the public body liable under the contract to any person requiring it

on payment of sixpence, and shall, in any legal proceedings, be conclusive evidence of the making and contents of the minute.

(3) If, at any such audit, it appears to the auditor that any tender was accepted or approved of for any fraudulent or improper purpose or object, or for any purpose or object other than the bonâ fide discharge by the persons who accepted it of their duties in the interests of the ratepayers, he may declare any contract entered into in accordance with the tender to be illegal, and the contract shall thereupon become void.

34 & 35 Vict. c. 109.

(4) Section twelve of the Local Government (Ireland) Act, 1871 (relating to the duties of an auditor and to appeals), shall apply in the case of any contract declared to be illegal in pursuance of this section, and the persons who accepted or approved of the tender may be surcharged accordingly either with all payments made under the contract, or with such portion thereof as may appear to the auditor, having regard to all the circumstances of the case, just and reasonable.

(5) Where a contract is declared to be illegal in pursuance of this section, the contractor may, notwithstanding such declaration, recover any sum due to him for work done or materials supplied before such declaration.

(6) Any decision of an auditor under this section shall, save so far as the same may be altered on appeal, be conclusive and binding on all persons.

(7) So long as any portion of any sum surcharged in pursuance of this section remains unpaid, every person upon whom the surcharge is made shall be deemed to be disqualified for being elected or chosen or being a member of any county or district council, and subsection eleven of article twelve of the Local Government (Application of Enactments) Order, 1898, shall apply accordingly.

Amendment of 34 & 35 Vict. c. 109. ss. 12 & 13 as to applications by aggrieved parties and illegal payments.

19. Every application under section twelve of the Local Government (Ireland) Act, 1871, by a party aggrieved, to an auditor, to state the reasons for his decision in respect of any allowance, disallowance or surcharge, shall be made, in the case of an allowance, not later than fourteen days after the allowance has been made, and, in the case of a disallowance or surcharge, not later than fourteen days after any sum has been certified to be due from any person in respect of the disallowance or surcharge; and every such application shall, for the purposes of section thirteen of the said Act, be deemed to be a notice of appeal.

Amendment of law as to audit.

20.—(1) At the audit of the accounts of any public body, the auditor shall charge, against any person accounting, the amount of any deficiency or loss incurred by his negligence or misconduct, or of any sum which ought to have been, but was not, brought into account by him, and shall, in any such case, certify the amount due from him.

34 & 35 Vict. c. 109.

(2) Sections twelve and thirteen of the Local Government (Ireland) Act, 1871, and section sixty-three of the principal Act (which relate to audits), shall apply to every sum certified to be due in pursuance of this section.

21.—(1) Where the Local Government Board require an extraordinary audit to be held of the accounts of any public body, or of any officer, whether still continuing or upon his resignation or removal from office, the audit shall be deemed to be an audit within the meaning of the enactments relating to the audit of the accounts of public bodies, and may be held after three days' notice thereof given in the usual manner. Provisions with respect to extraordinary audits.

(2) An auditor of the Local Government Board may, at any time when authorised or required so to do by that Board, inspect the accounts and books of account of any public body or any officer liable to account to him.

(3) Any member or officer of a public body who refuses to allow such inspection, or obstructs the auditor therein, or conceals any account or book for the purpose of preventing the inspection, shall be liable, on summary conviction, to a fine not exceeding five pounds.

22.—(1) The Local Government Board may make general regulations for the audit of the accounts of public bodies and their officers, and the regulations may prescribe the form in which the accounts are to be kept, the mode of publishing the time and place for holding the audit, the person by whom, and the time within which, the accounts are to be produced for audit, and the mode of conducting the audit. Regulations as to audit.

(2) Subsection five of article nineteen of the schedule to the Local Government (Application of Enactments) Order, 1898, is hereby annulled.

23. In this Act, unless the context otherwise requires, the expression "public body" means any council, board, commissioners or committee, whose accounts are, under this or any other Act, or any Provisional Order confirmed by an Act, subject to audit by an auditor of the Local Government Board. Definition.

24. This Act may be cited as the Local Government (Ireland) Act, 1902, and shall be construed as one with the Local Government (Ireland) Act, 1898 (in this Act referred to as the "principal Act"), and may be cited with the Local Government (Ireland) Acts, 1898 to 1901. Short title, construction and citation.

CHAPTER 39.

An Act to amend the Law relating to the Militia and Yeomanry. [18th December 1902.]

BE it enacted by the King's most Excellent Majesty, by and with the advice and consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the authority of the same, as follows:

1.—(1) For the purpose of forming reserve divisions of the militia and yeomanry, the Secretary of State may, by regulations, relax or dispense with the provisions of any enactment in any existing Act of Parliament relating to the training of militia and yeomanry, so far as regards their application to men in the reserve Amendment of law relating to militia and yeomanry.