CHAPTER 38.

An Act to amend the Public Libraries (Ireland) Acts.

[17th August 1894.]

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:

Adoption of Act and Constitution of Library Authority.

Proceedings for adoption of Act.

1.—(1.) The Public Libraries Act (Ireland), 1855 (in this Act referred to as the principal Act), may be adopted in any urban district, and the limitation of the maximum rate to be levied for the purposes thereof may, within the limits fixed thereby, be fixed, raised, and removed by a resolution of the urban authority, or by such other means as is provided by this Act. Provided, however, that in case the urban authority should fail to pass a resolution adopting the said Act, such failure shall not prejudice the right by this Act given to voters to have their opinion ascertained in the manner by this Act provided.

(i.) Such resolution shall be passed at a meeting of the authority, and one month at least before the meeting special notice of the meeting and of the intention to propose the resolution shall be given to every member of the authority, and the notice shall be deemed to have been duly given to a member of it if it is either—

(*a*) given in the mode in which notices to attend meetings of the authority are usually given; or

(*b*) where there is no such mode, then signed by the clerk of the authority, and delivered to the member, or left at his usual or last known place of abode in Ireland, or forwarded by post in a prepaid letter, addressed to the member at his usual or last known place of abode in Ireland.

(ii.) The resolution shall be published by advertisement in some one or more newspapers circulating within the district of the authority, and by causing notice thereof to be posted at the place heretofore used for posting public notices outside every church and chapel within the district, and otherwise in such manner as the authority think sufficient for giving notice thereof to all persons interested, and shall come into operation at such time, not less than one month after the first publication of the advertisement of the resolution, as the authority may by the resolution fix.

(iii.) A copy of the resolution shall be sent to the Local Government Board.

(iv.) A copy of the advertisement shall be conclusive evidence of the resolution having been passed, unless the contrary

be shown; and no objection to the effect of the resolution, on the ground that notice of the intention to propose the same was not duly given, or on the ground that the resolution was not sufficiently published, shall be made after three months from the date of the first advertisement.

(2.) Any twenty or more voters in an urban district, or the urban authority of the district, may address a requisition in writing in the prescribed form to the mayor or other chairman of the authority, requiring him to ascertain the opinion of the voters in the district with respect to the question or questions stated in the requisition.

(3.) On receipt of the requisition the mayor or chairman shall proceed to ascertain by ballot the opinion of the voters with respect to the said question or questions, but shall not ascertain the opinion of the voters on any question with respect to the limitation of the rate unless required to do so by the requisition.

(4.) Where no register of the voters exists the urban authority shall forthwith cause such register to be made for the purposes aforesaid.

(5.) For the purpose of ascertaining the opinion of the voters, the Ballot Act, 1872 (including the penal provisions of that Act), shall, subject to such alterations and adaptations (if any) as may be prescribed, apply in like manner as in the case of a municipal election.

(6.) Any ballot boxes, fittings, and compartments provided by or belonging to any public authority for any election (whether parliamentary, municipal, or other) shall, on request, and if not required for immediate use by the said authority, be lent to the mayor or chairman of the urban authority, for a poll under this Act, upon such conditions, and either free of charge or, except in the prescribed cases, for such reasonable charge as may be prescribed.

(7.) Every question so submitted to the voters shall be decided by the majority of answers to that question recorded on the valid ballot papers, and where the majority of those answers are in favour of the adoption of the principal Act the same shall forthwith, on the result of the poll being made public, be deemed to be adopted, and shall be carried into execution by the urban authority.

(8.) Where the opinion of the voters in any district is ascertained upon the question as to the adoption of the principal Act, or upon a question as to the limitation of the rate, no further proceeding shall be taken for ascertaining the opinion of the voters until the expiration of one year at least from the day when the opinion of the voters was last ascertained, that is to say, the day on which the poll was taken.

(9.) Section four of the principal Act is hereby repealed.

Provision for appointment of commissioners.

2.—(1.) If at any time after the expiration of six months from the taking of a poll in manner provided by this Act, where the majority of the answers were in favour of the adoption of the

principal Act, the urban authority have not in the opinion of the Local Government Board taken proper or sufficient steps to carry the Act into execution, that Board may, if they think fit, upon the application in the prescribed manner of ten or more voters, appoint from among the voters five commissioners to carry the principal Act into execution.

(2.) The commissioners so appointed shall have all the powers and perform all the duties conferred and imposed on the urban authority by the principal Act and the Acts amending the same, including this Act, subject to such alterations and adaptations as may be prescribed. They shall hold office for such time as the Local Government Board direct, and upon the expiration of their term of office the Board may either appoint their successors from among the voters or may by order empower the urban authority to carry the principal Act into execution.

(3.) Any vacancy occurring among the said commissioners shall be filled by the Local Government Board from among the voters.

Power to two or more authorities to combine.

3.—(1.) When the principal Act is adopted for two or more neighbouring districts, the authorities of those districts may by agreement combine for any period for carrying the Act into execution, and the expenses of carrying the Act into execution shall be defrayed by such authorities in such proportions as may be agreed on by them.

(2.) For the purposes of this section, a joint committee may be formed, the members whereof shall be appointed by the several combining authorities in such proportions as may be agreed on, but need not be members of any of the combining authorities. Any such committee shall have such of the powers of an urban authority under the principal Act, except the power of borrowing money, as the combining authorities may agree to confer upon them.

(3.) In the event of the combining authorities failing to agree as to the proportions in which the expenses of carrying the Act into execution are to be defrayed, or as to the proportions in which the members of a joint committee under this section are to be appointed, those proportions shall, on the application of any such authority, be determined by the Local Government Board.

Provision as to use of library.

4. An urban authority may, if they think fit, grant the use of a lending library established under the principal Act, to persons not being inhabitants of their district, either gratuitously or for payment.

Provision as to letting of land.

5. An urban authority may let a house or building, or any part thereof, or any land vested in them for the purposes of the principal Act, or the Acts amending the same, including this Act, which is not at the time of such letting required for those purposes, and shall apply the rents and profits thereof for the purposes of those Acts.

Power to grant certain land for purposes of Acts.

6.—(1.) Any person holding land for public or charitable purposes may, subject as herein-after provided, grant or convey, by way of gift, sale, or exchange, for any of the purposes of the

principal Act, or the Acts amending the same, including this Act, any quantity of such land, not exceeding in any one case one acre, in any manner vested in such person.

(2.) Provided that—

(*a*) charitable property shall not be so granted or conveyed without the consent of the Commissioners of Charitable Donations and Bequests for Ireland, and, in the case of land charged with the repayment of an advance made under the Glebe Loan (Ireland) Acts, without the consent of the Commissioners of Public Works in Ireland; and

(*b*) the land taken in exchange or the money received for such sale shall be held on the same trusts as the land exchanged or sold.

Power to urban authorities to make agreements for use of library.

7.—(1.) The urban authorities of any two or more districts for which this Act has been adopted may agree to share in such proportions and for such period as may be determined by the agreement the cost of the purchase, erection, repair, and maintenance of any library building situate in one of those districts, and also the cost of the purchase of books and newspapers for such library, and all other expenses connected with the same.

(2.) The urban authority of any district may, with the consent of the Commissioners of Charitable Donations and Bequests for Ireland, or of the Commissioners of Endowed Schools in Ireland, as the case may be, make the like agreement with the governing body of any library established or maintained out of funds subject to the jurisdiction of either of the said Commissioners, and situate in or near the district.

(3.) This section shall apply, with the necessary modifications, to a museum, school for science, art gallery, or school for art in like manner as to a library.

Power to urban authority to accept parliamentary grant.

8. Where an urban authority accepts a grant out of money provided by Parliament from the Department of Science and Art towards the purchase of the site, or the erection, enlargement, or repair, of any school for science and art, or school for science, or school for art, or of the residence of a teacher in any such school, or towards the furnishing of any such school, that authority may accept the grant upon the conditions prescribed by the Department of Science and Art, and may execute any instruments required by that Department for carrying into effect those conditions, and upon payment of the grant shall be bound by such conditions and instruments, and have power and be bound to fulfil and observe the same.

Financial Provisions.

Expenses of Act.

9.—(1.) The expenses incurred in and incidental to the execution of this Act shall be defrayed in manner provided by the principal Act with regard to the expenses of carrying that Act into execution.

(2.) Where in any urban district a limit is by law imposed upon the rating power of the urban authority, it shall be lawful for such

authority to impose and levy the rate authorised by the principal Act notwithstanding such limit.

Supplemental Provisions.

Adjustment of interests on termination of agreement.

10. Any agreement under this Act between two or more urban authorities, or between an urban authority and any other body, may provide that on the termination of the agreement an adjustment shall be made of the interests of the several parties thereto in any property to the provision of which they have contributed, and as to the mode in which the adjustment shall be arrived at, and in the event of any dispute the adjustment shall, on the application of any of the parties, be made by an arbitrator appointed by the Local Government Board.

Power to make rules.

11. The Local Government Board may make rules for carrying into effect the objects of this Act, and those rules shall be laid before both Houses of Parliament as soon as may be after they are made, and shall be judicially noticed and have effect as if enacted by this Act.

Definitions.

12. In this Act, unless the context otherwise requires,—

The expression "urban district" means an incorporated borough or a town as defined by the principal Act:

The expression "urban authority" means, in the case of an incorporated borough, the council or board of municipal commissioners, and in the case of a town the town commissioners as defined by the principal Act:

The expression "voter" means a person who is registered as a parliamentary voter in respect of the ownership or occupation of property, or in respect of lodgings within the district in connexion with which the voter is mentioned, and in the case of a borough includes a freeman thereof:

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

The expression "prescribed" means prescribed by rules made by the Local Government Board under this Act.

Short title.

13. This Act may be cited as the Public Libraries (Ireland) Act, 1894.

CHAPTER 39.

An Act to make further provision for the establishment of Prize Courts, and for other purposes connected therewith. [17th August 1894.]

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 Prize Courts Act, 1894.