CHAPTER 77.

An Act to amend the Public Health (Ireland) Act, 1878, with reference to Sanitary Districts.

[14th August 1884.]

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:

Short title.

1. This Act may be cited as the Public Health (Ireland) Amendment Act, 1884, and shall be construed as one with the Public Health (Ireland) Act, 1878.

Dissolution or lapse of urban authority.

2. Where the sanitary authority of an urban sanitary district is dissolved, or for any cause ceases to exist, the following provisions shall take effect:

(1.) It is hereby declared that the district (in this Act referred to as a lapsed urban district) shall cease to constitute an urban district, and shall become part of some rural district under the sixth section of the Public Health (Ireland) Act, 1878, and be thenceforth subject to the enactments of the said Act relating to rural districts, as amended by this Act:

41 & 42 Vict. c. 52.

(2.) All property, real and personal, including things in action, and including interests, rights, and easements in, to, and out of property belonging to the urban authority, shall without any conveyance or assignment thereof, be transferred to and vested in the rural sanitary authority of such rural district, subject to any charges or incumbrances affecting the same, and shall be maintained, managed, and administered by the rural authority for the benefit of the lapsed urban district, and with reference to such property, the rural authority shall be deemed to be the successors of the urban authority:

(3.) All debts, including arrears of rates of every description, and all things in action, belonging to the urban authority in their capacity as such urban sanitary authority, or in their capacity as governing body of the district under the Towns Improvement (Ireland) Act, 1854, or any other Act, shall, without any assignment thereof, be transferred to and vested in the rural authority;

Any debt due to the urban authority, in their capacity as sanitary authority or otherwise as aforesaid, may be recovered, and any legal proceedings which the urban authority in any such capacity as aforesaid might have instituted or carried on may be instituted or carried on, by the rural authority, in their own name:

(4.) For the purposes of this Act, the town hall or other municipal buildings of the urban authority shall be deemed to be property belonging to them in their capacity as sanitary authority.

Such transfer and vesting shall not take effect until the Commissioners of the Treasury have signified their assent thereto, in such manner and subject to such conditions as they think fit; upon such assent being signified, the transfer and vesting shall be deemed to

have taken place at the time of the dissolution or cesser of the urban authority.

(5.) All debts due by the urban authority in their capacity as sanitary authority or otherwise (including all sums which the urban authority would have become liable to pay under or in consequence of any obligation incurred by them before their dissolution or cesser) shall be paid by the rural authority, in the manner in which they should have been paid by the urban authority if such urban authority had not been dissolved or ceased to exist. Such payment shall be made out of any moneys or property charged with or applicable to such payment, or out of rates levied by the rural authority in the lapsed urban district under the authority of an Order of the Local Government Board made in accordance with this Act:

(6.) The Local Government Board may, by Order to be published in the Dublin Gazette, or in such other manner as the Local Government Board may direct, declare any provisions of the Public Health (Ireland) Act, 1878, which are applicable to urban districts, and which are in the opinion of the Board necessary or expedient for the purpose of enabling the rural sanitary authority to maintain, manage, or administer any property transferred to them under this Act, or for the purpose of enabling the rural sanitary authority to pay the debts mentioned in this Act, to be in force in that part of the rural district which consists of the lapsed urban district; and for the purposes aforesaid or either of them, may invest such rural authority, with reference to such lapsed urban district, with all or any of the powers, rights, duties, capacities, liabilities, and obligations of an urban authority under the Public Health (Ireland) Act, 1878, including all powers of making and levying any rate which the urban authority of such lapsed urban district might have made and levied, which shall be chargeable upon the same property, subject to the same exemptions and conditions, and payable by the same persons, as if it were a rate made and levied by the urban authority of such lapsed urban district; the Local Government Board may also invest the rural authority, so far as relates to the urban district, with all the powers of or relating to lighting conferred upon urban authorities by the Public Health (Ireland) Act, 1878, and the cost thereof shall be defrayed out of the rate authorised to be made under this Act, or out of any other moneys in the hands of the rural authority which would have been applicable to that purpose if they had been an urban authority.

The power of rating conferred by this Act shall extend to the raising of all sums which may be necessary for the payment of the debts of the urban authority, including all arrears due at the time such rate is made.

Such order of the Local Government Board may be made by them from time to time, and may be revoked or amended by any subsequent order, and may contain all such conditions and provisions relative to the purposes aforesaid as the Local Government Board may think necessary.

Provision in case the urban district is re-constituted.

3. If at any time the lapsed urban district is again constituted into an urban district, it shall be lawful for the Local Government Board, on the application of the urban authority of such district, to make an Order vesting in such urban authority the property transferred under this Act to the rural sanitary authority, subject to any charges or incumbrances affecting the same. In such Order the Local Government Board may make provision for the adjustment of accounts between such urban and rural authorities, for vesting in the urban authority the right to levy and recover rates made by the rural authority under this Act, and for such other things as the Local Government Board may deem necessary for carrying this section into effect.

Borrowing powers of towns included in rural districts.

4. In the case of towns in Ireland having as governing bodies the persons or any of them mentioned in section four of the Public Health (Ireland) Act, 1878, column two, and which have not become and are not the urban sanitary authority within the meaning of the same Act, such governing bodies shall have all the powers of borrowing conferred by section twenty-eight of the Local Government (Ireland) Act, 1871, and for the purposes of this section said section twenty-eight shall be deemed to be hereby re-enacted, and such powers of borrowing shall include the construction, maintenance, and repair of a town hall.

Nothing herein contained shall operate or extend to give to such governing bodies any powers of borrowing which, by the Public Health (Ireland) Act, 1878, are transferred to or vested in the sanitary authority for the time being. In the said section twenty-eight the Local Government Board for Ireland shall be substituted for the Chief Secretary.

Indemnity, and validation of acts.

5. Whereas the Towns Improvement (Ireland) Act, 1854, was in force in the town of Ennis, and a body of town commissioners was duly constituted under that Act:

And whereas the said Act ceased to be in force in Ennis, and the body of town commissioners became thereupon in law dissolved; but some members thereof continued in good faith, and through mistake of law, to act as commissioners after such dissolution:

And it is expedient to make the provisions contained in this section in relation thereto:

Therefore it is hereby enacted that all resolutions and proceedings of such persons, purporting to have been passed or taken by them as town commissioners, and all acts of the officers formerly in the service of the town commissioners done by them as such officers, shall be of the same validity and effect as if the town commissioners had not been dissolved, and shall, notwithstanding such dissolution, be ratified and confirmed:

And such persons and officers shall be released and indemnified from and against any action or penalty in consequence thereof.

Application of Act.

6. This Act shall apply whether the dissolution or cesser of the urban authority has taken place before or after the passing of this Act.