CHAP. 28.

An Act to afford facilities for the Establishment and Maintenance of public Parks in Ireland. [12th July 1869.] A.D. 1869.

WHEREAS it is expedient that facility should be given for the establishment and maintenance of public parks in towns in Ireland:

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

Short title.

1. This Act may be cited for all purposes as the Public Parks (Ireland) Act, 1869.

Limits of Act.

2. This Act shall extend and apply only to Ireland.

Part of 8 & 9 Vict. c. 18. incorporated.

3. The provisions of the Lands Clauses Consolidation Act, 1845, for the purchase of lands by agreement, are incorporated with this Act.

Interpretation of terms.

4. The expression "governing body" shall in the several places in the schedule annexed hereto in that behalf mentioned mean the persons or bodies of persons referred to in the first column of the schedule hereto annexed; and the term "town" in relation to a governing body shall as respects each authority mean the places in that behalf referred to in the second column of the said schedule.

Governing body may determine to establish public parks, walks, &c., and levy rates for maintaining the same, &c.

5. The governing body of any town, the population of which, according to the last account from time to time taken thereof by the authority of Parliament, exceeds six thousand persons, may, by a resolution to be made in manner herein-after mentioned, determine to establish and maintain any public park or parks for the use and enjoyment of the persons inhabiting such town, and may, after the said resolution has been confirmed, levy rates for making or maintaining such public park or parks, and may, for the purposes of this Act, purchase lands, and may accept gifts or grants of land.

A.D. 1869.

Resolution.

6. Any resolution by the governing body of any town for the purposes aforesaid shall not have effect unless the same has been agreed to by the governing body in some meeting whereof special notice has been given, and has been confirmed in a subsequent meeting held not sooner than four weeks after the next ensuing annual election of the members of the governing body, and which subsequent meeting has been advertised once at least in each of the four weeks immediately preceding the said meeting in some newspaper circulated within the limits of the town, and of which special notice in writing has been given to each member of the governing body.

How expenses to be defrayed.

7. The governing body of any town shall pay all expenses incurred by them in carrying any resolution under this Act into effect out of the fund in the schedule in that behalf mentioned, and, where such fund arises wholly or in part from rates, shall have, in addition to their existing powers of rating, all such powers for making and levying any extra rate, if necessary, respectively, as in the case of any rate authorized to be made under the provisions of the respective Acts of Parliament under which such governing body is constituted or authorized to levy rates; and all provisions of such Acts respectively shall be applicable in respect thereof: Provided that when the rates to be assessed by such governing body are limited by law to a certain rateable amount, such limitation shall not apply or extend to expenses incurred in carrying this Act into execution; and it shall be lawful for such governing body to assess the expenses under this Act, in addition to such limited assessment: Provided always, that no rate made in any one year under the authority of this Act shall exceed threepence in the pound.

Power to borrow money.

8. The governing body of any town shall, for the purposes of this Act, have all such powers of borrowing money on the security of the rate or fund available for the payment of expenses under this Act as are vested in such governing body under the provisions of the respective Acts of Parliament under which such governing body is constituted or authorized to levy rates; but such powers shall be subject to the conditions and sanction (if any) under which the powers under the said Acts may be exercised by such governing bodies: Provided always, that the powers of borrowing money hereby conferred may be exercised in addition to the powers conferred by the said Acts.

Power to appoint committees.

9. Where any resolution to establish and maintain a park in any town under the provisions of this Act has been confirmed, the governing body of such town may from time to time, at any meeting

specially convened for that purpose, form a committee, consisting wholly of its own members, or partly of its own members and partly of such other persons contributing to the rate or fund out of which the expenses incurred in carrying out this Act are to be paid, and qualified in such manner as the governing body may determine; and the governing body may define the powers of such committee, and may delegate to them all or any of the powers of such governing body under this Act.

Power to make byelaws.

10. Where any park shall have been established in any town under the provisions of this Act, the governing body of such town may make byelaws for the use, government, control, or management of such park, and for the protection and preservation from injury of the same, and of the trees, shrubs, walks, seats, gates, fences, and palings, and all other parts thereof, and for the exclusion of improper persons from the same, and may alter or revoke any such byelaws, and shall appoint a penalty not exceeding five pounds for any and every breach of any byelaw made as aforesaid: Provided always, that such byelaws shall be made by such governing body, in the same manner, subject to the same conditions, and with the like sanction as if the same were byelaws made by such governing body under the provisions of and for the purposes mentioned in the Act or Acts under which such governing body is constituted or authorized to levy rates.

SCHEDULE.

Description of governing body.	Description of town.	Rate or fund out of which expenses incurred under this Act to be defrayed.
The Right Honourable the Lord Mayor, aldermen, and burgesses, acting by the town council.	The city of Dublin -	The borough rate or borough fund.
The mayor, aldermen, and burgesses, acting by the town council.	Towns corporate, with exception of Dublin.	The borough rate or borough fund.
The town commissioners - -	Towns having town commissioners under the Towns Improvement (Ireland) Act, 1854 (17 & 18 Vict. c. 113), or under any local Act.	Any rate levied by the commissioners.
The township commissioners - -	Townships having commissioners under local Acts.	
The commissioners appointed by virtue of an Act made in the 9th year of the reign of George the Fourth, intituled "An Act to make provision for the lighting, cleansing, and watching of cities and towns corporate and market towns in Ireland in certain cases."	Towns under such commissioners.	
The municipal commissioners -	Towns having municipal commissioners under 3 & 4 Vict. c. 108.	The town fund.

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