



## CHAPTER xxi.

An Act to authorise the mayor aldermen and burgesses of the city of Londonderry to acquire additional sources of water supply and to construct additional waterworks to make a street improvement to provide and run trolley vehicles and omnibuses and to confer further powers on them with respect to the supply of water and electricity and to make further and better provision for the improvement health and local government of the city and for other purposes. A.D. 1918.

[30th July 1918.]

**W**HEREAS the city of Londonderry (in this Act called "the city") is under and by virtue of the Local Government (Ireland) Act 1898 a county borough and is subject to the Acts relating to municipal corporations in Ireland and the mayor aldermen and burgesses of the said city acting by the council thereof (in this Act called "the Corporation") are the urban sanitary authority for the district thereof under the Public Health (Ireland) Acts:

And whereas the several local Acts and Orders mentioned in the First Schedule to this Act are in force within the city which Acts and Orders are in this Act referred to collectively as "the former Acts":

And whereas under the powers of certain of the former Acts and of the Public Health (Ireland) Acts the Corporation are the owners of waterworks and supply water within the city:

And whereas the supply of water from the present waterworks of the Corporation is inadequate to meet the present and growing demands of the inhabitants within the city and it

A.D. 1918. would be of public and local advantage if the Corporation were empowered to obtain a supply of water from the Altnaheglish River and the Glenedra Water or Crooked Burn and their tributaries in the county of Londonderry and for that purpose to acquire the lands and construct and maintain the water and other works in this Act mentioned and to exercise the powers in this Act contained for preventing the pollution of any waters which the Corporation are authorised to take by the intended waterworks and their existing waterworks and otherwise for the protection of the waterworks of the Corporation :

And whereas it is expedient that the other powers with regard to the water undertaking set forth in this Act should be conferred upon the Corporation :

And whereas it is expedient to authorise the Corporation to execute the street improvement referred to in this Act :

And whereas it is expedient to authorise the Corporation to provide and work vehicles moved by electrical power transmitted thereto from some external source and motor omnibuses within and beyond the city and to confer upon the Corporation all necessary powers with regard thereto :

And whereas by the Londonderry Electric Lighting Order 1891 confirmed by the Electric Lighting Orders Confirmation (No. 3) Act 1891 the Corporation were empowered to supply electricity within the city and it is expedient that further powers be conferred upon the Corporation in regard to the supply of electricity as by this Act provided :

And whereas it is expedient to make further provision in regard to streets buildings sewers and drains and that the powers of the Corporation in relation to common lodging-houses markets and slaughter-houses and as to the health local government and improvement of the city be enlarged as by this Act provided :

And whereas Parts III and V of the Public Health Acts Amendment Act 1890 are in force within the city :

And whereas by the order of the Chief Secretary for Ireland dated the seventh day of March one thousand nine hundred and eight the whole of Parts VII VIII and IX of the Public Health Acts Amendment Act 1907 were declared to be in force within the city :

And whereas by an order of the Local Government Board for Ireland dated the twenty-second day of June one thousand

nine hundred and eight Parts II III (except sections 39 40 41 42 and 48) IV V and VI and section 95 of the Public Health Acts Amendment Act 1907 were declared to be in force within the city subject to certain conditions and adaptations specified within the said order : A.D. 1918.

And whereas estimates have been prepared by the Corporation for the purposes hereinafter mentioned and such estimates are as follow :—

(A) For the purchase of lands and easements for and the construction of the waterworks by this Act authorised and for the purchase of other lands and easements in connexion with the water undertaking of the Corporation - - - - -	£ 320,000
(B) For new mains extensions of mains and service pipes and other waterworks purposes - - - - -	10,000
(C) For the purchase of lands and easements for and the construction of the street improvement and works authorised by this Act - - - - -	500
(D) For the purchase of lands and easements for the purposes of the trolley vehicle and omnibus undertaking and for other the purposes of the Corporation - -	7,000
(E) For the provision of the trolley vehicles authorised by this Act - - - - -	14,400
(F) For the provision of the electrical equipment and the construction of the other works necessary for the trolley vehicles authorised by this Act - - - - -	54,000
(G) For omnibuses - - - - -	19,000
(H) For electrical plant and machinery - -	2,000
(I) For the construction of buildings for the purposes of the trolley vehicles and omnibuses - - - - -	4,000

And whereas the several works included in the said estimates are permanent works and it is expedient that the cost thereof be spread over a term of years :

And whereas it is expedient that the other provisions contained in this Act be enacted :

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And whereas the purposes of this Act cannot be effected without the authority of Parliament:

And whereas the Corporation have complied with the requirements of the Borough Funds (Ireland) Act 1888 in relation to the promotion of the Bill for this Act and have obtained the approval of the Local Government Board for Ireland and the Chief Secretary for Ireland in pursuance of the provisions of that Act:

And whereas plans and sections showing the lines and levels of the works authorised by this Act and also a book of reference containing the names of the owners or reputed owners and lessees or reputed lessees and occupiers of the lands required or which may be taken for the purposes or under the powers of this Act were duly deposited with the clerk of the peace for the county of Londonderry and are in this Act referred to respectively as "the deposited plans sections and book of reference":

May it therefore please Your Majesty that it may be enacted and 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 (that is to say):—

## PART I.

### PRELIMINARY.

1. This Act may be cited as the Londonderry Corporation Act 1918 and this Act and the Act 11 & 12 Vict. cap. 141 the Londonderry Improvement Act 1852 the Londonderry Improvement Act 1855 the Londonderry Improvement Act 1864 and the Londonderry Improvement Act 1896 may be cited together as the Londonderry Corporation Acts 1848 to 1918.

2. This Act is divided into Parts as follows:—

- Part I. Preliminary;
- Part II. Waterworks;
- Part III. Street Improvement;
- Part IV. Lands;
- Part V. General Provisions relating to Water Supply;
- Part VI. Trolley Vehicles and Omnibuses;
- Part VII. Electricity;
- Part VIII. Streets Buildings &c;
- Part IX. Sewers Drains &c;

Short and collective titles.

Division of Act into Parts.

- Part X. Infectious Disease and Sanitary Provisions; A.D. 1918.  
Part XI. Common Lodging-houses &c;  
Part XII. Markets and Slaughter-houses;  
Part XIII. Street Traffic and Hackney Carriages;  
Part XIV. Superannuation;  
Part XV. Financial; and  
Part XVI. Miscellaneous.

3. The following Acts and parts of Acts (so far as the same are applicable for the purposes and are not inconsistent with the provisions of this Act) are hereby incorporated with this Act (namely):—

- (1) The Lands Clauses Acts (except section 127 of the Lands Clauses Consolidation Act 1845):
- (2) Part I (relating to the construction of a railway) of the Railways Clauses Act 1863:
- (3) Sections 6 12 13 14 and 15 of the Waterworks Clauses Act 1847:
- (4) The provisions of the Railways Clauses Consolidation Act 1845 with respect to the construction of the railway and with respect to the temporary occupation of lands near the railway during the construction thereof And in construing such last-mentioned provisions in connexion with the works other than the railways and roads authorised by this Act "the railway" shall mean the said works and "the centre of the railway" shall mean in the case of the reservoirs the boundaries of such reservoirs respectively and in the case of the aqueducts conduits or lines of pipes the centre lines of such aqueducts conduits or lines of pipes Provided that sections 7 8 and 9 of the said Act of 1845 shall be read and construed as if the expression "clerks of the district councils of the districts within which such parishes are included in Ireland" or the words "clerks of the district councils" had been inserted in those sections in lieu of the expression "the postmasters of the post towns in or nearest to such parishes in Ireland" or in lieu of the word "postmasters" as the case may be.

4. In this Act the several words and expressions to which meanings are assigned by the Acts wholly or partially incorporated herewith or by the Public Health (Ireland) Acts 1878 to

A.D. 1918. 1917 or by the Local Government (Ireland) Act 1898 have the same respective meanings unless there be something in the subject or context repugnant to such construction And in this Act unless the subject or context otherwise requires—

“The city” means the city and county borough of Londonderry;

“The Corporation” means the mayor aldermen and burgesses of the city;

“The council” means the town council of the city;

“The former Acts” means the Acts and Orders set out in the First Schedule to this Act;

“The Act of 1848” “the Act of 1855” “the Act of 1864” and “the Act of 1896” mean respectively the Act 11 & 12 Vict. cap. 141 the Londonderry Improvement Act 1855 the Londonderry Improvement Act 1864 and the Londonderry Improvement Act 1896;

“The Order of 1891” means the Londonderry Electric Lighting Order 1891 confirmed by the Electric Lighting Orders Confirmation (No. 3) Act 1891;

“The Public Health Acts” means the Public Health (Ireland) Act 1878 and any Act or Acts amending the same;

“Water undertaking” means the water undertaking for the time being of the Corporation;

“The railway” or “the railways” means the railways by this Act authorised;

“Trolley vehicle” means a mechanically propelled vehicle adapted for use upon roads without rails and moved by electrical power transmitted thereto from some external source;

“Trolley vehicle routes” means the routes upon which the Corporation are by this Act authorised to work and use trolley vehicles;

The expression “trolley vehicle equipment” means and includes all poles posts standards brackets cables conductors tubes mains transformers feeders wires and other apparatus and equipment for the purpose of working and lighting the trolley vehicles;

“Omnibus” means any stage carriage not being a trolley vehicle moved by mechanical power including in that

expression steam electrical and every other motive power not being animal power; A.D. 1918.

“The mayor” “the town clerk” “the accountant” “the engineer” “the surveyor” “the medical officer” “the executive sanitary officer” and “the inspector of nuisances” mean respectively the mayor the town clerk the accountant the engineer the surveyor the medical superintendent officer of health the executive sanitary officer and any inspector of nuisances of the city and respectively include any person duly authorised to discharge temporarily the duties of those offices;

“The borough fund” “the borough rate” “the improvement fund” and “the improvement rate” mean respectively the borough fund the borough rate the improvement fund and the improvement rate of the city;

“Daily penalty” means a penalty for each day on which any offence is continued by a person after conviction;

“Court of summary jurisdiction” means a court of summary jurisdiction constituted in accordance with the provisions of section 249 of the Public Health (Ireland) Act 1878;

“Infectious disease” means any infectious disease to which the Infectious Disease (Notification) Act 1889 for the time being applies within the city;

“The Local Government Board” means the Local Government Board for Ireland;

“The county council” means the county council for the county of Londonderry;

“Statutory borrowing power” means any power whether or not coupled with a duty of borrowing or continuing on loan or re-borrowing money or of redeeming or paying off or creating or continuing payment of or in respect of any annuity rentcharge rent or other security representing or granted in lieu of consideration money for the time being existing under any Act of Parliament public or local passed or to be passed or under any Provisional Order confirmed by Act of Parliament passed or to be passed or under any order or sanction of any Government department made or given or to be made or given by authority of any Act of Parliament passed or to be passed;

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“Statutory securities” means any security in which trustees are for the time being by or under any Act of Parliament passed or to be passed authorised to invest trust money and any mortgage bond debenture debenture stock stock or other security authorised by or under any Act of Parliament passed or to be passed of any county council or municipal corporation in the United Kingdom or of any other local authority as defined by section 34 of the Local Loans Act 1875 or of any urban district council in Ireland but does not include annuities rentcharges or securities transferable by delivery or any securities of the Corporation;

“Revenues of the Corporation” includes the revenues of the Corporation from time to time arising from the lands undertakings and other property for the time being of the Corporation and rates and moneys leviable by or on the precept of the Corporation.

## PART II.

### WATERWORKS.

Power to  
make water-  
works.

5. Subject to the provisions of this Act the Corporation may wholly in the county of Londonderry and in the lines and situations and upon the lands delineated on the deposited plans and described in the deposited book of reference make and maintain the following works shown on the deposited plans and sections (that is to say):—

Work No. 1 (Altnaheglish Reservoir)—

A reservoir situate wholly in the townlands of Teeavan and Magheramore in the parish of Banagher in the rural district of Limavady to be formed by the construction of a dam or embankment across the Altnaheglish River on the line of the boundary between the townlands of Teeavan and Magheramore seven chains or thereabouts eastward from the junction of the Alteena Burn with the Altnaheglish River:

Work No. 2 (Glenedra Reservoir)—

A reservoir situate wholly in the townlands of Templemoyle and Carnanbane in the said parish to be formed by the construction of a dam or embankment across the Glenedra Water or Crooked Burn at a point eighty-seven chains or thereabouts measured in a straight



line in a south-easterly direction from the junction of the Glenedra Water and the Altnaheglish River: A.D. 1918.

Work No. 3—

An aqueduct conduit or line of pipes wholly in the said parish commencing in the townland of Magheramore at the dam or embankment of the Altnaheglish Reservoir (Work No. 1) and terminating at a point in the townland of Templemoyle eleven and a half chains or thereabouts south of the junction of the Glenedra Water and Altnaheglish River:

Work No. 4—

An aqueduct conduit or line of pipes wholly in the said parish commencing in the townland of Templemoyle at the dam or embankment of the Glenedra Reservoir (Work No. 2) and terminating by a junction with Work No. 3 hereinbefore described at its point of termination in the same parish and townland at a point eleven and a half chains or thereabouts south of the junction of the Glenedra Water and Altnaheglish River:

Work No. 5—

An aqueduct conduit or line of pipes wholly in the said parish commencing at the junction of Works Nos. 3 and 4 hereinbefore described in the townland of Templemoyle and terminating in the townland of Aughlish at the intended filter beds (Work No. 6) hereinafter described twenty-nine chains or thereabouts west of the house known as "Fairy Lodge" in the townland of Templemoyle and twenty-seven and a half chains or thereabouts in a north-westerly direction from the junction of the Cushcapal and Templemoyle Roads:

Work No. 6—

Filter beds wholly situate in the townland of Aughlish in the said parish at a point twenty-nine chains or thereabouts west of the house known as "Fairy Lodge" in the townland of Templemoyle and twenty-seven and a half chains or thereabouts in a north-westerly direction from the junction of the Cushcapal and Templemoyle Roads:

Work No. 7—

An aqueduct conduit or line of pipes commencing in the townland of Aughlish in the said parish at the filter beds (Work No. 6) and terminating in the parish of

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Templemore in the city at the existing reservoir of the Londonderry Corporation Waterworks known as the Upper Creggan Reservoir:

Work No. 8 (Catchwater Drain No. 1)—

A catchwater drain or conduit wholly in the said parish of Banagher commencing in the townland of Magheramore in an existing drain at a point nine chains or thereabouts west of the boundary between the townlands of Magheramore and Teeavan and eight chains or thereabouts north of the junction of the Alteena Burn with the Altnaheglish River and terminating in the townland of Teeavan at the north end of the intended dam or embankment of the Altnaheglish Reservoir (Work No. 1):

Work No. 9 (Catchwater Drain No. 2)—

A catchwater drain or conduit wholly in the said parish commencing in an existing drain in the townland of Magheramore at a point eight chains or thereabouts west of the boundary between the townlands of Magheramore and Teeavan and six chains or thereabouts south of the junction of the Alteena Burn with the Altnaheglish River and terminating in the townland of Teeavan at the south end of the intended dam or embankment of the Altnaheglish Reservoir (Work No. 1):

Work No. 10 (Railway)—

A railway (3 miles 56·15 chains in length) wholly in the said parish commencing in the townland of Derrychrier at a point three and a half chains or thereabouts south-west from Derrychrier Post Office at the eastern fence of the public road from Claudy to Dungiven and terminating at a point in the townland of Magheramore two and a half chains or thereabouts west from the boundary line between the townlands of Magheramore and Teeavan and quarter chain or thereabouts from the north bank of the Altnaheglish River:

Work No. 11 (Road)—

A road wholly in the said parish commencing in the townland of Derrychrier at a point three and a half chains or thereabouts south-west from Derrychrier Post Office at the eastern fence of the public road from Claudy to Dungiven and terminating at a point in the

townland of Magheramore two and a half chains or thereabouts west from the boundary line between the townlands of Magheramore and Teeavan and quarter chain or thereabouts from the north bank of the Altnaheglish River: A.D. 1918.

Work No. 12 (Railway)—

A railway (1 mile 20·7 chains in length) wholly in the said parish commencing in the townland of Templemoyle by a junction with Railway Work No. 10 at a point eight chains or thereabouts in a westerly direction from the junction of the Glenedra Water with the Altnaheglish River and one and a half chains or thereabouts south-west of the centre of the Owenrigh River and terminating at a point in the townland of Carnanbane forty-four chains or thereabouts measured in a straight line in a south-easterly direction from the bend of the Glenedra Water at the Ballydoonan Rocks and half a chain or thereabouts north of the Glenedra Water or Crooked Burn:

Work No. 13 (Road)—

A road wholly in the said parish commencing in the townland of Templemoyle by a junction with Road Work No. 11 before described at a point eight chains or thereabouts in a westerly direction from the junction of the Glenedra Water with the Altnaheglish River and one and a half chains or thereabouts south-west of the centre of the Owenrigh River and terminating at a point in the townland of Carnanbane forty-four chains or thereabouts measured in a straight line in a south-easterly direction from the bend of the Glenedra Water at the Ballydoonan Rocks and half a chain or thereabouts north of the Glenedra Water or Crooked Burn:

Work No. 14 (Road)—

A road wholly in the said parish commencing in the townland of Templemoyle at a point near the junction of the Templemoyle Road and Cushcapal Road such point being situated in the west fence or boundary of the said Templemoyle Road eleven and a half chains or thereabouts south of the entrance to the yard of the house known as "Fairy Lodge" and terminating in the townland of Aughlish at the intended filter beds (Work No. 6) hereinbefore described:

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Provided that the Corporation shall not construct the second of the two reservoirs (Work No. 1 and Work No. 2) without the consent of the Local Government Board but it shall be at the option of the Corporation as to which reservoir shall be constructed first.

In addition to the foregoing works the Corporation may upon the said lands make and maintain all such cuts channels catchwaters weirs intakes outlets discharge pipes tunnels aqueducts adits pipes conduits culverts drains sluices bye-washes shafts wells bores water towers overflows waste-water channels gauges filter beds tanks banks walls bridges embankments piers tram-roads roads approaches engines machinery telegraphs telephones and appliances as may be necessary or convenient in connexion with or subsidiary to the before-mentioned works or any or either of them or for the general purposes of the water undertaking or for the purpose of collecting and impounding the waters which the Corporation are by this Act empowered to impound take or divert but nothing in this section shall exonerate the Corporation from any action indictment or other proceeding for nuisance in the event of any nuisance being caused or permitted by them.

As to construction of Work No. 7.

**6.**—(1) Notwithstanding anything contained in this Act or shown on the deposited plans and sections the Corporation shall not carry the aqueduct conduit or line of pipes (Work No. 7) across the River Foyle otherwise than on or under the bed or soil thereof.

(2) At the same time as the Corporation in accordance with the provisions of the section of this Act of which the marginal note is "Works below high-water mark to be subject to approval of Board of Trade" shall submit plans and sections of the said Work No. 7 to the said Board they shall also serve copies of such plans and sections so far as the same relate to the part of the said work to be laid on or under the bed or soil of the River Foyle upon the Londonderry Port and Harbour Commissioners and the Board of Trade before approving any such plans and sections shall consider any representations which may be made to them by the said Commissioners.

Limits of deviation for waterworks.

**7.** Subject to the provisions of this Act the Corporation may in the construction of the works authorised by this Part of this Act deviate laterally to any extent not exceeding the

limits of lateral deviation shown on the deposited plans and where on any road no such limits are shown the boundaries of such road shall be deemed to be such limits and they may also deviate vertically from the levels shown on the deposited sections to any extent not exceeding five feet upwards and to any extent downwards Provided as follows (that is to say):—

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The Corporation shall not construct any embankment or wall of any reservoir by this Act authorised of a greater height above the general surface of the ground than that shown on the deposited sections in respect of the corresponding embankment or wall and three feet in addition ;

Except for the purposes of crossing over a stream or railway no part of the aqueducts conduits or lines of pipes shall be raised above the surface of the ground unless and except so far as is shown on the deposited sections :

Provided that no deviation either lateral or vertical below high-water mark shall be made without the consent in writing of the Board of Trade.

8. The railways shall be constructed on such gauge not exceeding four feet eight and one-half inches as the Corporation think fit. Gauge of railways.

9. The provisions of sections 18 to 23 of the Railways Clauses Consolidation Act 1845 shall for the purposes of the construction of the railways by this Act authorised extend and apply to the water and gas mains pipes and apparatus of any district council and shall be construed as if "district council" were mentioned in those sections in addition to "company or society" Provided that any penalties recovered under section 23 shall be appropriated to that fund of the local authority to which their revenues in respect of water or gas (as the case may be) are appropriated. Protection of gas and water mains of local authorities.

10. Subject to the provisions in the Railways Clauses Consolidation Act 1845 and in Part I (relating to the construction of a railway) of the Railways Clauses Act 1863 contained in reference to the crossing of roads on the level so far as those provisions are incorporated in this Act the Corporation may in the construction of the railway carry the same with a single line only whilst the railway shall consist of a single line Power to cross certain roads on level.

A.D. 1918. and afterwards with a double line only across and on the level of the roads next hereinafter mentioned (that is to say) :--

Nos. on deposited Plans.	Parish.	Description of Road.
474	Banagher	Public Road.
482	"	"
520	"	"
151	"	"

Power to divert footpath.

11. The Corporation may in the construction of the road (Work No. 11) by this Act authorised divert the public footpath numbered 151A on the deposited plans for the townland of Templemoyle in the manner shown upon the deposited plans and sections and subject to the provisions of this Act may stop up and cause to be discontinued as a footpath so much of the existing footpath as will be rendered unnecessary by the new portion of road so shown on the said plans.

Repairs of road substituted for diverted footpath.

12. The new portion of the said road (Work No. 11) substituted for the diverted footpath described in the section of this Act of which the marginal note is "Power to divert footpath" shall (unless otherwise expressly agreed) be repaired and maintained by the respective bodies or persons liable to repair and maintain the said footpath as existing previously to the diversion thereof.

The Corporation and any such body or person may enter into and fulfil agreements for and in relation to the construction of and for or in relation to the repair and maintenance of such diverted footpath.

As from the completion of the new portion of the said road all rights of way over or along the existing footpath or portion thereof shall be extinguished and the Corporation may subject to the provisions of the Railways Clauses Consolidation Act 1845 with respect to mines lying under or near to the railway appropriate and use for the purposes of their undertaking the site of the portion of footpath stopped up as far as the same is bounded on both sides by lands of the Corporation :

Provided that the Corporation shall make full compensation to all parties interested in respect of any private rights of way extinguished by virtue of this section and such compensation shall be settled in manner provided by the Lands Clauses Acts

with reference to the taking of lands otherwise than by agreement. A.D. 1918.

**13.** The provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets shall apply with the necessary modifications to the construction laying down erection and maintenance in any streets or roads of the aqueducts conduits or lines of pipes by this Act authorised and of any discharge pipes telephone or telegraph posts wires conductors or apparatus which the Corporation may and are hereby authorised to lay down or erect for the purposes of the water undertaking and in construing those provisions the expression "the limits of the special Act" shall for the purposes of this Act be deemed to include any street which the Corporation require to open and break up for laying down any lines of pipes or works therein in exercise of the powers of this Act.

Application of Waterworks Clauses Act 1847 to pipes &c.

**14.** No telephone or telegraph posts wires conductors or other apparatus erected laid down made or maintained under the authority of this Act shall be used for transmitting telegrams which are within the exclusive privilege conferred on the Postmaster-General by the Telegraph Act 1869.

For protection of Postmaster-General.

**15.** If the works by this Part of this Act authorised be not completed within ten years from the passing of this Act or in the case of Work No. 1 and Work No. 2 within such further period (if any) as the Local Government Board shall from time to time by order prescribe then on the expiration of that period or further period the powers by this Part of this Act granted to the Corporation for making and completing the same or otherwise in relation thereto shall cease except as to so much thereof as is then completed.

Period for completion of works.

**16.** Subject to the provisions of this Act any of the works authorised by this Act to be constructed on over or under tidal lands below high-water mark of ordinary spring tides shall be constructed only in accordance with such plans and sections and subject to such restrictions and regulations as previous to such works being commenced have been approved by the Board of Trade in writing under the hand of one of the secretaries or assistant secretaries of the Board of Trade Any alteration or extension of any such works shall be subject to the like approval If any such work be commenced or completed contrary to the provisions of this section the Board of Trade may abate and remove the same and restore the site thereof to its

Works below high-water mark to be subject to approval of Board of Trade.

A.D. 1918. former condition at the cost of the Corporation and the amount of such cost shall be a debt due from the Corporation to the Crown and shall be recoverable as a Crown debt or summarily.

Survey of works by Board of Trade.

**17.** If at any time the Board of Trade deems it expedient for the purposes of this Act to order a survey and examination of a work constructed by the Corporation on in over through or across tidal lands or tidal water or of the intended site of any such work the Corporation shall defray the expense of the survey and examination and the amount thereof shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Abatement of work abandoned or decayed.

**18.** If a work constructed by the Corporation on in over through or across tidal lands or a tidal water is abandoned or suffered to fall into decay the Board of Trade may abate and remove the work or any part of it and restore the site thereof to its former condition at the expense of the Corporation and the amount of such expense shall be a debt due from the Corporation to the Crown and be recoverable as a Crown debt or summarily.

Provision against danger to navigation.

**19.** In case of injury to or destruction or decay of any work or any part thereof constructed by the Corporation on in over through or across tidal lands or a tidal water the Corporation shall lay down such buoys exhibit such lights or take such other means for preventing so far as may be danger to navigation as shall from time to time be directed by the Commissioners of Irish Lights and shall apply to those Commissioners for directions as to the means to be taken and the Corporation shall be liable to a penalty not exceeding ten pounds for every calendar month during which they omit so to apply or refuse or neglect to obey any direction given in reference to the means to be taken.

Lights on works during construction.

**20.** The Corporation shall at or near the works below high-water mark hereby authorised during the whole time of the constructing altering or extending the same exhibit and keep burning at their own expense every night from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Board of Trade from time to time require or approve If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.



**21.** The Corporation shall at the outer extremity of their works below high water exhibit and keep burning from sunset to sunrise such lights (if any) and take such other steps for the prevention of danger to navigation as the Commissioners of Irish Lights shall from time to time direct. If the Corporation fail to comply in any respect with the provisions of this section they shall for each day in which they so fail be liable to a penalty not exceeding twenty pounds.

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Permanent  
lights on  
works.

**22.** If after the construction of the aqueduct conduit or line of pipes (Work No. 7) by this Act authorised across the River Foyle on or under the bed or soil thereof it is proved to the satisfaction of the Board of Trade that works for the improvement of the navigation of the said river are about to be executed by the deepening of the bed of the river and that the position of the said Work No. 7 will prevent the execution of such works the Corporation shall after receiving six months' notice in writing from the Board of Trade to that effect alter the position of the said Work No. 7 so far as the same is laid on or under the bed or soil of the river in such manner and to such extent as the said Board shall require.

For protec-  
tion of navi-  
gation of  
River Foyle.

**23.** For the protection of the Great Northern Railway Company (Ireland) (in this section called "the company") the following provisions shall unless otherwise agreed in writing between the company and the Corporation have effect (that is to say):—

For protec-  
tion of Great  
Northern  
Railway  
Company  
(Ireland).

(1) So much of the aqueduct conduit or line of pipes (Work No. 7) by this Act authorised (in this section referred to as "the said conduit") as will cross the railway and property of the company shall be carried thereunder and shall be of such design depth and materials as shall be reasonably approved by the engineer of the company and shall be constructed and completed in accordance with working plans sections and specifications to be submitted to and reasonably approved by the said engineer previously to the commencement of the works affecting the property of the company:

(2) The said conduit shall be constructed and for ever maintained by and at the expense of the Corporation but under the superintendence and to the reasonable satisfaction in all respects of the said engineer and

A.D. 1918.

all operations connected therewith shall be conducted in such manner as not to injure or endanger the stability of the railway of the company or to cause any interruption impediment or inconvenience to the traffic thereon :

(3) If and whenever in the execution or maintenance of the said conduit or any works of the Corporation in connexion therewith or by reason or in consequence of the bursting or failure of any such work any injury be caused to the works or property of the company the Corporation shall pay all damages costs charges and expenses incurred by the company by reason or in consequence of such injury and shall indemnify the company against all claims and demands arising thereout :

(4) In the event of any difference arising between the Corporation and the company or their respective engineers in respect of any of the matters or things provided for by this section the same shall be submitted and referred to and determined by an arbitrator to be agreed upon between the Corporation and the company or failing such agreement to be appointed by the Commissioners of Public Works in Ireland on the application of either party after notice in writing to the other of them and the award of such arbitrator shall be final and not subject to appeal or review.

Power to  
take waters.

**24.** Subject to the provisions of this Act the Corporation may collect impound take use divert and appropriate for the purposes of the water undertaking the waters of the following streams (namely) the Altnaheglisk River the Glenedra Water or Crooked Burn the Altbritain Burn the Stranacurry Burn the Alteena Burn the Altabroggy Burn the Altagarran Burn the Glack Burn and the Altamuida Burn and the tributaries thereof and all other brooks streams springs and surface or other drainage waters as may be taken or intercepted by the works by this Act authorised.

Temporary  
discharge  
of water into  
streams.

**25.—**(1) For the purpose of constructing enlarging extending repairing cleansing or examining the aqueducts reservoirs and other waterworks of the Corporation the Corporation may subject to the provisions of this Act cause the water in such works or

any of them to be temporarily discharged into any available stream or watercourse Provided that any water so discharged shall be as free as may be reasonably practicable from mud or solid or offensive matter and so far as is reasonably practicable shall not be discharged in such a manner as to cause injury to fish or spawn or spawning beds. A.D. 1918.

(2) In the exercise of the power conferred by this section the Corporation shall do as little damage as may be and shall pay compensation to all persons for all damage sustained by them by the exercise of such power the amount of compensation to be settled in default of agreement by arbitration.

**26.** The Corporation may on all or any of the lands for the time being held by them in connexion with the water undertaking execute for the purposes of or in connexion with such undertaking any of the works mentioned in section 12 of the Waterworks Clauses Act 1847 and the provisions of that section shall be extended so as to provide that any mains pipes or other works laid by the Corporation under the provisions of the former Acts the Public Health Acts or this Act and which may not be required for the purposes for which they were originally laid may be taken up and removed by the Corporation and for such purpose the Corporation shall have the right to enter upon any land upon which such mains pipes or other works may be laid Provided that the Corporation shall not under the powers of this section create or permit the creation or continuance of any nuisance on any such lands nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connexion with the water undertaking. As to exercise of powers of section 12 of Waterworks Clauses Act 1847.

**27.** For the purpose of enabling them to give a supply of water under the provisions of any of the former Acts and this Act or any or either of them the Corporation shall have and may exercise the powers which a sanitary authority would have under section 64 of the Public Health (Ireland) Act 1878 with respect to the carrying of water mains within and without their district. Application of provisions of Public Health Act as to laying water mains.

**28.—**(1) The Corporation shall erect fit up and maintain or provide— Accommodation for workmen

(A) Such huts or buildings for the accommodation of the persons employed in and about the construction of construction of reservoirs.

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the reservoirs (Works Nos. 1 and 2) authorised by this Act;

(B) Such hospital accommodation for the treatment of cases of sickness or accident among such persons including accommodation for dealing with infectious diseases;

(c) Such proper and sufficient sanitary accommodation in connexion with every such building and hospital;

as shall be required by the Local Government Board having regard to the accommodation available in the neighbourhood of or conveniently accessible from the said works.

(2) The Corporation shall pay all reasonable costs incurred under subsection (1) of this section including the costs and expenses of the medical and surgical treatment of any person employed in the construction of the said works who is treated in hospital accommodation erected or provided by the Corporation.

(3) Any inspector of the Local Government Board or other person authorised by them shall be entitled at any time to enter into and inspect and examine any such building or hospital in order to ascertain that the same is provided with proper and sufficient sanitary arrangements and that overcrowding is not permitted therein. If such inspector or other person be obstructed in the performance of his duty under this subsection the person so obstructing shall be liable on summary conviction to a fine not exceeding forty shillings.

(4) If the Corporation fail to arrange for the provision or maintenance of such buildings hospitals or accommodation in accordance with the provisions of this section or to comply with any direction or requirement of the Local Government Board in relation thereto they shall be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for every day on which the offence is continued after conviction and such penalties may be recovered by the Local Government Board by action in the High Court or in the case of penalties not exceeding one hundred pounds before a court of summary jurisdiction.

New works and lands to form part of water undertaking of Corporation.

**29.** The works constructed by the Corporation and the lands hereditaments and easements acquired by them for the purposes of the water undertaking under the powers of this Act shall so long as the same respectively are vested in the

Corporation form part of the water undertaking and subject to the provisions of this Act the water undertaking shall be and continue to be carried on by the Corporation under and subject to the powers and provisions of the Public Health Acts relating to water supply. A.D. 1918.

### PART III.

#### STREET IMPROVEMENT.

**30.** Subject to the provisions of this Act the Corporation may in the lines and according to the levels shown upon the deposited plans and sections and described in the deposited book of reference make and maintain the street improvement and works within the city hereinafter described together with all proper works and conveniences connected therewith (that is to say) :— Power to make street improvement and works.

A widening and improvement of Joseph Street and a continuation of that street to form a junction with Fahan Street.

**31.** Subject to the provisions of this Act and within the limits of deviation defined upon the deposited plans the Corporation in connexion with and for the purposes of the said improvement and works may make junctions and communications with any existing streets intersected or interfered with by or contiguous to the said street improvement and works and may divert widen or alter the line or alter the level of any existing street for the purpose of connecting the same with the said street improvement and works. Power to make subsidiary works.

**32.** The sites of all houses and all lands purchased by the Corporation under the powers of this Act and laid into or appropriated for or as part of a street shall when so laid or appropriated be and for ever thereafter form part of the public streets and shall be repaired and maintained in like manner and out of the like fund or rate as other streets in the city. Lands laid into streets to be public highways.

**33.** In the construction of the works authorised by this Part of this Act the Corporation may deviate laterally to any extent not exceeding the limits of lateral deviation shown on the deposited plan thereof respectively and may deviate vertically from the levels shown on the deposited section thereof respectively to any extent not exceeding two feet upwards and two feet downwards. Limits of deviation for street works.

A.D. 1918.

PART IV.

LANDS.

Power to acquire lands.

**34.** Subject to the provisions and for the purposes of this Act the Corporation may enter on take and use all or any of the lands delineated on the deposited plans and described in the deposited book of reference.

Power to acquire other lands in connexion with water undertaking.

**35.** Subject to the provisions of this Act the Corporation may enter on take and use for the purposes of or connected with the water undertaking the lands in the county of Londonderry hereinafter described or any part or parts thereof so far as those lands are shown on the deposited plans and described in the deposited book of reference and included within the limits of land to be acquired shown upon those plans (that is to say):—

(A) An area of land in the parish of Banagher in the rural district of Limavady including among other lands the watershed or parts of the watershed of the Glenedra Water or Crooked Burn and the Altnaheglish River the Altbritain Burn the Stranacurry Burn the Alteena Burn the Altabroggy Burn the Altagarran Burn the Glack Burn the Altamuida Burn and the tributaries thereof and all other brooks streams springs surface or other drainage waters on the said catchment area The said land is situated in the following townlands (namely) Magheramore Teeavan Carnanbane Templemoyle and Glenedra :

(B) All that area of land situate in the townland of Corrody in the parish of Clondermot in the Londonderry No. 1 Rural District and containing forty-seven acres statute measure or thereabouts on part of which the Corrody Reservoir of the Londonderry Corporation Waterworks is situate and at present in the occupation of the Corporation :

(c) All that area of land containing 1·7 statute acres or thereabouts situate in the townland of Tamnymore (E.D. Waterside) in the parish of Clondermot in the Londonderry No. 1 Rural District now in the occupation of Andrew Watson.

Power to acquire other lands in connexion with

**36.** Subject to the provisions of this Act the Corporation may enter on take and use for the purposes of or connected with the trolley vehicle and motor omnibus undertaking or for

other the purposes of the Corporation the lands in the city hereinafter described or any part or parts thereof so far as those lands are shown on the deposited plans and described in the deposited book of reference and included within the limits of land to be acquired shown upon those plans (that is to say):—

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trolley vehicle undertaking &c.

- (A) All that area of land situate on the east side of the Strand Road in the parish of Templemore in the city and now in the occupation of J. Ballintine Limited:
- (B) All that area of land situate on the east side of the Strand Road in the said parish and now in the occupation of Sir John McFarland Baronet and the City of Derry Tramways Company Limited:
- (c) All that area of land situate on the east side of the Strand Road in the said parish and now in the occupation of J. and J. Cooke.

**37.** The acquisition by the Corporation under the powers of this Act of the lands referred to in the section of this Act of which the marginal note is "Power to acquire other lands in connexion with trolley vehicle undertaking &c." or any of those lands shall not prejudice any application which the Londonderry Port and Harbour Commissioners may make for statutory power to acquire the said lands or any part thereof for port or harbour purposes.

Acquisition by Corporation of certain lands not to prejudice subsequent applications for acquisition by Port and Harbour Commissioners.

**38.** If there be any omission mis-statement or wrong description of any lands or of the owners lessees or occupiers of any lands shown on the deposited plans or specified in the deposited book of reference the Corporation after giving ten days' notice to the owners lessees and occupiers of the land in question may apply to two justices acting for the county of Londonderry in the case of lands situate in that county or for the city in the case of lands situate in the city for the correction thereof and if it appear to the justices that the omission mis-statement or wrong description arose from mistake they shall certify the same accordingly and they shall in their certificate state the particulars of the omission and in what respect any such matter is mis-stated or wrongly described and such certificate shall be deposited with the clerk of the peace for the county of Londonderry or for the city as the case may be and a duplicate thereof shall also be deposited with the clerks of the district councils of the districts in which the lands affected thereby are situate or with the town clerk if the lands affected thereby are situate in the city and such certificate

Correction of errors in deposited plans and book of reference.

A.D. 1918. — and duplicate respectively shall be kept by such clerks of the peace clerks of district councils and town clerk respectively with the other documents to which the same relate and thereupon the deposited plans and book of reference shall be deemed to be corrected according to such certificate and it shall be lawful for the Corporation to take the lands and execute the works in accordance with such certificate.

Period for compulsory purchase of lands.

**39.** The powers of the Corporation for the compulsory purchase of lands or easements under this Act shall not be exercised after the expiration of five years from the passing of this Act.

Persons under disability may grant easements &c.

**40.** Persons empowered by the Lands Clauses Acts to sell and convey or release lands may if they think fit subject to the provisions of those Acts and of this Act grant to the Corporation any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) required for the purposes of this Act in or over or affecting any such lands and the provisions of the said Acts with respect to lands and rentcharges so far as the same are applicable in this behalf shall extend and apply to such grants and to such easements rights and privileges as aforesaid respectively.

Power to retain sell &c. lands.

**41.** Notwithstanding anything in the Lands Clauses Acts or in any other Act or Acts to the contrary the Corporation may retain hold and use for such time as they may think fit or may sell lease exchange or otherwise dispose of in such manner and for such consideration and purpose and on such terms and conditions as they may think fit and in case of sale or exchange either in consideration of the execution of works or of a supply of water or of the payment of a gross sum or of an annual rent or of any payment in any other form any lands or any interest therein acquired or held by them for the purposes of or in connexion with or as part of the water undertaking and may sell exchange or dispose of any rents reserved on the sale lease exchange or disposition of such lands or interests therein and may make do and execute any deed act or thing proper for effectuating any such sale lease exchange or other disposition and on any exchange may give or take any money for equality of exchange.

Provisions as to compensation.

**42.** In determining any question of disputed purchase money or compensation payable in respect of lands taken in pursuance



of this Act the arbitrator to whom any such question is referred shall not award any sum of money for or in respect of any improvement alteration or building made or erected or for or in respect of any interest in the land created after the eighteenth day of November one thousand nine hundred and seventeen if in the opinion of the arbitrator the improvement alteration or building or the creation of the interest in respect of which the claim is made was not reasonably necessary and was made erected or created with a view to obtaining or increasing compensation under this Act. A.D. 1918.

**43.** The provisions of the Lands Clauses Consolidation Act 1845 with respect to the purchase money coming to parties having limited interests or prevented from treating or not making title shall apply to any purchase money or compensation payable under the provisions of this Act. Application of purchase money in certain cases.

**44.**—(1) The arbitrator to whom any question of disputed purchase money or compensation under this Act is referred shall if so required by the Corporation award and declare whether a statement in writing of the amount of compensation claimed has been delivered to the Corporation by the claimant giving sufficient particulars and in sufficient time to enable the Corporation to make a proper offer and if the arbitrator shall be of opinion that no such statement giving sufficient particulars and in sufficient time shall have been delivered and that the Corporation have been prejudiced thereby the arbitrator shall have power to decide whether the claimant's costs or any part thereof shall be borne by the claimant. Costs of arbitration in certain cases.

(2) Provided that it shall be lawful for any judge of the High Court to permit any claimant after seven days' notice to the Corporation to amend the statement in writing of the claim delivered by him to the Corporation in case of discovery of any error or mistake therein or for any other reasonable cause such error mistake or cause to be established to the satisfaction of the judge after hearing the Corporation if they object to the amendment and such amendment shall be subject to such terms enabling the Corporation to investigate the amended claim and to make an offer de novo and as to postponing the hearing of the claim and as to costs of the inquiry and otherwise as to such judge may seem just and proper under all the circumstances of the case.

(3) Provided also that this section shall be applicable only in cases where the schedule deposited by the Corporation of the

A.D. 1918. — lands required by them either contained or was endorsed with a notice to the effect of this section.

Corporation may acquire easements only in certain cases.

**45.**—(1) The Corporation may in lieu of acquiring any lands for the purposes of the works authorised by this Act where the same are intended to be constructed underground acquire such easements only in such lands as they may require for such purposes and may in any schedule deposited by the Corporation of the lands required by them give notice of their intention to acquire such easements describing the nature thereof and the provisions of the Lands Clauses Acts shall apply to and in respect of the acquisition of such easements as fully as if the same were lands within the meaning of those Acts.

(2) As regards any lands in respect of which the Corporation have acquired easements only under the provisions of this section the Corporation shall not be required or entitled to fence off or sever such lands from the adjoining lands but the owners or occupiers for the time being shall subject to such easements have the same rights to use and cultivate the said lands at all times as if this Act had not passed.

(3) Provided always that nothing in this section contained shall authorise the Corporation to acquire by compulsion any such easement in any case in which the owner in his statement of claim shall require the Corporation to acquire the lands in respect of which they have given notice of intention to acquire an easement only.

(4) The provisions of this section shall be stated in every schedule deposited by the Corporation wherein notice of intention to acquire an easement only is included.

Owners may be required to sell parts only of certain lands and buildings.

**46.** And whereas in the construction of the works by this Act authorised or otherwise in the exercise by the Corporation of the powers of this Act it may happen that portions only of certain properties shown or partly shown on the deposited plans will be sufficient for the purposes of the Corporation and that such portions or some other portions less than the whole can be severed from the remainder of the said properties without material detriment thereto Therefore the following provisions shall have effect:—

(1) The owner of and persons interested in any of the properties whereof the whole or part is described in the Second Schedule to this Act and whereof a portion only is required for the purposes of the Corporation

or each or any of them are hereinafter included in the term "the owner" and the said properties are hereinafter referred to as "the scheduled properties":

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- (2) If for twenty-one days after the last newspaper publication of the notice of appointment of arbitrator and deposit of schedules and maps of the lands required by the Corporation the owner shall fail to notify in writing to the Corporation that he alleges that such portion cannot be severed from the remainder of the property without material detriment thereto he may be required to sell and convey to the Corporation such portion only without the Corporation being obliged or compellable to purchase the whole the Corporation paying for the portion so taken and making compensation for any damage sustained by the owner by severance or otherwise:
- (3) If within such twenty-one days the owner shall by notice in writing to the Corporation allege that such portion cannot be so severed the arbitrator to whom the question of disputed compensation shall be submitted (hereinafter referred to as "the arbitrator") shall in addition to the other questions required to be determined by him determine whether the portion of the scheduled property specified in the schedules and maps deposited by the Corporation of the lands required by them can be severed from the remainder without material detriment thereto and if not whether any and what other portion less than the whole (but not exceeding the portion over which the Corporation have compulsory powers of purchase) can be so severed:
- (4) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps or any such other portion as aforesaid can be severed from the remainder without material detriment thereto the owner may be required to sell and convey to the Corporation the portion which the arbitrator shall have determined to be so severable without the Corporation being obliged or compellable to purchase the whole the Corporation paying such sum for the portion taken by them including compensation for any damage sustained by the owner by

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severance or otherwise as shall be awarded by the arbitrator :

- (5) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps can notwithstanding the allegation of the owner be severed from the remainder without material detriment thereto the arbitrator may in his absolute discretion determine and order that the costs charges and expenses incurred by the owner incident to the arbitration shall be borne and paid by the owner :
- (6) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto (and whether or not he shall determine that any other portion can be so severed) the Corporation may delete the said portion from the said schedules and maps and thereupon they shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of the inclusion of such portion in the said schedules and maps :
- (7) If the arbitrator determine that the portion of the scheduled property specified in the said schedules and maps cannot be severed from the remainder without material detriment thereto but that any such other portion as aforesaid can be so severed the Corporation in case they shall not agree to delete from the said schedules and maps the portion first included may amend such schedules and maps by substituting therein the portion which the arbitrator shall determine can be so severed as aforesaid for the said portion first included and shall pay to the owner all costs charges and expenses reasonably and properly incurred by him in consequence of such inclusion or such portion of such costs charges and expenses as the arbitrator shall having regard to the circumstances of the case and his final determination think fit.

The provisions of this section shall be in force notwithstanding anything in the Lands Clauses Acts contained and nothing contained in or done under this section shall be held as determining or as being or implying an admission that any of the scheduled properties or any part thereof is or is not or but

for this section would or would not be subject to the provisions of section 92 of the Lands Clauses Consolidation Act 1845. A.D. 1918.

The provisions of this section shall be stated in every schedule deposited by the Corporation wherein a portion of any of the scheduled properties is included as proposed to be acquired compulsorily.

**47.** All private rights of way over any lands which shall under the powers of this Act be acquired compulsorily shall as from the date of such acquisition be extinguished. Provided that the Corporation shall make full compensation to all parties interested in respect of any such rights and such compensation shall be settled in manner provided by the Lands Clauses Acts with reference to the taking of lands otherwise than by agreement. As to private rights of way over lands taken compulsorily.

**48.** Subject to the provisions of this Act the Corporation in addition to any other lands which they are by this Act authorised to acquire or hold may by agreement purchase or take on lease and hold for the purposes of the water undertaking any lands or any easement right or privilege (not being an easement right or privilege of water in which persons other than the grantors have an interest) over or in respect of lands which the Corporation may deem necessary for their purposes but the quantity of lands held by the Corporation in pursuance of this section shall not at any time exceed thirty acres. Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands purchased or taken on lease under this section nor erect any buildings thereon except offices and dwellings for persons in their employment and such buildings and works as may be incident to or in connexion with the water undertaking. Power to purchase additional lands by agreement.

**49.—(1)** For the purpose of protecting any of their waters and waterworks against pollution fouling contamination nuisance encroachment or injury the Corporation may by agreement purchase acquire and take on lease any lands and may hold such lands and any other lands which the Corporation may have acquired for the purposes of the water undertaking or are by this Act authorised to acquire so long as they shall deem it necessary or expedient for those purposes. Provided that the Corporation shall not create or permit the creation or continuance of any nuisance on any lands acquired under this section or erect any buildings thereon except offices storehouses and dwelling-houses for persons in their employment in connexion Power to purchase and hold lands and exercise powers for protection of waters and waterworks.

A.D. 1918. with the water undertaking and such buildings and works as may be incident to or connected with the said undertaking.

(2) The Corporation may in and upon the lands referred to in subsection (1) of this section construct and lay down drains sewers watercourses and other works and conveniences necessary or proper for the purpose of intercepting or taking any foul waters arising or flowing upon such lands or necessary or proper for preventing the water which the Corporation are empowered to take from being polluted and the Corporation may for the purposes aforesaid carry any such drain sewer or watercourse under across or along any street or road subject and according to the provisions of the Waterworks Clauses Act 1847 with respect to the breaking up of streets for the purpose of laying pipes.

Power to agree as to drainage of lands &c.

50. The Corporation may make and carry into effect agreements with the owners lessees or occupiers of any lands from through or under which any water may flow or percolate directly or derivatively into any work constructed or maintained in connexion with the water undertaking under the powers of this Act with reference to the execution by the Corporation or such owners lessees or occupiers of such works as may be necessary for the purpose of draining such lands or any of them or for more effectually collecting conveying and preserving the purity of the waters so flowing or percolating.

Reservation of water rights &c. on sale.

51. The Corporation on selling any lands acquired by them in connexion with the water undertaking and not required for the purposes of that undertaking may reserve to themselves all or any part of the water rights or other easements belonging thereto and may make the sale subject to such reservations accordingly and may also make any such sale subject to such other reservations special conditions restrictions and provisions with respect to the use of water exercise of noxious trades or discharge or deposit of manure sewage or other impure matter and otherwise as they may think fit.

Dwelling-houses and other buildings.

52. The Corporation may purchase or take on lease houses cottages and other buildings for persons in their employ in connexion with any of their undertakings and offices storehouses and other buildings for the purposes of those undertakings and may erect fit up maintain and let any such building upon any lands for the time being belonging or leased to the Corporation for the purposes of those undertakings.

**53.** The Corporation may during the execution and for the purposes of constructing any work by this Act authorised stop up any street and prevent for any reasonable time all persons other than foot passengers bonâ fide going to or returning from any house in the street from passing along and using the same The Corporation shall provide reasonable access for foot passengers so bonâ fide going to or returning from any such house.

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Temporary  
stoppage of  
streets.

**54.** The Corporation shall not under the powers of this Act purchase or acquire in any urban district any house or houses which on the fifteenth day of December last were occupied either wholly or partly by thirty or more persons belonging to the working class as tenants or lodgers or except with the consent of the Local Government Board any house or houses in any urban district which were not so occupied on the said fifteenth day of December but have been or shall be subsequently so occupied.

Restrictions  
on displac-  
ing persons  
of working  
classes.

If the Corporation acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions they shall be liable to a penalty of five hundred pounds in respect of every such house which penalty shall be recoverable by the Local Government Board by action in the High Court and shall be carried to and form part of the Consolidated Fund of the United Kingdom Provided that the court may if they think fit reduce such penalty.

For the purposes of this section the expression "house" means any house or part of a house occupied as a separate dwelling and the expression "working class" means mechanics artisans labourers and others working for wages hawkers costermongers persons not working for wages but working at some trade or handicraft without employing others except members of their own family and persons other than domestic servants whose income in any case does not exceed an average of thirty shillings a week and the families of any such persons who may be residing with them.

**55.** For the protection of the Honourable the Irish Society (in this section called "the society") and their lessees the following provisions shall unless otherwise agreed between the Corporation and the society have effect (that is to say):—

For protec-  
tion of the  
Irish Society  
and others.

- (1) Notwithstanding anything contained in this Act or shown on the deposited plans or described in the deposited

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book of reference the Corporation shall not except as hereinafter mentioned acquire any portion of any lands belonging to the society or the bed or soil of the rivers tributaries or streams the bed or soil of which are vested in the society or in which rivers tributaries or streams the society have fishery and fishing rights (all of which rivers tributaries and streams are hereinafter referred to as "the society's rivers") but the society shall if required by the Corporation grant and convey to the Corporation and the Corporation may acquire an easement of constructing and maintaining the works shown on the deposited plans and sections across on under or over the society's rivers or any variations thereof in accordance with the provisions of this section and the provisions of the Lands Clauses Acts with reference to the acquisition of lands shall apply to the acquisition of such easements as if the same were lands within the meaning of such Acts Provided always that the provisions of this subsection shall not apply in the case of (1) any lands or the bed and soil of the rivers Altnaheglish or Glenedra Water or Crooked Burn which may be required for the purposes of Work No. 1 or Work No. 2 or (2) the portions of such rivers or tributaries thereof above such works or (3) any lands including such portions of the bed and soil of the said rivers and tributaries and the River Owenrigh as are included within the limits of deviation and limits of land which may be acquired shown upon the deposited plans and as lie between the said works and the point marked "Footbridge" on the said plans for the parish of Banagher and townland of Templemoyle and numbered 521 on such plans or (4) lands described or referred to in the section of this Act the marginal note whereof is "Power to acquire other lands in connexion with trolley vehicle undertaking &c." and it shall be lawful for the Corporation to purchase such lands and portions of rivers or tributaries under the provisions of this Act subject to the provisions of the Lands Clauses Acts incorporated therewith Provided always that the Corporation shall not interfere with the flow of the water of and in the Finglen River



into and down the Owenrigh River Provided further that when and so soon as the Corporation shall have deposited in accordance with the provisions of the Lands Clauses Acts maps or plans schedules and estimates in respect of any lands and easements which they are by this Act authorised to acquire from the society other than the lands (4) described in this subsection they shall be entitled to take possession of the same and the society shall not make or be required to make any claim in respect thereof or any other claim which they are entitled to make under the provisions of the Lands Clauses Acts until two years after the aqueduct (Work No. 7) by this Act authorised shall have been carried across the River Foyle on or under the bed or soil thereof and any such claims when made by the society shall notwithstanding anything in the Railways (Ireland) Act 1851 or any Act amending the same be determined by an arbitrator appointed in accordance with the provisions of subsection (6) of this section and such arbitrator shall include in his award such additional sum for interest as he shall find to be reasonable but this proviso shall not apply to or affect any existing or future lessees of the society unless they agree thereto in writing:

- (2) Before constructing any works across over or under or affecting the society's rivers the Corporation shall submit to the society plans and sections of the works to be so constructed so far as they affect the society's rivers:
- (3) Notwithstanding anything contained in this Act or shown on the deposited plans the Corporation shall carry the aqueduct conduit or line of pipes (Work No. 7) across the River Foyle on or under the bed or soil thereof as close as possible to the north-eastern limit of deviation of the present centre line of such work as shown on the deposited plans where it crosses the river:
- (4) In constructing the works authorised by this Act so far as they affect the society's rivers the Corporation shall interfere as little as may be with the several fisheries of the society or with the exercise of any

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of the fishing rights of the society or of their lessees and the Corporation shall take all reasonable precautions to avoid impeding capturing, injuring or destroying the fish and fry and the salmon spawn and spawning beds :

- (5) The Corporation shall during the construction of the works by this Act authorised or any of them take or cause to be taken all such steps as are practicable to prevent the escape or discharge from the said works or from land in the occupation of the Corporation into the society's rivers or any tributaries or streams communicating therewith or belonging thereto of any solid or liquid substance matter or thing detrimental to fish fry or salmon spawn or spawning beds in such a manner as may be detrimental to fish fry salmon spawn or spawning beds and in the event of any damage being caused to the fisheries in such waters or in any river into which such waters flow by reason of any failure to take such steps as are required by this section compensation for the damage shall be payable by the Corporation to the society and in case of dispute the amount of such damage shall be determined by arbitration :
- (6) The consideration to be paid by the Corporation to the society for any lands or easements acquired by them from the society or any case of disputed compensation (notwithstanding anything in the Railways (Ireland) Act 1851 or any Act amending the same) or any other difference which may arise between the Corporation and the society as to any matter under this section shall in default of agreement be settled by an arbitrator to be agreed upon between the parties or failing agreement to be appointed by the President of the Institution of Civil Engineers of Ireland and subject thereto the provisions of the Lands Clauses Acts shall apply to such arbitration.

#### PART V.

##### GENERAL PROVISIONS RELATING TO WATER SUPPLY.

As to supply  
to farm-  
houses.

**56.** Where a supply of water to a farmhouse is used for farming purposes the Corporation may require that the supply

for farming purposes shall be taken by meter but nothing in this section shall authorise the Corporation to refuse a supply of water for domestic purposes to a farmhouse at the ordinary rate. A.D. 1918.

**57.** The Corporation shall not be bound to supply with water otherwise than by measure any building used by an occupier as a dwelling-house whereof any part is used by the same occupier for any trade or manufacturing purpose for which water is required or any hospital school or public institution (other than a union workhouse) maintained in whole or in part by or at the expense of any authority other than the Corporation. As to supply to houses partly used for trade and schools.

**58.** When water supplied for domestic purposes is used for washing carriages or motor cars or for other purposes in premises where carriages or motor cars are kept the Corporation may if a hose pipe or other similar apparatus is used charge such additional sum not exceeding twenty shillings per annum as they may prescribe and any sum charged under this section shall be recoverable in the same manner as local rates. Supply of water by hose pipe for washing carriages &c.

**59.** The Corporation shall not be bound to supply more than one house by means of the same communication pipe and they may if they think fit require that a separate pipe be laid from the main pipe into each house supplied by them with water. Corporation not bound to supply several houses by one pipe.

**60.** A notice to the Corporation from a consumer for the discontinuance of a supply of water shall not be of any effect unless it be in writing signed by or on behalf of the consumer and be left at or sent by post to the office of the Corporation or be given by the consumer personally at the office of the Corporation. Notice of discontinuance.

**61.—(1)** The Corporation may make byelaws for the purpose of preventing the waste undue consumption misuse or contamination of water and may by such byelaws prescribe the size nature materials workmanship and strength and the mode of arrangement connexion disconnexion alteration and repair of pipes meters cocks ferrules valves soil-pans waterclosets baths cisterns and other apparatus (in this section referred to as "water fittings") to be used and forbid any arrangements and the use of any water fittings which may allow or tend to waste undue consumption misuse erroneous measurement or contamination. Byelaws for preventing waste &c. of water.

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(2) In case of failure of any person to observe such byelaws as are for the time being in force the Corporation may if they think fit after twenty-four hours' notice in writing under the hand of the town clerk enter and by and under the direction of their duly authorised officer repair replace or alter any water fittings belonging to or used by such person and not being in accordance with the requirements of such byelaws and the expense of every such repair replacement or alteration shall be recoverable by the Corporation as local rates in respect of the premises are recoverable.

Stop-cocks may be examined and a charge made.

**62.** The Corporation may make reasonable charges for the examination and testing of valves cocks and other apparatus which they are by any enactments in force in the city authorised to prescribe and approve for the purpose of preventing the waste misuse undue consumption or contamination of water.

As to union couplings.

**63.** The Corporation may provide and supply but shall not manufacture couplings or union fittings for connecting the pipes of the Corporation with the consumers' service pipes and may prohibit the use for such purposes of any other couplings than those provided by them as aforesaid.

Detection of waste.

**64.**—(1) Subject to the provisions of the Waterworks Clauses Act 1847 the Corporation may for the purpose of preventing and detecting waste affix and maintain meters and similar apparatus on the service pipes and mains of the Corporation and stop-cocks in the pipes supplying houses with water and may insert in the roads or footways the necessary covers or boxes for giving access and protection thereto and may for that purpose stop break up and interfere temporarily with public and private streets roads lanes footways sewers courts passages tramways gas or water pipes electric lines wires and apparatus.

(2) Provided that the Corporation shall not interfere with any electric lines wires or apparatus belonging to or used by the Postmaster-General except in accordance with and subject to the provisions of the Telegraph Act 1878.

Power to supply water fittings.

**65.**—(1) The Corporation may if requested by any person supplied or about to be supplied by them with water furnish to him and repair or alter but shall not manufacture any such pipes valves cocks cisterns baths meters soil-pans waterclosets and other fittings as are required or permitted by their regulations and may provide all materials and work necessary or

proper in that behalf and the reasonable charges of the Corporation in providing such materials and executing such work shall be paid by the person requiring the same. A.D. 1918.

(2) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or be liable to be taken in execution under any process of any court or any proceedings in bankruptcy against the persons in whose possession the same may be. Provided that such fittings have upon them respectively a distinguishing metal plate affixed to a conspicuous part thereof or a distinguishing brand or other mark conspicuously impressed or made thereon sufficiently indicating the Corporation as the actual owners thereof:

Provided as follows:—

- (A) The Corporation shall so adjust the charges to be made by them for any such fittings or for the fixing repairing or removal thereof as to meet any expenditure by them under the powers of this section in connexion therewith (including interest upon any moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):
- (B) Every sum charged by the Corporation in respect of provision of such fittings or the repairing fixing or removal thereof shall be clearly stated in every demand note delivered by the Corporation to the consumer:
- (C) The total sums expended and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the water undertaking of the Corporation for such year.

**66.** The Corporation by their agents or workmen after forty-eight hours' notice in writing under the hand of the town clerk or some other officer of the Corporation to the occupier or if there is no occupier then to the owner or lessee of any house building or land in which any pipe meter or fitting belonging to the Corporation is laid or fixed and through or in which the supply of water is from any cause other than the default of the Corporation discontinued for the space of forty-eight hours may

Entry on premises to remove fittings and meters.

A.D. 1918. — enter such house building or land between the hours of nine in the morning and four in the afternoon or at any other time with the authority in writing of a justice for the purpose of removing and may remove every such pipe meter and fitting repairing all damage caused by such entry or removal.

Power to  
sell meters.

**67.** The Corporation may sell meters and any fittings connected therewith upon and subject to such terms (pecuniary or otherwise) and conditions as they think fit.

Injuring  
meters &c.

**68.** Every person who wilfully fraudulently or by culpable negligence injures or suffers to be injured any pipe meter or other instrument for measuring water or any fittings belonging to the Corporation or who fraudulently alters the index to any meter or other instrument for measuring water or prevents any meter or other instrument for measuring water from duly registering the quantity of water supplied or fraudulently abstracts consumes or uses water of the Corporation shall (without prejudice to any other right or remedy for the protection of the Corporation) be liable to a fine not exceeding five pounds and the Corporation may in addition thereto recover the amount of any damage by them sustained.

And in any case in which any person has wilfully fraudulently or by culpable negligence injured or suffered to be injured any pipe meter instrument or fittings belonging to the Corporation or has fraudulently altered the index to any meter or other instrument for measuring water or prevented the same from duly registering the quantity of water supplied or has fraudulently abstracted consumed or used water of the Corporation the Corporation may also enter upon the premises occupied by the offender and repair such injury and do all such works matters and things as may be necessary for insuring the proper registering by such meter of the quantity of water supplied by means thereof and the expense of such repair and of all such works matters and things shall be repaid to the Corporation by the person so offending and may be recovered by them as local rates are recoverable The existence of artificial means for causing such injury alteration or prevention or for abstracting consuming or using water of the Corporation when such pipe meter instrument or fittings is or are under the custody or control of the consumer shall be primâ facie evidence that such injury alteration prevention abstraction consumption or use as the case may be has been fraudulently knowingly and wilfully

caused by the consumer using such pipe meter instrument or fittings. A. D. 1918.

69. Before any person connects or disconnects any meter by means of which any water of the Corporation is intended to be or has been registered he shall give not less than twenty-four hours' notice in writing to the Corporation of his intention to do so and all alterations or repairs and the connecting and disconnecting of meters shall be done at his cost and under the superintendence of any officer of or person authorised by the Corporation and any person offending against this enactment shall for every such offence be liable to a penalty not exceeding forty shillings.

Notice to Corporation of connecting or disconnecting meters.

70.—(1) For the purpose of complying with any obligation under the Waterworks Clauses Act 1847 to maintain any pipe or apparatus the person liable to maintain the same shall have the like power to open the ground as is conferred upon him by and subject to the conditions of sections 48 to 52 of the Waterworks Clauses Act 1847 in relation to the laying of communication pipes.

As to communication pipes.

(2) The Corporation may by agreement with any owner or occupier entitled or required to lay maintain repair or remove any communication pipe and for that purpose to open or break up any street in the city execute such works on behalf of such owner or occupier and any expenses incurred by the Corporation shall be repaid by the owner or occupier with whom the agreement is made and shall be recoverable summarily as a civil debt.

71. If it should appear to the Corporation that by reason of any injury to or defect in any communication pipe stop-cock or stop-cock guard box or cover which the Corporation are not under obligation to maintain any waste of water or injury or risk of injury to person or property is caused or likely to be caused it shall be lawful for the Corporation to execute such repairs as they may think necessary or expedient in the circumstances of the case without being requested so to do and the expense incurred by the Corporation in executing such repairs shall be recoverable by the Corporation from the owner of the premises supplied or in cases where the communication pipe stop-cock or stop-cock guard box or cover has been laid by and belongs to the occupier of such premises from the occupier Provided that except in case of emergency the Corporation shall not under the powers of this section enter into any house or

Power to Corporation to repair communication pipes &c.

A.D. 1918. — private premises unless they shall have given to the owner of such house or premises not less than twenty-four hours' notice of their intention so to enter.

Maintenance of common pipe.

72. When several houses or parts of houses in the occupation of several persons are supplied with water by one common pipe belonging to the several owners or occupiers of such houses or parts of houses the said several owners or occupiers shall be liable to contribute the amount of any expenses from time to time incurred by the Corporation in the maintenance and repair of such pipe and their respective proportions of contributions shall be settled by the surveyor or other officer duly authorised in that behalf by the Corporation.

Supply of water to vessels.

73. The Corporation may by agreement supply with water ships or vessels resorting to the port of Londonderry and for the purpose of supplying such ships or vessels with water may from time to time lay down and erect such pipes and other works as they may think necessary in convenient situations upon or near to any of the piers quays or wharves in the city and may also for the like purpose from time to time vary and alter such pipes and other works and the Corporation may charge such remuneration or rate of payment for the water supply to any ships or vessels as may be reasonable Provided that no pipes or other works shall be laid or erected upon any such piers quays or wharves unless with the previous consent of the owner or owners thereof and of the person having the control and management of the same.

Contracts for supplying water in bulk outside limits.

74. The Corporation may enter into and carry into effect agreements with any district council company or persons for the supply of water beyond the limits of water supply of the Corporation to any such district council company or persons respectively in bulk for any purpose and for such remuneration and on such terms and conditions and for such period as may be agreed upon Provided that such supply shall not be given except with the consent of any company or person supplying water under parliamentary authority within the area to be supplied and of the district council of the district comprising that area nor if and so long as such supply would interfere with the supply of water for domestic purposes within the said limits Provided also that nothing in this section shall authorise the Corporation to lay any mains or other pipes or to interfere with any street beyond the city.



TROLLEY VEHICLES AND OMNIBUSES.

**75.**—(1) The Corporation may provide maintain and equip (but shall not manufacture) trolley vehicles and may use the same upon the trolley vehicle routes. Power to use trolley vehicles.

(2) The trolley vehicle routes are—

In the city—

Route No. 1 Commencing at the city boundary at Pennyburn in the road leading from Londonderry to Moville thence along the Strand Road Waterloo Place Shipquay Place Foyle Street John Street Carlisle Square Carlisle Bridge Spencer Road Clooney Terrace and Limavady Road and terminating in such last-mentioned road at the city boundary at Caw :

Route No. 2 Commencing by a junction with Route No. 1 at the Spencer Road end of Carlisle Bridge thence along Duke Street and Bond's Hill and terminating in Route No. 1 at the junction of Glendermott Road and Clooney Terrace :

Route No. 3 Commencing by a junction with Route No. 2 at the junction of Spencer Road and Dungiven Road thence along the Dungiven Road and terminating in such last-mentioned road at the city boundary at Lisnagelvin :

Route No. 4 Commencing by a junction with Route No. 1 at the junction of Clooney Terrace and Glendermott Road thence along Glendermott Road and terminating in Route No. 3 at the junction of Glendermott Road and Dungiven Road :

Route No. 5 Commencing by a junction with Route No. 1 at the Spencer Road end of Carlisle Bridge and thence along Victoria Road and terminating at the city boundary at Tamnymore in the road leading to New buildings :

Route No. 6 Commencing by a junction with Route No. 1 at the junction of Strand Road and Buncrana Road thence along the Buncrana Road and terminating at the city boundary near Collon Terrace in the road leading to Buncrana :

Route No. 7 Commencing at the city boundary at Springtown in the road leading to Buncrana thence

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along the Springtown Road Northland Road Francis Street Upper Road Lone Moor Road and Letterkenny Road and terminating in such last-mentioned road at the city boundary at Termonbacca :

Route No. 8 Commencing by a junction with Route No. 7 at the junction of Letterkenny Road and Lone Moor Road thence along Foyle Road and terminating in Route No. 1 at the junction of Foyle Street and John Street :

Route No. 9 Commencing by a junction with Route No. 8 at the junction of Letterkenny Road and Ann Street thence along Ann Street Lecky Road Rossville Street William Street and terminating in Route No. 1 in Waterloo Place :

Route No. 10 Commencing by a junction with Route No. 8 at the junction of Foyle Road and Bishop Street Without thence along Bishop Street Without Bishop Street Within The Diamond Ferryquay Street Carlisle Road Carlisle Square and terminating in Route No. 1 at Carlisle Bridge :

Route No. 11 Commencing by a junction with Route No. 1 in Carlisle Square thence along Abercorn Road and terminating in Route No. 10 in Bishop Street Without :

Route No. 12 Commencing by a junction with Route No. 7 at the junction of Northland Road and Duncreggan Road thence along Duncreggan Road and terminating in Route No. 1 at the junction of Duncreggan Road and Strand Road :

Route No. 13 Commencing by a junction with Route No. 7 at the junction of Francis Street and Clarendon Street thence along Clarendon Street and terminating in Route No. 1 at the junction of Clarendon Street and Strand Road :

Route No. 14 Commencing by a junction with Route No. 7 at the junction of Francis Street and Clarendon Street thence along Francis Street and Great James Street and terminating in Route No. 1 at the junction of Great James Street and Strand Road :

Route No. 15 Commencing by a junction with Route No. 7 at the junction of Francis Street and Clarendon

Street thence along Francis Street Middle Road and William Street and terminating in Route No. 1 in Waterloo Place. A.D. 1918.

Outside the city—

Route No. 16 Commencing by a junction with Route No. 1 at its termination at the city boundary at Caw and thence along the Limavady Road in the townland of Caw parish of Clondermot Londonderry No. 1 Rural District and county of Londonderry and terminating opposite the gate lodge of Foyle View in the townland of Caw aforesaid in the road leading to Limavady :

Route No. 17 Commencing by a junction with Route No. 1 at its commencement at the city boundary at Pennyburn thence along the Culmore Road in the townlands of Ballynashallog and Shantallow in the parish of Templemore Londonderry No. 1 Rural District and county of Londonderry and terminating in the road opposite the lodge at the north-east entrance of the drive to the house known as "Thornhill" in the townland of Ballynashallog aforesaid :

Route No. 18 Commencing by a junction with Route No. 7 at its commencement at the city boundary at Springtown thence along the Springtown Road Branch Road and Buncrana Road in the townlands of Springtown Ballymagroarty and Shantallow in the said parish of Templemore and terminating in Route No. 6 at its termination at the city boundary near Collon Terrace.

**76.**—(1) The Corporation may in under or over the surface of the streets or roads along or adjoining those along which they are or may be authorised to run the trolley vehicles or in which it may be necessary so to do in order to connect the apparatus and equipment for working such vehicles with any generating station place erect and maintain all necessary and proper standards brackets conductors mains cables wires posts poles and any other necessary or convenient apparatus and equipment for the purpose of working the trolley vehicles by electrical power and may for that purpose open and break up any such street or road and any sewers drains water or gas pipes tubes wires telephonic and telegraphic apparatus therein or thereunder and may supply electrical energy outside the city for the purpose of working the trolley vehicles : As to electrical works.

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Provided that all posts and apparatus erected by the Corporation under the powers of this Act in any street or road outside the city shall be of such design and shall be placed in such position as the county council may approve :

Provided also that no standard post or pole shall be erected and no stopping or starting place provided so as to interfere with or render less convenient the access to or exit from any station or depôt of any railway company or so as in any way to restrict or interfere with the convenient use of the level crossings over the railway of any such company :

Provided also that no post or other apparatus shall be erected upon the carriageway of any public street or road except with the consent of the Board of Trade.

(2) Nothing in this section shall extend to or authorise any interference with any works of any undertakers within the meaning of the Electric Lighting Acts 1882 to 1909 to which the provisions of section 15 of the former Act apply.

Power to  
break up  
roads &c.

**77.** The Corporation from time to time for the purpose of making forming laying down maintaining and renewing the works and apparatus necessary for and in connexion with the working of the trolley vehicles or any part or parts thereof respectively may open and break up any road outside the city subject to the following regulations:—

- (1) The Corporation shall give to the county council notice of their intention specifying the time at which they will begin to do so and the portion of road proposed to be opened or broken up such notice to be given seven days at least before the commencement of the work :
- (2) The Corporation shall not open or break up or alter the level of any such road except under the superintendence and to the reasonable satisfaction of the county council unless that council refuses or neglects to give such superintendence at the time specified in the notice or discontinues the same during the work :
- (3) The Corporation shall pay all reasonable expenses to which the county council is put on account of such superintendence :
- (4) The Corporation shall not without the consent of the county council open or break up at any one time a

greater continuous length than a quarter of a mile of any such road and shall leave an interval of at least a quarter of a mile between any two places at which they may open or break up the road. A.D. 1918.

78. The Corporation shall before commencing to open or break up any road for the purpose of constructing laying down or renewing any of the works and apparatus necessary for and in connexion with the working of the trolley vehicles lay before the Board of Trade a plan showing the proposed mode of constructing laying down and renewing such works or apparatus where laid along a road and a statement of the materials intended to be used therein and the Corporation shall not commence the construction laying down and renewal of any such works or apparatus until such plan and statement have been approved by the Board of Trade and after such approval the work shall be executed in accordance in all respects with such plan and statement. Approval by Board of Trade of mode of constructing works.

79. When the Corporation have opened or broken up any portion of any road or the footway thereof outside the city for the purposes mentioned in the last preceding section they shall be under the following further obligations (namely) :— Completion of work and reinstatement of road.

(1) They shall with all convenient speed (and within four weeks unless the county council otherwise consents in writing) complete the work on account of which they opened or broke up the same and (subject to the formation maintenance or renewal of the works and apparatus) fill in the ground and make good the surface and to the satisfaction of the county council restore the portion of the road or the footway thereof to as good condition as that in which it was before it was opened or broken up and clear away all surplus paving or metalling material or rubbish occasioned thereby :

(2) They shall in the meantime cause the place where the road is opened or broken up to be fenced and watched and to be properly lighted at night :

(3) They shall bear or pay all reasonable expenses of the repair of the road or the footways thereof for six months after the same is restored as far as those expenses are increased by the opening or breaking up :

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(4) If the Corporation fail to comply in any respect with the provisions of this section they shall for every such offence (without prejudice to the enforcement by specific performance of the requirements of this Act or to any other remedy against them) be liable to a penalty not exceeding twenty pounds and to a further penalty not exceeding five pounds for each day during which any such failure continues after the first day on which such penalty is incurred.

Corporation to have exclusive right of using apparatus for working trolley vehicles.

**80.** Subject to the provisions of this Act the Corporation shall have the exclusive right of using any apparatus provided erected or maintained by them for the purpose of working the trolley vehicles and any person (except by agreement with the Corporation) using the said apparatus shall for every offence be liable to a penalty not exceeding twenty pounds.

Attachment of brackets &c. to buildings for trolley vehicles and lighting.

**81.** The Corporation may with the consent of the owner of any building attach to that building such brackets wires and apparatus as may be required for the working of the trolley vehicles within or without the city and for lighting any street in the city:

Provided that—

(1) Where in the opinion of the Corporation any consent under this section is unreasonably refused they may appeal to a court of summary jurisdiction who shall have power having regard to the character of the building and to the other circumstances of the case to allow the attachment subject to such terms as to compensation or rent and otherwise as they may think reasonable or to disallow the same and may determine by which of the parties the costs of the appeal are to be paid:

(2) Any consent of an owner and any order of a court of summary jurisdiction under this section shall not have effect after the owner ceases to be in possession of the building but any attachments fixed under the provisions of this section shall not be removed until the expiration of three months after any subsequent owner shall have given to the Corporation notice in writing requiring the attachments to be removed Where such notice is given the preceding provisions of this section shall apply

and the court shall have the same powers as under proviso (1): A.D. 1918.

- (3) The owner may require the Corporation temporarily to remove the attachments where necessary during any reconstruction or repair of the building:
- (4) The Corporation shall not affix brackets wires or apparatus to any structure belonging to any railway company without the previous consent in writing of such company or if such consent be unreasonably withheld the consent of an engineer to be appointed on the application of either party by the President of the Institution of Civil Engineers of Ireland.

For the purpose of this section any occupier of a building whose tenancy exceeds one year unexpired and in the case of any other tenancy the person receiving the rackrent shall be deemed to be the owner.

**82.** The Corporation shall not exhibit or permit the exhibition of advertisements on any posts or standards of the Corporation erected in any street other than advertisements relating to the service of the trolley vehicles or omnibuses or for the exhibition of which no consideration is paid. In case of any contravention of the provisions of this section the Corporation shall be liable to a penalty not exceeding five pounds. Posts not to be used for advertisements.

**83.** The trolley vehicles may be moved by mechanical power subject to the following provisions (that is to say):— Provisions as to motive power.

- (1) The mechanical power shall not be used except according to a system approved by the Board of Trade:
- (2) The Board of Trade shall make regulations (in this Act referred to as "the Board of Trade regulations") for securing to the public all reasonable protection against danger arising from the use under this Act of electrical power for propelling the trolley vehicles and for regulating the use of electrical power:
- (3) The Corporation or any company or person using any electrical power on the trolley vehicles contrary to the provisions of this Act or of the Board of Trade regulations shall for every such offence be liable to a penalty not exceeding ten pounds and also in the case of a continuing offence to a further penalty not exceeding five pounds for every day during which such offence is continued after conviction thereof:

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(4) The Board of Trade if they are of opinion—

(A) That the Corporation or any such company or person have or has made default in complying with the provisions of this Act or of the Board of Trade regulations whether a penalty in respect of such non-compliance has or has not been recovered; or

(B) That the use of electrical power as authorised under this Act is a danger to the passengers or the public;

may by order either direct the Corporation or such company or person to cease to use such electrical power or permit the same to be continued only subject to such conditions as the Board of Trade may impose and the Corporation or such company or person shall comply with every such order. In every such case the Board of Trade shall make a special report to Parliament notifying the making of such order.

Special provisions as to use of electrical power.

84. The following provisions shall apply to the use of electrical power under this Part of this Act:—

- (1) The Corporation shall employ either insulated returns or uninsulated metallic returns of low resistance:
- (2) The Corporation shall take all reasonable precautions in constructing placing and maintaining their electric lines and circuits and other works of all descriptions and also in working their undertaking so as not injuriously to affect by fusion or electrolytic action any gas or water pipes or other metallic pipes structures or substances or to interfere with the working of any wire line or apparatus from time to time used for the purpose of transmitting electrical power or of telegraphic telephonic or electric signalling communication or the currents in such wire line or apparatus:
- (3) The electrical power shall be used only in accordance with the Board of Trade regulations and in such regulations provision shall be made for preventing fusion or injurious electrolytic action of or on gas or water pipes or other metallic pipes structures or



substances and for minimising as far as is reasonably practicable injurious interference with the electric wires lines and apparatus of other parties and the currents therein whether such lines do or do not use the earth as a return : A.D. 1918.

- (4) The Corporation shall be deemed to take all reasonable precautions against interference with the working of any wire line or apparatus if and so long as they adopt and employ at the option of the Corporation either such insulated returns or such uninsulated metallic returns of low resistance and such other means of preventing injurious interference with the electric wires lines and apparatus of other parties and the currents therein as may be prescribed by the Board of Trade regulations and in prescribing such means the Board shall have regard to the expense involved and to the effect thereof upon the commercial prospects of the undertaking :
- (5) At the expiration of two years from the passing of this Act the provisions of this section shall not operate to give any right of action in respect of injurious interference with any electric wire line or apparatus or the currents therein unless in the construction erection maintaining and working of such wire line and apparatus all reasonable precautions including the use of an insulated return have been taken to prevent injurious interference therewith and with the currents therein by or from other electric currents :
- (6) If any difference arises between the Corporation and any other party with respect to anything hereinbefore in this section contained such difference shall unless the parties otherwise agree be determined by the Board of Trade or at the option of the Board by an arbitrator to be appointed by the Board and the costs of such determination shall be in the discretion of the Board or of the arbitrator as the case may be :
- (7) The expression " Corporation " in this section shall include lessees licencees and any person owning working or running trolley vehicles.

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Byelaws by  
Board of  
Trade.

**85.** Subject to the provisions of this Act the Board of Trade may make byelaws with regard to the trolley vehicles for all or any of the following purposes (that is to say):—

For regulating the use of any bell whistle or other warning apparatus fixed to the trolley vehicles;

For providing that trolley vehicles shall be brought to a stand at the intersection of cross streets and at such places as the Board of Trade may deem proper for securing safety;

For regulating the entrance to exit from and accommodation in the trolley vehicles and the protection of passengers from the machinery of the apparatus used for drawing or propelling such trolley vehicles;

For providing for the due publicity of all byelaws and Board of Trade regulations in force for the time being in relation to the trolley vehicles by exhibition of the same in conspicuous places on the trolley vehicles and elsewhere;

Any person offending against or committing a breach of any of the byelaws made by the Board of Trade under the authority of this Act shall be liable to a penalty not exceeding forty shillings.

Regulations  
by county  
council.

**86.** Subject to the provisions of this Act the county council may in connexion with the trolley vehicles to be run outside the city from time to time make byelaws as to the following matters:—

The rate of speed to be observed by such vehicles;

The distances at which such vehicles shall be allowed to follow one after the other;

The stopping of such vehicles;

The traffic on the trolley vehicle routes;

and such byelaws shall be made and approved in manner provided by section 6 (2) of the Public Roads (Ireland) Act 1911 Provided that the rate of speed to be observed by such vehicles shall not be higher than that permitted by the Board of Trade regulations.

Corporation  
may make  
regulations  
and byelaws.

**87.—**(1) Subject to the provisions of this Act the Corporation may from time to time make regulations—

(A) For preventing the commission of any nuisance in or upon any trolley vehicle or in or against any premises belonging to them ;

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(B) For regulating the travelling in or upon any trolley vehicle.

And for better enforcing the observance of all or any of such regulations it shall be lawful for the Corporation to make byelaws for all or any of the aforesaid purposes and from time to time repeal or alter such byelaws and make new byelaws provided that such byelaws be not repugnant to the general law of Ireland.

(2) Notice of the making of any byelaw under the provisions of this section shall be published by the Corporation by advertisement once at least in each of two successive weeks in some one and the same local newspaper circulating in the district affected by such byelaw and unless such notice is published in manner aforesaid such byelaw shall be disallowed by the Board of Trade.

(3) No such byelaw shall have any force or effect which shall be disallowed by the Board of Trade within two calendar months after a true copy of such byelaw shall have been laid before the Board and a true copy of every such proposed byelaw shall not less than two calendar months before such byelaw shall come into operation be sent to the Board of Trade.

**88.** Any such byelaw may impose reasonable penalties for offences against the same not exceeding forty shillings for each offence with or without further penalties for continuing offences not exceeding for any continuing offence ten shillings for every day during which the offence continues but all byelaws shall be so framed as to allow in every case part only of the maximum penalty being ordered to be paid.

Penalties may be imposed in byelaws.

**89.** If any person wilfully obstructs any person acting under the authority of the Corporation in the lawful exercise of their powers in making forming laying down repairing or renewing the trolley vehicle equipment or defaces or destroys any mark made for the purpose of setting out the trolley vehicle routes or damages or destroys any property of the Corporation he shall for every such offence be liable to a penalty not exceeding five pounds.

Penalty for obstruction of Corporation in constructing trolley vehicle works.

**90.** If any person travelling or having travelled in any trolley vehicle avoids or attempts to avoid payment of his fare or if any person having paid his fare for a certain distance

Penalty on passengers practising frauds on the Corporation.

A.D. 1918. knowingly and wilfully proceeds in any such vehicle beyond such distance and does not pay the additional fare for the additional distance or attempts to avoid payment thereof or if any person knowingly and wilfully refuses or neglects on arriving at the point to which he has paid his fare to quit such vehicle every such person shall for every such offence be liable to a penalty not exceeding forty shillings.

Transient offenders.

**91.** It shall be lawful for any officer or servant of the Corporation and all persons called by him to his assistance to seize and detain any person discovered either in or after committing or attempting to commit any such offence as is mentioned in the sections of this Act of which the marginal notes are respectively "Corporation may make regulations and byelaws" "Penalty for obstruction of Corporation in constructing trolley vehicle works" and "Penalty on passengers practising frauds on the Corporation" and whose name or residence is unknown to such officer or servant until such person can be conveniently taken before a justice or until he be otherwise discharged by due course of law.

Penalty for bringing dangerous goods on trolley vehicles.

**92.** No person shall be entitled to carry or to require to be carried on the trolley vehicles any goods which may be of a dangerous nature and if any person send by the trolley vehicles any such goods without distinctly marking their nature on the outside of the package containing the same or otherwise giving notice in writing to the bookkeeper or other servant with whom the same are left at the time of such sending he shall be liable to a penalty not exceeding twenty pounds for every such offence and it shall be lawful for the Corporation to refuse to take any parcel that they may suspect to contain goods of a dangerous nature or require the same to be opened to ascertain the fact.

Corporation to be responsible for all damages.

**93.** The Corporation shall be answerable for all accidents damages and injuries happening through their act or default or through the act or default of any person in their employment by reason or in consequence of any of their works or trolley vehicles and shall save harmless all road and other authorities companies or bodies collectively and individually and their officers and servants from all damages and costs in respect of such accidents damages and injuries.

Right of user only.

**94.** Notwithstanding anything in this Part of this Act contained the Corporation shall not by reason of any of the provisions of this Part of this Act acquire or be deemed to

acquire any right other than that of user of any road along or across which they construct erect or maintain any trolley vehicle equipment. A.D. 1918.

**95.** Nothing in this Part of this Act shall take away or affect any power which any road authority may have to widen alter divert or improve any road. Reserving powers of street authorities to widen &c. roads.

**96.** Nothing in this Part of this Act shall limit the powers of the local authority or police in any district to regulate the passage of any traffic along or across any road along or across which any trolley vehicles may be run and such authority or police may exercise their authority with respect as well to the traffic of the Corporation as to the traffic of other persons. Power for local or police authorities to regulate traffic in roads.

**97.** Nothing in this Part of this Act or in any byelaw made thereunder shall take away or abridge the right of the public to pass along or across every or any part of any road along or across which any trolley vehicles may be run. Reservation of right of public to use roads.

**98.** The Corporation may at such times and in such manner as they think fit (but subject to the provisions of this Act and to any byelaws for the time being in force with respect to trolley vehicles) use the trolley vehicles authorised by this Act for sanitary or road watering purposes and for the conveyance of scavenging stuffs road metal and other materials required for the works of the Corporation free of all tolls rates and charges in respect of such use. Use of trolley vehicles for carriage of road materials &c.

**99.** The trolley vehicles authorised by this Act shall not be deemed to be light locomotives within the meaning of the Locomotives on Highways Act 1896 or of the byelaws and regulations made thereunder nor shall they be deemed to be motor cars within the meaning of any provisions of the Motor Car Act 1903 (except subsection (1) of section 1 of that Act and the provisions necessary for enforcing that subsection) and subject to that exception neither that Act nor the regulations made under that Act nor the enactments mentioned in the schedule to the Locomotives on Highways Act 1896 nor the Public Roads (Ireland) Act 1911 shall apply to the said trolley vehicles. Vehicles not to be deemed light locomotives or motor cars.

**100.** The trolley vehicles authorised by this Act and the electrical equipment thereof shall be of such form construction weight and dimensions as the Board of Trade may approve and Approval of vehicles by Board of Trade.

A.D. 1918. — no trolley vehicle shall be used by the Corporation which does not comply with the requirements of the Board of Trade.

Inspection  
by Board of  
Trade.

**101.** No trolley vehicle route shall be opened for public traffic until it has been inspected and certified to be fit for traffic by the Board of Trade.

Board of  
Trade may  
authorise  
trolley vehi-  
cle routes.

**102.**—(1) If at any time hereafter the Corporation desire to provide maintain equip and use trolley vehicles upon any road (other than the streets and roads in this Part of this Act hereinbefore referred to) they may make application to the Board of Trade and the Board of Trade shall be and they are hereby empowered (subject as regards any road outside the city to the consent of the local and road authority of the district) to make a Provisional Order authorising the use of trolley vehicles upon any road or roads to which such application relates and also empowering the Corporation to place erect and maintain in under and along such roads cables wires posts poles and any other necessary or convenient apparatus or equipment for the purpose of working the trolley vehicles and to supply electrical energy by means of such apparatus for that purpose and any such Provisional Order may vary or modify or render inapplicable the provisions of the Town Police Clauses Acts 1847 and 1889 the Tramways (Ireland) Acts the Locomotives on Highways Act 1896 the Public Roads (Ireland) Act 1911 and the Motor Car Act 1903 or any enactments incorporated therein or byelaws or regulations made thereunder respectively.

(2) No such application shall be entertained by the Board of Trade unless the Corporation shall—

(A) Have published once in each of two successive weeks in the months of October or November in some newspaper or newspapers circulating in the city notice of their intention to make such application and have published once in one or other of the same months the like notice in the Dublin Gazette;

(B) Have posted for fourteen consecutive days in the months of October or November in conspicuous positions in each of the several streets or roads to which such application relates a notice of their intention to make such application;

and each such notice shall state the time and method for bringing before the Board of Trade any objections to the grant of such application.

(3) The Board of Trade may and they are hereby empowered to prescribe the procedure with respect to any application for a Provisional Order under this section. A.D. 1918.

(4) The Board of Trade shall consider any such application and may if they think fit direct an inquiry in relation thereto to be held in the city or in the urban or rural district to which such application relates or may otherwise inquire as to the propriety of proceeding upon such application and they shall consider any objection to such application that may be lodged with them in accordance with the prescribed procedure and shall determine whether or not it is expedient and proper that the application be granted either with or without addition or modification or subject or not to any restriction or condition.

(5) In any case where it shall appear to the Board of Trade expedient and proper that the application be granted they may settle and make a Provisional Order authorising the same and shall as soon as conveniently may be thereafter procure a Bill to be introduced into either House of Parliament for an Act to confirm the Provisional Order which shall be set out at length in the schedule to the Bill and until confirmation with or without amendment by such Act of Parliament a Provisional Order under this Part of this Act shall not have any operation.

(6) If while any such Bill is pending in either House of Parliament a petition is presented against any Provisional Order comprised therein the Bill so far as it relates to the Order petitioned against may be referred to a Select Committee and the petitioner shall be allowed to appear and oppose as in the case of a Bill for a special Act.

(7) The Act of Parliament confirming a Provisional Order under this Act shall be deemed a public general Act.

(8) The making of a Provisional Order under this section shall be *primâ facie* evidence that all the requirements of this section in respect of proceedings required to be taken previously to the making of such Provisional Order have been complied with.

(9) Any expenses incurred by the Board of Trade in connexion with the preparation and making of any such Provisional Order and any expenses incurred by the Board of Trade in connexion with any inquiry under this section shall be paid by the Corporation.

A.D. 1918.  
—  
For further  
protection of  
Postmaster-  
General.

**103.**—(A) Notwithstanding anything in this Act contained if any of the works authorised to be executed by this Act involves or is likely to involve any alteration of any telegraphic line belonging to or used by the Postmaster-General the provisions of section 7 of the Telegraph Act 1878 shall apply to any such alteration.

(B) In the event of the trolley vehicles being worked by electricity the following provisions shall have effect:—

- (1) The Corporation shall construct their electric lines and other works of all descriptions and shall work their undertaking in all respects with due regard to the telegraphic lines from time to time used or intended to be used by His Majesty's Postmaster-General and the currents in such telegraphic lines and shall use every reasonable means in the construction of their electric lines and other works of all descriptions and the working of their undertaking to prevent injurious affection whether by induction or otherwise to such telegraphic lines or the currents therein Any difference which arises between the Postmaster-General and the Corporation as to compliance with this subsection shall be determined by arbitration :
- (2) If any telegraphic line of the Postmaster-General is injuriously affected by the construction by the Corporation of their electric lines and works or by the working of the undertaking of the Corporation the Corporation shall pay the expense of all such alterations in the telegraphic lines of the Postmaster-General as may be necessary to remedy such injurious affection :
- (3) Before any electric line is laid down or any act or work for working the trolley vehicles by electricity is done within ten yards of any part of a telegraphic line of the Postmaster-General (other than repairs) the Corporation or their agents not more than twenty-eight nor less than fourteen days before commencing the work shall give written notice to the Postmaster-General specifying the course of the line and the nature of the work including the gauge of any wire and the Corporation and their agents shall conform with such reasonable requirements (either general or special) as may from time to time be made by the



Postmaster-General for the purpose of preventing any telegraphic line of the Postmaster-General from being injuriously affected by the said act or work  
Any difference which arises between the Postmaster-General and the Corporation as to any requirement so made shall be determined by arbitration : A.D. 1918.

- (4) If any telegraphic line of the Postmaster-General situate within one mile of any portion of the works of the Corporation is injuriously affected and he is of opinion that such injurious affection is or may be due to the construction of the Corporation's works or to the working of their undertaking the engineer-in-chief of the Post Office or any person appointed in writing by him may at all times when electrical energy is being generated by the Corporation enter any of the Corporation's works for the purpose of inspecting the Corporation's plant and the working of the same and the Corporation shall in the presence of such engineer-in-chief or such appointed person as aforesaid make any electrical tests required by the Postmaster-General and shall produce for the inspection of the Postmaster-General the records kept by the Corporation pursuant to the Board of Trade regulations :
- (5) In the event of any contravention of or wilful non-compliance with this section by the Corporation or their agents the Corporation shall be liable to a fine not exceeding ten pounds for every day during which such contravention or non-compliance continues or if the telegraphic communication is wilfully interrupted not exceeding fifty pounds for every day on which such interruption continues :
- (6) Provided that nothing in this section shall subject the Corporation or their agents to a fine under this section if they satisfy the court having cognisance of the case that the immediate doing of any act or the execution of any work in respect of which the penalty is claimed was required to avoid an accident or otherwise was a work of emergency and that they forthwith served on the postmaster or sub-postmaster of the postal telegraph office nearest to the place where the act or work was done a notice of the

A.D. 1918.

execution thereof stating the reason for doing or executing the same without previous notice:

- (7) For the purposes of this section a telegraphic line of the Postmaster-General shall be deemed to be injuriously affected by an act or work if telegraphic communication by means of such line is whether through induction or otherwise in any manner affected by such act or work or by any use made of such work:
- (8) For the purposes of this section and subject as herein provided sections 2 10 11 and 12 of the Telegraph Act 1878 shall be deemed to be incorporated with this Act:
- (9) The expression "electric line" has the same meaning in this section as in the Electric Lighting Act 1882:
- (10) Any question or difference arising under this section which is directed to be determined by arbitration shall be determined by an arbitrator appointed by the Board of Trade on the application of either party whose decision shall be final and sections 30 to 32 both inclusive of the Regulation of Railways Act 1868 shall apply in like manner as if the Corporation or their agents were a company within the meaning of that Act:
- (11) Nothing in this section contained shall be held to deprive the Postmaster-General of any existing right to proceed against the Corporation by indictment action or otherwise in relation to any of the matters aforesaid:
- (12) In this section the expression "the Corporation" includes their lessees and any person owning working or running trolley vehicles on any of the trolley vehicle routes.

Use of  
trolley vehi-  
cle posts by  
Postmaster-  
General.

**104.**—(1) It shall be lawful for the Postmaster-General in any street or public road or part of a street or public road in which he is authorised to place a telegraph to use for the support of such telegraph any posts and standards (with the brackets connected therewith) erected in any such street or public road by the Corporation in connexion with the trolley vehicles and to lengthen adapt alter and replace such posts

standards and brackets for the purpose of supporting any telegraph and from time to time to alter any telegraph so supported subject to the following conditions:—

A.D. 1918.

- (A) In placing maintaining or altering such telegraph no obstruction shall be caused to the traffic along or the working or user of the trolley vehicle routes:
- (B) The Postmaster-General shall give to the Corporation not less than twenty-eight days' notice in writing of his intention to exercise any of the powers of this section and shall in such notice specify the streets or public roads or parts of streets or public roads along which it is proposed to exercise such powers and the manner in which it is proposed to use the posts standards and brackets and also the maximum strain and the nature and direction of such strain Any difference as to any matter referred to in such notice shall be determined as hereinafter provided:
- (c) Unless otherwise agreed between the Postmaster-General and the Corporation the Postmaster-General shall pay the expense of lengthening adapting altering or replacing under the provisions of this section any post standard or bracket and the expense of providing and maintaining any appliances or making any alteration rendered necessary in consequence of the exercise of the powers of this section for the protection of the public or the unobstructed working or user of the trolley vehicles or to prevent injurious affection of the Postmaster-General's telegraphs or any telegraphic or telephonic line or electrical apparatus of the Corporation or by any regulations which may from time to time be made by the Board of Trade arising through the exercise by the Postmaster-General of the powers conferred by this section:
- (D) Unless otherwise agreed or in case of difference determined as hereinafter provided all telegraphs shall be attached to the posts standards or brackets below the level of the trolley wires and on the side of such posts or standards farthest from the trolley wires Any difference as to the conditions of attachment shall be determined as hereinafter provided:

A.D. 1918.

- (E) Unless otherwise agreed no telegraph shall be attached to any post or standard placed in or near to the centre of any street or public road :
- (F) The Postmaster-General shall cause all attachments to posts standards or brackets used by him under the powers of this section to be from time to time inspected so as to satisfy himself that the said attachments are in a proper condition and state of repair :
- (G) The Postmaster-General shall make good to the Corporation and shall indemnify them against any loss damage or expense which may be incurred by them through or in consequence of the exercise by the Postmaster-General of the powers conferred upon him by this section unless such loss damage or expense be caused by or arise from gross negligence on the part of the Corporation their officers or servants :
- (H) The Postmaster-General shall make such reasonable contribution to the original cost of providing and placing any post standard or bracket used by him and also to the annual cost of the maintenance and renewal of any such post standard or bracket as having regard to the respective interests of the Corporation and the Postmaster-General in the use of the post standard or bracket and to all the circumstances of each case may be agreed upon between the Postmaster-General and the Corporation or failing agreement determined as hereinafter provided :
- (I) The Corporation shall not be liable for any interference with or damage or injury to the telegraphs of the Postmaster-General arising through the exercise by the Postmaster-General of the powers conferred by this section and caused by the maintaining and working of the trolley vehicles or by any accident arising thereon or by the authorised use by the Corporation of electrical energy unless such interference damage or injury be caused by gross negligence on the part of the Corporation their officers or servants :
- (J) If it shall become necessary or expedient to alter the position of or remove any post standard or bracket

the Postmaster-General shall upon receiving twenty-eight days' notice thereof at his own expense alter or remove the telegraph supported thereby or at his option retain the post standard or bracket and pay the Corporation the value of the same. Provided that if the Corporation or the body having the control of the street or public road object to the retention of the post standard or bracket by the Postmaster-General a difference shall be deemed to have arisen and shall be determined as hereinafter provided.

A.D. 1918.

(2) Nothing in this section contained shall prevent the Corporation from using their posts standards or brackets for the support of any of their electric wires and apparatus whether in connexion with their trolley vehicles or other municipal undertakings or shall take away any existing right of the Corporation of permitting the use by any company or person of their posts standards or brackets in connexion with the lighting of the streets or otherwise. Provided that any difference between the Postmaster-General and such company or person in relation to the use of the posts standards or brackets by the Postmaster-General and such company or person respectively shall be determined as hereinafter provided.

(3) All differences arising under this section shall be determined in manner provided by sections 4 and 5 of the Telegraph Act 1878 for the settlement of differences relating to a street or public road.

(4) In this section the expression "the Corporation" includes their lessees and the expression "telegraph" has the same meaning as in the Telegraph Act 1869. Other expressions have the same meaning as in the Telegraph Act 1878.

**105.** The Corporation may demand and take for every passenger travelling upon the trolley vehicles including every expense incidental to such conveyance a fare not exceeding one penny per mile and in computing the said fare the fraction of a mile shall be deemed a mile but in no case shall the Corporation be bound to charge a less sum than one penny. Provided that the Corporation may appoint stages for the trolley vehicles each of not less than half a mile in length and may demand and take for every passenger including every such additional expense a fare not exceeding one penny for any two consecutive stages or portions thereof travelled by such passenger:

Passenger fares.

A.D. 1918.

Provided further that the Corporation may with the consent of the Board of Trade from time to time increase the fares authorised by this section.

Passengers' luggage.

**106.** Every passenger travelling by any of the trolley vehicles may take with him his personal luggage not exceeding twenty-eight pounds in weight without any charge being made for the carriage thereof all such luggage to be carried by hand and not to occupy any part of a seat nor to be of a form or description to annoy or inconvenience other passengers.

Corporation not bound to carry goods.

**107.** The Corporation shall not be bound unless they think fit to carry passengers' luggage exceeding twenty-eight pounds in weight nor any parcel or goods.

Corporation may carry animals goods &c.

**108.** The Corporation may carry on the trolley vehicles any goods animals or other things subject to such conditions and at such rates and charges as they may think fit but without prejudice to any of the requirements of the Diseases of Animals Act 1894 or any Act amending or extending the same or any order made thereunder and for the time being in force.

Rates for parcels.

**109.** The Corporation may demand and take in respect of parcels not exceeding fifty-six pounds in weight conveyed by them on the trolley vehicles including every expense incidental to the conveyance any rates or charges not exceeding the following :—

For any parcel not exceeding seven pounds in weight fourpence ;

For any parcel exceeding seven pounds and not exceeding fourteen pounds in weight sixpence ;

For any parcel exceeding fourteen pounds and not exceeding twenty-eight pounds in weight ninepence ;

For any parcel exceeding twenty-eight pounds and not exceeding fifty-six pounds in weight one shilling.

As to fares on Sundays or holidays.

**110.** The Corporation shall not take or demand on Sunday or any public holiday any higher fares or charges than those levied by them on ordinary weekdays.

Power to provide and run omnibuses.

**111.**—(1) The Corporation may provide and maintain (but shall not manufacture) and may run omnibuses within the city and along the trolley vehicle routes by this Act authorised outside the city and (with the consent of the Board of Trade

and the county council) along any other route outside the city and may erect omnibus carriage and motor houses buildings and sheds and may provide such plant appliances and conveniences as may be requisite or expedient for the establishment running and equipment of such omnibuses but the Corporation shall not create or permit any nuisance on any lands upon which they erect any such houses buildings or sheds. A.D. 1918.

(2) The Corporation may demand and take for the conveyance of passengers and small parcels in any omnibuses run under the powers of this section such reasonable fares and charges as they think fit.

(3) The Corporation may make byelaws for regulating the travelling and for the prevention of nuisances in or upon their omnibuses Provided that any such byelaw shall be made subject and according to the provisions of this Act with respect to the making of byelaws as to the trolley vehicles.

(4) Every omnibus moved by electrical power shall be so equipped and worked as to prevent any interference with telegraphic communication by means of any telegraphs of the Postmaster-General and with the telegraphic telephonic and signalling apparatus on the railways of any railway company.

(5) Nothing in this section shall impose any obligation on any railway company with respect to any of their bridges.

(6) For the purposes of this section the expression "road authority of the district" with reference to any road bridge or level crossing outside the city maintained or repaired by a railway company shall mean such railway company.

**112.** The fares rates and charges by this Part of this Act authorised shall be paid to such persons and at such places upon or near to the trolley vehicles or omnibuses by this Part of this Act authorised and in such manner and under such regulations as the Corporation may by notice to be annexed to the list of fares rates and charges appoint. Payment of fares rates and charges.

**113.—**(1) The Corporation may enter into agreements with any person or persons company or companies with respect to the following purposes or any of them (that is to say):— Power to make agreements &c. for provision and working &c. of trolley vehicles and omnibuses and interchange of traffic.

(A) The provision electrical equipment maintenance management and repair of the trolley vehicles and omnibuses by this Act authorised:

A.D. 1918.

- (B) The use working and leasing of the trolley vehicles and omnibuses or any of them and the conveyance of traffic thereon :
- (c) The supply of electrical energy for working any such trolley vehicles :
- (D) (Where such person or persons company or companies owns or works or own or work any tramways light railways or trolley vehicle systems which may be worked in connexion with the trolley vehicles of the Corporation) the interchange accommodation conveyance transmission and delivery of traffic arising from or destined for the respective undertakings of the contracting parties and the payment collection and apportionment of tolls fares rates and charges rent or other receipts arising from such respective undertakings :

Provided that for the purpose of calculating the maximum fares rates and charges payable in respect of passengers and parcels conveyed partly on the trolley vehicles or omnibuses by this Act authorised and partly on the undertaking of the other party contracting with the Corporation such trolley vehicles omnibuses and undertaking shall during the continuance of any such agreement or lease be deemed to be one system Provided also that any agreement under subsection (B) of this section shall be subject to the approval of the Board of Trade :

Provided also that every such agreement and any lease made in pursuance thereof shall be terminable by any party thereto at the expiration of any term therein specified not exceeding twenty-one years from the date thereof but may be renewed for a like term at the expiration of any such term and of every subsequent term for which the same may from time to time be renewed :

Provided also that any electrical energy supplied under this section or any agreement made thereunder shall be so supplied and any works for the purpose of such supply shall be so constructed as to prevent any interference with telegraphic communication by means of any telegraphic line of the Postmaster-General but this proviso shall not apply to any person or company authorised to supply electrical energy by Act of Parliament or by an order confirmed by or having the effect of an Act of Parliament containing provisions for the protection of such telegraphic lines from such interference as aforesaid.



(2) The Corporation may as a term of any agreement or lease under this section guarantee to the other party to the agreement or lease such annual or other sum as the Corporation may think fit. A.D. 1918.

**114.** The Corporation may erect and maintain within and with the consent of the county council beyond the city sheds shelters or waiting-rooms and gangways for the accommodation of passengers on the trolley vehicle and omnibus routes by this Act authorised and may use for that purpose portions of the public streets or roads: Shelters or waiting-rooms.

Provided always that the Corporation shall not erect or maintain any such sheds shelters waiting-rooms or gangways so as to interfere with or render less convenient the access to or exit from any station or depôt belonging to any railway company.

**115.** The Corporation may provide cloak-rooms and rooms or sheds for the storage of bicycles tricycles and other vehicles at any depôt or building used by them in connexion with their trolley vehicle and omnibus undertaking and at any places on the trolley vehicle routes or the omnibus routes and the Corporation may make charges for the use of such cloak-rooms rooms and sheds and for the deposit of articles and things and bicycles tricycles and other vehicles therein: Cloak-rooms &c.

Provided always that the Corporation shall not erect or maintain any such cloak-rooms or sheds so as to interfere with or render less convenient the access to or exit from any station or depôt belonging to any railway company.

**116.**—(1) Notwithstanding anything contained in any Act to the contrary the Corporation may on any special occasion run and reserve cars on any of the trolley vehicle routes and omnibuses on any of the omnibus routes for any special purpose which the Corporation may consider necessary or desirable and the Corporation may make byelaws and regulations for prohibiting the use of any such cars or omnibuses by any persons other than those for whose conveyance the same are reserved. Power to reserve cars for special purposes.

(2) The provisions of this Part of this Act as to byelaws shall apply to any byelaws made under this section.

(3) The restrictions contained in this Act as to rates or charges for passengers shall not extend to any special cars or omnibuses run upon the trolley vehicle or omnibus routes and in respect thereof the Corporation may demand and take such

A.D. 1918. rates or charges as they shall think fit Provided that the running of such cars shall in no way curtail the ordinary service of cars.

Penalty for malicious damage.

**117.** If any person wilfully does or causes to be done with respect to any apparatus used for or in connexion with the working of any of the trolley vehicles by this Act authorised anything which is calculated to obstruct or interfere with the maintenance or working of such trolley vehicles or to cause injury to any person he shall (without prejudice to any proceedings by way of indictment or otherwise to which he might be subject) be guilty of an offence punishable on summary conviction and every person convicted of such offence shall be liable to a penalty not exceeding twenty pounds.

Lost property.

**118.** Any property found in any trolley vehicle or omnibus of the Corporation shall forthwith be taken to a place to be appointed for the purpose by the Corporation and if the same be not claimed within six months after the finding thereof it may be sold as unclaimed property by public auction after notice by advertisement in one or more local newspapers once in each of two successive weeks and the proceeds thereof carried to the revenue account of the Corporation.

Conveyance of mails.

**119.** The Corporation shall perform in respect of trolley vehicles and omnibuses all the services in regard to the conveyance of mails which are prescribed by the Conveyance of Mails Act 1893 in the case of a tramway as defined by that Act and authorised as in that Act stated.

Cheap fares for labouring classes.

**120.** If at any time after the passing of this Act the Board of Trade so require the Corporation shall run on any route specified by the Board at least two trolley vehicles each way every morning in the week and every evening in the week (Sundays Christmas Day and Good Friday always excepted) at such hours not being later than eight in the morning or earlier than five in the evening respectively on every weekday except Saturdays and on Saturdays not being later than eight in the morning or earlier than half-past twelve in the afternoon as the Corporation think most convenient for artisans mechanics and daily labourers at fares not exceeding one halfpenny per mile (the Corporation nevertheless not being required to take any fare less than one penny) Provided that in case of any complaint made to the Board of Trade of the hours appointed by the Corporation for the running of such trolley vehicles the said Board shall have power to fix and regulate the same.

**121.** All orders regulations and byelaws made by the Board of Trade under the authority of this Part of this Act shall be signed by a secretary or an assistant secretary of the Board.

A.D. 1918.  
Orders &c.  
of Board of  
Trade.

**122.**—(1) The Corporation shall once in each financial year after the first complete financial year's working of the trolley vehicles and omnibuses or either of those services cause the city accountant to lay before them a statement and balance sheet of the accounts of the said services or service including the reserve or suspense accounts for the preceding year and an estimate of the revenue to be derived for the ensuing year from the working and use of the said services or service and also an estimate of the sums required to meet for such year the expenses of working management maintenance of apparatus equipment and rolling stock repairs renewals materials wages taxes and other outgoings and charges (including a reasonable allowance for depreciation and the interest on borrowed money and the sums required to be annually paid into the sinking fund) and the Corporation shall thereupon fix annually the fares rates and charges to be levied by them for the use of the said services or service for the said year then ensuing not exceeding the fares rates and charges authorised by this Act so that the revenue shall meet the expenditure as before specified for each year Provided that if in any year the revenue exceed such expenditure the Corporation shall carry such excess to a reserve account to be used in providing for deficiencies and contingencies and that if there should be a deficiency in any year it shall be provided for in the estimate for the following year by drawing from the reserve account or varying the fares rates and charges or reducing the working expenses or be carried to a suspense account and reduced gradually over a period of years not exceeding five.

Estimate of  
working ex-  
penses and  
adjustment  
of fares.

(2) If and so long as the amount to the credit of the reserve account required by this section to be provided by the Corporation is not less than the sum of five thousand pounds the Corporation may in lieu of carrying to that account the amount by which the revenue in any year may exceed the expenditure for that year pay such amount into the improvement fund.

**123.**—(1) Upon the Corporation serving upon the City of Derry Tramways Company Limited a notice of their intention to exercise the powers of this Act with respect to trolley

For protect on  
of City of  
Derry Tram-  
ways Com-  
pany Limited.

A.D. 1918. — vehicles along the route of the tramways of the said company the Corporation shall pay to the said company the value to the Corporation of the square setting and rails constructed or laid by the said company in the roadway and tramway siding which value failing agreement shall be settled by a single arbitrator to be appointed by the Local Government Board on the application of the Corporation or the said company at any time after the Corporation shall have served a notice as aforesaid and thereupon all rights powers and obligations of the said company with respect to the said tramways shall cease and determine Provided that until the Corporation shall have served notice as aforesaid they shall not exercise the powers aforesaid along the said route.

(2) Any sum to be paid under the provisions of this section shall be a payment in respect of the trolley vehicle undertaking.

## PART VII.

### ELECTRICITY.

Electrical fittings.

**124.**—(1) The Corporation may subject to the provisions of this section sell let for hire and fix repair and remove but shall not manufacture lamps meters electric lines fuses switches lampholders motors and other electrical fittings for lighting and motive or other purposes (all of which are in this section referred to as "fittings") and may provide all materials and work necessary or proper in that behalf and with respect thereto may make such charges terms and conditions as may be agreed upon.

(2) The Corporation shall not themselves execute the wiring of private property except between the main of the Corporation and the consumer's meter but they may enter into contracts for the execution of any of the powers of this section including the wiring of private property provided that the contractor acts independently of the Corporation in the execution of the contract The Corporation shall not sell any fittings except through a contractor carrying on his business independently of the Corporation.

(3) Any fittings let for hire under the provisions of this section shall not be subject to distress or to the landlord's remedy for rent or liable to be taken in execution under process of law or proceedings in bankruptcy against the person in whose

possession the same may be Provided that such fittings are marked or impressed with a sufficient mark or brand indicating the Corporation as the actual owners thereof. A.D. 1918.

(4) Provided as follows:—

(A) The Corporation shall so adjust the charges to be made by them for any fittings or for the fixing repairing or removal thereof as to meet the sum properly chargeable for the costs and expenses incurred by them under the powers of this section in connexion therewith (including interest upon moneys borrowed for those purposes and all sums applied to sinking fund for repayment of moneys so borrowed):

(B) The sums properly chargeable and received by the Corporation in connexion with the purposes in this section mentioned in each year (including interest and sinking fund) shall be separately shown in the published accounts of the electricity undertaking of the Corporation for that year:

(c) Every sum charged by the Corporation to a consumer in respect of the provision of fittings or the fixing repairing or removal thereof shall be separately stated on every demand note delivered by the Corporation to the consumer.

**125.** The Corporation may in connexion with and for the purposes of their electricity undertaking fit up show-rooms and offices and exhibit specimen installations and give demonstrations of the uses to which electrical energy can be put and may appoint and pay persons for the purposes aforesaid. As to offices show-rooms &c.

**126.** The Corporation may make byelaws for the purpose of preventing fire in any building or premises supplied with electrical energy with respect to the nature material workmanship and mode of arrangement of the wires apparatus and fittings in any such buildings or premises and required or used for the purpose of such supply and the provisions of section 6 of the Electric Lighting Act 1882 shall apply to any byelaws made under this section. Byelaws as to wires apparatus and fittings.

**127.—**(1) If any consumer of electricity supplied by the Corporation under the terms of any agreement uses the electricity supplied to him by the Corporation in any manner contrary to the terms of such agreement the Corporation may if they think Provisions as to supply of electricity by agreement.

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fit discontinue to supply electricity to such consumer until they are satisfied that any electricity so supplied will be consumed in accordance with the terms of such agreement:

Provided that before discontinuing any such supply the Corporation shall give to the consumer taking the same seven days' notice in writing of their intention so to do and shall in such notice specify the respect in which the electricity is used contrary to the terms of such agreement.

(2) A consumer supplied with electrical energy by the Corporation under the terms of any agreement shall be deemed to be a person to whom the Corporation may be and are required to supply energy within the meaning of section 23 of the Order of 1891 and the provisions of that section shall apply to the supply afforded by the Corporation under such agreement unless the provisions of that section are expressly excluded from application in any such agreement and if the Corporation fail to supply energy to such consumer they shall not be liable for any damages occasioned to such consumer by reason of such failure unless the same is caused by or in consequence of the wilful neglect or default of the Corporation:

Provided that the provisions of this subsection shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

As to maximum power which may be demanded.

**128.**—(1) The maximum electrical power with which any consumer shall be entitled to be supplied by the Corporation shall not include any supply of energy taken only on extraordinary occasions or as a standby supply unless such consumer shall pay to the Corporation such minimum annual sum as will give them a reasonable return on the capital expenditure and will cover other standing charges incurred by the Corporation in order to meet the possible maximum demand for those premises the sum to be so paid to be determined in default of agreement by arbitration in the manner provided by section 28 of the Electric Lighting Act 1882.

(2) The provisions of this section shall not operate to deprive any consumer of electricity supplied by the Corporation under the terms of any agreement existing at the passing of this Act of any right to which he would be entitled but for the said provisions.

**129.** The provisions of section 15 of the Electric Lighting Act 1909 shall extend and apply to the supply of electricity by the Corporation for power purposes to any premises having a separate supply of power whether such separate supply be by electricity gas steam or other source of power.

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Extending section 15 of Electric Lighting Act 1909.

**130.**—(1) Any person who shall hinder an officer appointed by the Corporation from entering any premises in pursuance of section 24 of the Electric Lighting Act 1882 or from exercising the powers contained in that section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

Further powers as to entry upon premises.

(2) Where any premises which the Corporation are entitled to enter in pursuance of the said section 24 are unoccupied the Corporation may after giving not less than forty-eight hours' notice to the owner thereof or if he is unknown to them and if he cannot be ascertained by them after diligent inquiry by affixing such notice upon a conspicuous part of the premises forcibly enter the same doing no unnecessary damage.

**131.**—(1) In the event of a meter of a construction and pattern approved by the Board of Trade used by any consumer of electricity being proved to register erroneously such erroneous registration shall be deemed to have first arisen during the then last preceding quarter of the year unless it be proved to have first arisen during the then current quarter.

Period of error in defective meters.

(2) The amount of the allowance to be paid to or the surcharge to be made upon the consumer by the Corporation shall be paid by or to the Corporation to or by the consumer as the case may be and shall be recoverable in the like manner as charges for electricity are recoverable by the Corporation.

**132.**—(1) A notice to the Corporation from a consumer for the discontinuance of a supply of electricity shall not be of any effect unless it be in writing signed by or on behalf of the consumer and left with or sent by post to the Corporation or be given by the consumer personally at the office of the Corporation.

Notice to discontinue supply of electricity.

(2) Notice to the effect of this section shall be endorsed upon any demand note for charges of electricity.

**133.** Any expenses reasonably incurred by the Corporation in re-connecting any electric line or other work through which electricity may be supplied which may have been lawfully cut

Power to recover charge for re-connection.

A.D. 1918. — off or disconnected by reason of any default of the consumer may be recovered by the Corporation in like manner as expenses lawfully incurred by them in such cutting-off or disconnecting.

Power to refuse to supply electrical energy in certain cases.

**134.** The Corporation may refuse to supply electricity to any person whose payments for the supply of electricity or meter rent are for the time being in arrear (not being the subject of a bonâ fide dispute) whether any such payments be due to the Corporation in respect of a supply to the premises in respect of which such supply is demanded or in respect of other premises.

Power to construct electrical substations under streets.

**135.** The Corporation may subject to the provisions of the Electric Lighting Acts 1882 to 1909 and the provisions in the schedule to the Electric Lighting (Clauses) Act 1899 construct and maintain in or under any street in charge of or maintainable wholly or partly by or at the expense of the Corporation substations transforming stations and other works in connexion with their electricity undertaking and may in any such street provide and maintain all such means of access and approach to such substations transforming stations and works as may be necessary or convenient.

Power to lay electric mains in private streets.

**136.** The Corporation may upon the application of the owner or occupier of any premises abutting on or being erected in any street laid out but not in charge of or maintainable wholly or partly by or at the expense of the Corporation within their area for the supply of electricity supply such premises with electrical energy and may lay down take up alter relay or renew in across or along such street such mains wires and apparatus as may be requisite or proper for furnishing such supply and the provisions of the Electric Lighting Act 1882 and of the Order of 1891 with respect to the breaking up of streets for the purpose of laying mains so far as they are applicable for the purposes of this section shall extend and apply mutatis mutandis to and for the purposes hereof:

Provided that nothing in this section contained shall apply to any street belonging to and forming the approach to any station or depôt of a railway company nor shall the Corporation in carrying out the works authorised by this section unreasonably obstruct or interfere with the convenient access to any such street.

Overhead lines.

**137.** The Corporation may erect in or on any street or public footpath which they are authorised to break up such



posts as may be necessary for carrying any of their electric lines which they may be authorised to place overhead and with the consent of the owner lessee and occupier for the time being of any lands or premises may place any such electric lines above ground on any such lands or premises. A.D. 1918.

**138.** The Corporation may if they think fit make an allowance by way of discount not exceeding the rate of five pounds per centum on all sums of money due to the Corporation for the supply of electrical energy from any person who pays the same within such time of the demand thereof as the Corporation think fit to prescribe in that behalf and notice to this effect shall be endorsed on every demand note in respect of such charges Provided that the Corporation shall make the same allowance to all consumers and under similar conditions. Discounts.

**139.** Notwithstanding anything contained in section 52 of the Order of 1891 the Corporation may if they think fit instead of carrying the net surplus remaining in any year of the revenue received by them in respect of their electricity undertaking and the annual proceeds of the reserve fund when amounting to the prescribed limit to the credit of the local rate apply the whole or any portion thereof to the purchase of electric mains or lines machinery apparatus appliances and fittings (for the supply of electricity) to defraying the cost of laying such mains or lines and the fixing of such machinery apparatus appliances and fittings and to the formation of a fund for working capital Provided that the fund so formed shall not at any time exceed the sum of ten thousand pounds. Further power as to net revenue &c.

**140.—(1)** Any expense incurred by the Corporation in carrying into effect the provisions of this Part of this Act relating to the supply of electricity and for which no other provision is made by this Act shall be deemed to be expenses incurred by the Corporation under the Electric Lighting Act 1882 and not otherwise provided for and the provisions of section 7 (Expenses of local authority) and section 8 (Power of local authority to borrow money) of that Act shall extend and apply accordingly to such expenses. As to expenses and receipts.

(2) Any moneys received by the Corporation under the said provisions shall be applied in manner provided by section 52 (Application of revenue) of the Order of 1891 as varied by the last preceding section.

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PART VIII.

STREETS BUILDINGS &c.

Erection of  
bridges.

**141.** All bridges (other than bridges in charge of or maintainable wholly or partly by or at the expense of the Corporation and other than bridges authorised to be made by any railway company) hereafter erected and which form a continuation of any street laid out or to be laid out in accordance with the byelaws relating to new streets and the approaches to such bridges shall be of such width and gradients as the Corporation approve and shall be built in accordance with specifications plans and sections to be submitted to and approved by the Corporation and it shall not be lawful to erect any such bridge except in accordance with the provisions of this section and any person acting in contravention of such provisions shall be liable to a penalty not exceeding twenty pounds and the Corporation may remove alter or pull down any work begun or done in contravention of this section and recover the expenses from such person summarily.

Power to  
grant  
licences for  
bridges over  
streets.

**142.** The Corporation may grant to the owner or with consent of the owner to the lessee or occupier of any premises abutting upon any street in charge of or maintainable wholly or partly by or at the expense of the Corporation a licence to construct and use a way (exclusive or otherwise) for himself his servants and agents at all times with or without trucks by means of a bridge over such street for such term as shall be co-extensive with or less than the interest of such owner lessee or occupier in the premises in respect of which such licence shall be given on such terms or at such rent and with under and subject to such covenants conditions and agreements as to the Corporation may seem fit:

Provided that no fine rent or other sum (except a reasonable sum in respect of legal or other expenses incurred) shall be payable for or in respect of such licence:

Provided also that any licence given under this section shall not in any way interfere with the convenience of persons using such street or affect the right of the owners of the property adjoining and up to the line of the street:

Provided also that in the event of the construction of any such bridge involving the alteration of a telegraphic line of

the Postmaster-General the enactments contained in section 7 of the Telegraph Act 1878 shall apply to such alteration and any such bridge shall for the purposes of the placing or maintenance of overground telegraphic lines under the powers conferred by the Telegraph Acts 1863 to 1916 be deemed part of the street or road which it crosses. A.D. 1918.

If any person shall construct a bridge over any such street without such licence or shall not construct or use the same in accordance with the terms and conditions of the licence he shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding five pounds.

**143.**—(1) It shall not be lawful for any person to fix or place any overhead rail beam cable pipe or shute or other similar apparatus (other than apparatus for telegraphic telephonic or railway signalling purposes) over across or along any street without the consent of the Corporation which consent shall be in writing under the hand of the town clerk and may contain such terms and conditions as the Corporation think fit Any person acting in contravention of the provisions of this section and of the terms and conditions (if any) of such consent shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Provided that nothing in this section shall extend to any works of any undertakers within the meaning of the Electric Lighting Act 1882 to which the provisions of the said Act apply. Restrictions  
on placing  
rails beams  
&c. over  
streets.

Provided also that in every case where the consent of the Corporation is given to the fixing or placing of a wire or other apparatus above ground and such wire or other apparatus will be situate under over or alongside the wires of a railway company the fixing or placing of such wire or other apparatus shall not be commenced if in the opinion of the principal engineer of such railway company it is advisable that the electric telegraphic telephonic or signal wire or apparatus belonging to the railway company should be altered until the railway company have executed any works reasonably necessary for such alterations The reasonable expenses of executing such works shall be borne by the person or persons to whom such consent of the Corporation is given.

If any difference arises under this section between the Corporation and the railway company the same shall unless otherwise agreed be settled by arbitration by an engineer to be

A.D. 1918. — appointed by the President of the Institution of Civil Engineers of Ireland at the request of either party.

(2) Nothing in this section shall extend to any apparatus belonging to the Postmaster-General or to other apparatus for telegraphic telephonic or any electrical or railway signalling or electrical railway working purpose.

Intersecting streets.

**144.**—(1) The Corporation in any case in which it is proposed to lay out a new street may require that such street shall not be laid out without the provision of such intersecting street or streets as will secure intersecting streets at intervals of not more than two hundred yards each from the other on each side of such new street and of any street of which it forms a continuation. Provided that if on either side of such last-mentioned street there shall already be a greater length from the proposed new street than two hundred yards without an intersecting street such greater length shall for the purposes of this section be deemed to be two hundred yards.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purposes of this section "intersecting street" means a side or cross street forming a junction with or crossing another street.

Continuation of existing streets to be deemed new streets.

**145.** Every continuation of an existing street shall for the purposes of the Public Health Acts and of this Act and of any byelaws made thereunder and for the time being in force within the city be deemed to be a new street.

Width of new streets in certain cases.

**146.**—(1) Where in the opinion of the Corporation a new street not being a back street will form a continuation of or means of communication with a main thoroughfare in the city or a continuation of or means of communication with a main approach to the city the Corporation may if they think fit require the houses or other buildings intended to be erected in such new street to be set back from the centre line thereof to such distance not exceeding forty feet as they may think fit and the Corporation shall thereupon make full compensation to the owner or owners of and to any other person interested in the lands abutting upon the said new street for any damage which may be sustained by him or them by reason of such houses or other buildings being required to be set back as aforesaid and

failing agreement the amount of such compensation shall be determined by arbitration in the manner provided by the Public Health Acts: A.D. 1918.

Provided always that the Corporation may if they think fit instead of paying the compensation to such owner or owners under this section agree with him or them for the purchase of the said lands or any part or parts thereof.

(2) All moneys payable by the Corporation by way of compensation or for the purchase of lands under this section may be defrayed out of moneys authorised by this Act to be borrowed with the sanction of the Local Government Board.

(3) For the purpose of this section "back street" means any street or passage intended to be used only as an access to the back of any building.

**147.**—(1) Where any street or road in charge of or maintainable wholly or partly by or at the expense of the Corporation or any part of such street or road is in the opinion of the Corporation narrow or inconvenient or without any sufficiently regular line of frontage or where in their opinion it is necessary or desirable that the line of frontage should be altered the Corporation may from time to time prescribe and define what shall thereafter be the line of frontage to be observed on either side of such street or road. The line which in any case the Corporation propose to prescribe and define shall be distinctly marked and shown on a plan to be signed by the town clerk and deposited with the surveyor and such plan shall be at all reasonable times thereafter open for the inspection of the public without charge and one month at least before the Corporation formally prescribe and define the line they shall give notice in writing of the deposit of the said plan and of the liabilities imposed by this section to every occupier and to every owner interested whose name and address they can ascertain and in cases where such name and address cannot be ascertained by affixing such notice to or on the premises. No new building erection excavation or obstruction (being of a permanent character) shall be made or placed nearer to the centre of the street or road than such line. Power to define future line of existing streets.

(2) The Corporation may and if required so to do by the owner shall purchase and the owner shall if required so to do by the Corporation sell the land for the time being unbuilt upon lying between any line prescribed by them as aforesaid

A.D. 1918. — and the street or road and the same when purchased shall vest in the Corporation as part of the street or road and the amount of purchase-money shall in case of difference be settled by arbitration under the Public Health Acts.

(3) Whenever in any of the above cases the Corporation shall require the said line to be observed and kept they shall make full compensation to the owner and other persons interested in any land for any loss or damage which he or they may sustain in consequence of the line of frontage being set back and the Corporation shall also make to the owner of any adjoining land or building and to all other persons interested in any such adjoining land or building full compensation in respect thereof for all damage loss or injury (if any) sustained by them to such land or building by reason of the Corporation requiring the said line to be observed and kept.

(4) In estimating the amount of compensation or purchase-money to be paid by the Corporation under this section the benefits accruing to the person to whom the same shall be paid by reason of the widening or improvement of the street or road shall be fairly estimated and shall be set off against the said compensation or purchase-money.

(5) If after any such line has been defined and prescribed as aforesaid any person offends against the provisions of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Further provisions as to new streets.

**148.** When a road or lane within the city is about to become a new street but the land on only one side of such street has been or is in course of being built on the Corporation may instead of requiring the owner of the land built on or in course of being built on to widen such road or lane to a width prescribed by the byelaws in force within the city require such owner to widen such road or lane so as to give a width not less than one half of such prescribed width from the old centre line of such road or lane to the boundary thereof adjoining such land. Provided that if and when the land on the opposite side of such road or lane shall be in course of being built on the owner of such land shall complete the widening of such road or lane so as to comply in all respects with the byelaws of the Corporation.

Building line in new streets.

**149.—**(1) Every person who intends to form a new street shall in addition to the information required to be supplied to

the Corporation by virtue of any enactments or byelaws with respect to streets and buildings in force within the city distinctly define and mark on a plan drawn to such scale as the Corporation may require and to be prepared and submitted by such person to the Corporation for their approval the proposed line of frontage of any house or building to be erected in or fronting such street (in this section called "the building line").

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(2) It shall not be lawful to erect or bring forward in any such street any house or building or any part thereof nor any addition to any house or building until the building line for such street has been approved by the Corporation nor beyond or in front of the building line approved by the Corporation and any person offending against this enactment shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

(3) The provisions of section 40 (Buildings not to be brought forward) of the Public Health (Ireland) Act 1878 shall not apply to any house or building erected or proposed to be erected on lands in respect of which a building line as aforesaid shall have been submitted to and approved by the Corporation.

(4) In the event of the Corporation requiring as a condition of their approval of any such plan the setting back of the building line shown on the plan to a greater distance from the centre of the street than one half of the width of the street and six feet in addition the Corporation shall make compensation to the owner of any land lying between the said distance from the centre of the street and the building line as set back for any damage sustained by him by reason of his being unable to build upon such land.

(5) For the purpose of this section the surveyor shall by certificate under his hand at or before the time of the approval of the building line by the Corporation determine the centre of any street or intended street.

(6) The amount of any compensation payable under this section shall in default of agreement be determined by arbitration in accordance with the provisions of the Public Health Acts.

**150.** Whenever application shall be made to the Corporation to approve the laying out of or notice shall be given to the Corporation of intention to lay out a new street (including

Development scheme may be required in

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—  
connexion  
with new  
streets.

in that expression the formation of a new street or the widening of an existing street or the widening or adaptation of a road footpath or way so as to form a new street) the Corporation may require the owner of the estate or lands the development of which will be commenced or continued by the laying out of such new street to furnish the Corporation with plans and particulars showing the general scheme for the development or laying out of such estate or lands and in such case the date of the making of application or of the giving of notice as aforesaid shall for the purposes of any enactments or provisions in force for the time being with respect to the laying out of new streets be deemed to be the date on which plans and particulars required as aforesaid shall be so furnished.

Exchange  
of parts of  
streets  
disused.

**151.** The Corporation may agree with the owner of any land in any street to give up land for the purpose of widening opening enlarging or otherwise improving such street in exchange for any part of such street which shall front other land belonging to such owner and shall be behind the general line of such street and which shall in the opinion of the Corporation be no longer required for public use or for approach to any property adjoining the same and for such other consideration (if any) as may be agreed and all public rights of way over any portion of any street so exchanged shall be extinguished.

Paved cross-  
ings may be  
required in  
new streets.

**152.** The Corporation (if in the circumstances of the case they think it expedient to do so) may make it a condition of approving the plans for any new street that so soon as any building shall be erected or commenced to be erected in such new street the owners shall provide a paved crossing of a width equal to the width of the footpath of such new street across the end of such street nearest to such building and across every street intersecting either side of such new street between such building and such end of the new street Any person who shall offend against this enactment shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings:

Provided that nothing in this section shall empower the Corporation to require the execution of any works in a street in charge of or maintainable wholly or partly by or at the expense of the Corporation.

No building  
allowed until  
street de-  
fined.

**153.**—(1) No person except with the consent of the Corporation shall in any new street commence to erect any new building



or to excavate for the foundation thereof until the whole length of the street shall have been defined by posts or in some other sufficient manner to indicate the approved line and the level thereof. A.D. 1918.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

**154.**—(1) Before any name is given to any street notice of the intended name shall be given to the Corporation and the Corporation may by notice in writing given to the person by whom notice of such intended name has been given to them at any time within one month after receipt of such notice object to such intended name and it shall not be lawful to set up any name to any street until the expiration of one month after notice thereof has been given as aforesaid to the Corporation or to set up any name objected to as aforesaid Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Naming of streets.

(2) Any person aggrieved by any objection of the Corporation under this section may appeal to a court of summary jurisdiction within seven clear days after the service of notice of objection by the Corporation provided he gives written notice of such appeal and the grounds thereof to the clerk and the court shall have power to make such order as the court may think fit and to award costs such costs to be recoverable as a civil debt Notice of the right to appeal shall be endorsed on every notice of objection by the Corporation under this section.

**155.** Whenever any person erecting any building shall be desirous of leaving an opening which may be a source of danger to the public or of placing any steps or other projection in any forecourt area or space left in front of such building such forecourt area or space shall if required by the Corporation be well and sufficiently fenced off from the footpath or street and any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. Forecourts to be fenced off from streets.

**156.** When any passage stairs or approach between the higher and lower parts of the town or between streets on different levels or which afford access between a public street and the river and over which the public have rights of way but which is or are not a highway in charge of or maintainable wholly As to urgent repairs to street passages &c.

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or partly by or at the expense of the Corporation is or are for want of repairs in such a state as to be a danger to the public or vehicles passing along such passage stairs or approach the Corporation may carry out such repairs (including the provision of handrails balustrades parapet fences or walls and drains gulleys steps and landings) as may be reasonably necessary to obviate such danger without rendering themselves liable to the future maintenance of the passage stairs or approach so repaired by them The expense of such repairs may be recovered by the Corporation from the owner or owners of such passage stairs or approach in such proportions as the surveyor shall determine.

Prevention and removal of projections over streets.

**157.** Sections 69 and 70 of the Towns Improvement Clauses Act 1847 shall extend and apply to any crane or apparatus for hoisting or lowering goods and any other like projection from or at any building and whether erected before or after the passing of this Act which the Corporation may determine to be dangerous or an obstruction to the safe or convenient use of any street.

Trees or shrubs overhanging streets and footpaths.

**158.**—(1) Where any tree overhangs any highway along the trolley vehicle routes which may in any way interfere with the construction or working of the trolley vehicles or where any tree hedge or shrub overhangs any street or footpath so as to obstruct or interfere with the light from any public lamp or to interfere with vehicular traffic or with the free passage or comfort of passengers the Corporation may serve a notice on the owner of the tree hedge or shrub or on the occupier of the premises on which such tree hedge or shrub is growing requiring him to lop the tree hedge or shrub within seven days so as to prevent such obstruction or interference and in default of compliance the Corporation may themselves carry out the requisition of their notice doing no unnecessary damage.

(2) Any person aggrieved by any requirement of the Corporation under this section may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(3) Notice of the right to appeal shall be contained in or endorsed on every notice served by the Corporation under this section.

**159.** All buildings or parts of buildings which may in future be erected on the site of any building or on any land which site or land in consequence of any improvement made by the Corporation becomes front land shall be erected according to such elevation as the Corporation approve and if the owner lessee or occupier of any building or land which on the making of any such improvement acquires a frontage to the street makes any door or entrance opening upon or communicating with the street or any wall or fence by the side of the street every such owner lessee or occupier shall make the building wall or fence in a line and the elevation thereof fronting to or towards the street in accordance with a drawing approved by the Corporation and in case the Corporation for a space of one month after any drawing of such elevation is submitted to them neglect to notify in writing their determination with reference thereto they shall be deemed to have approved thereof Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings The Corporation shall make compensation to the owner of any building or land for any loss or damage he may suffer by reason of the setting back or bringing forward of such building wall or fence.

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Elevation of buildings erected on front lands to be subject to approval of Corporation.

**160.**—(1) In case any building is at any time after the passing of this Act erected or raised to a greater height than the adjoining building and any flues or chimneys of such adjoining building are in the outer or party wall or against the building so erected or raised the person erecting or raising such building shall at his own expense build up those flues and chimneys so that the top thereof may be of the same height as the top of the chimneys of the building so erected or raised.

Erection of buildings to greater height than adjoining buildings.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**161.**—(1) (A) Every new building exceeding thirty-five feet in height used or intended to be used as a tavern hotel restaurant hospital boarding-house common lodging-house or school and (B) every new building exceeding thirty-five feet in height used or intended to be used as a shop in which building sleeping accommodation is or is intended to be provided for persons employed in or about such shop shall be provided on the storeys the upper surface of the floor whereof is above

Means of escape from buildings in case of fire.

A.D. 1918. twenty-two feet from the street level with such means of escape in the case of fire for the persons dwelling employed or sleeping therein or resorting thereto as may be reasonably required by the Corporation under the circumstances of the case and no such building shall be occupied until the Corporation shall have issued a certificate that the provisions of this section have been complied with in relation thereto.

(2) The means of escape in case of fire provided in any building in pursuance of this section shall be maintained in good and efficient condition and free from obstruction.

(3) For the purposes of this section the height of any building shall be measured from the street level to the highest part of the wall where the same terminates at the eaves or at the parapet of the roof.

(4) Nothing contained in this section shall be deemed to interfere with the operation of section 14 (Provision of means of escape in case of fire) and section 15 (Byelaws for means of escape from fire) of the Factory and Workshop Act 1901 or of any Act amending the same.

(5) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Extending  
section 23  
of Public  
Health Acts  
Amendment  
Act 1890.

**162.** Section 23 of the Public Health Acts Amendment Act 1890 in its application to the city shall have effect as if in subsection (1) in that section the words "entrance steps" had been inserted after the word "hearths" and the words "and floor area" had been inserted therein after the word "height."

Construction  
of cellars and  
rooms below  
certain level.

**163.**—(1) The Corporation may prohibit the construction in or in connexion with any dwelling-house of any cellar or room the floor level of which shall be lower than seventeen feet above Ordnance datum.

(2) Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Food storage  
accommo-  
dation to be  
provided.

**164.**—(1) Every dwelling-house erected after the passing of this Act shall be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any dwelling-house not so provided shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings.

(2)—(A) Every dwelling-house erected before the passing of this Act shall where reasonably practicable be provided with sufficient and properly ventilated food storage accommodation and any owner who shall occupy or allow to be occupied any such dwelling-house which can reasonably be so provided but which is not so provided after one month's notice from the Corporation requiring the same to be done shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings. A.D. 1918.

(B) Any person aggrieved by any requirement of the Corporation under this subsection may appeal to a court of summary jurisdiction within seven days after the service of such notice provided he give twenty-four hours' written notice of such appeal and of the grounds thereof to the town clerk and the court shall have power to make such order as the court may think fit and to award costs.

(c) Notice of the right to appeal shall be endorsed on every requirement of the Corporation under this subsection.

**165.**—(1) Before any person shall erect on any land within the city a retaining wall of greater height than six feet he shall submit to the Corporation plans sections and specifications thereof and no such wall shall be erected except in accordance with such plans sections and specifications as approved by the Corporation. As to erection of retaining walls.

(2) Any person who shall erect a retaining wall contrary to the provisions of this section or any owner who after erection shall after reasonable notice in writing from the Corporation requiring him so to do fail to put such wall in proper repair shall without prejudice to any other right or remedy of the Corporation be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

**166.** The Corporation may make byelaws with respect to the following matters (viz.) :— Byelaws as to materials and other matters in connexion with buildings.

(1) The materials with which and the manner in which grates stoves and fireplaces shall be set in new buildings or be newly set or reset in existing buildings and the thickness and construction of walls of all ovens and furnaces wholly or partially built after the passing of this Act;

A.D. 1918.

(2) The uniting of buildings and the making and stopping up of openings in party walls of buildings and the provision of fire-resisting doors in connexion therewith and as to the occupation of buildings when united;

(3) Woodwork in external walls of buildings Provided always that any byelaw made under this subsection may authorise the Corporation if they think fit to exempt from the operation of such byelaw oak teak or other wood which the Corporation may approve; and

(4) The testing of drains of new buildings.

Byelaws as to admission of light to buildings.

**167.** Section 41 of the Public Health (Ireland) Act 1878 shall be extended so as to empower the Corporation to make byelaws for securing the adequate admission of daylight to staircases passages and lobbies in new buildings and in cases where structural alterations are proposed to be made of staircases passages and lobbies of existing buildings.

As to dangerous buildings.

**168.**—(1) In any case where a building shall have been reported to the Corporation as dangerous to the inmates thereof or persons working therein or in the case of any building which may appear to the Corporation on the report of any duly qualified officer to be dangerous to the inmates or persons working therein the Corporation may order a complete external and internal inspection and examination of any such building to be made by a competent person and for that purpose such person may on giving not less than twenty-four hours' notice to the occupier of the building and on producing written authority from the town clerk enter at any hour of the day between nine o'clock in the morning and six o'clock in the afternoon with such other persons as he may deem necessary upon such building and examine and inspect the same.

(2) If upon such examination and inspection it shall appear necessary that any works shall be executed or alterations made for the purpose of putting such premises into a safe and proper condition for the purposes for which the same are used the Corporation in respect of such building and the works to be carried out therein shall have and may exercise all or any of the powers vested in the Corporation with respect to dangerous structures in the city.

**169.**—(1) Where an unoccupied building is ruinous or so far dilapidated as thereby to have become and to be unfit for use or occupation or is from neglect or otherwise in a structural condition prejudicial to the property in or the inhabitants of the neighbourhood a court of summary jurisdiction on complaint by the Corporation may make an order upon the owner thereof requiring him within a reasonable time to be prescribed by the order either to put such building (in this section referred to as a “neglected structure”) into a state of repair and good condition to the satisfaction of the Corporation or take down the same and in addition to or in substitution for the foregoing order they may make an order upon such owner requiring him to fence the ground upon which the neglected structure is or was standing or any part thereof and in either case they may also make an order for the costs incurred up to the time of the hearing.

A.D. 1918.  
Power to  
require tak-  
ing down or  
repair of  
dilapidated  
buildings.

(2) If the order is not obeyed within the time thereby prescribed the Corporation at any time after the expiration of such time may enter upon the neglected structure or such ground as aforesaid and execute the order.

(3) Where the order provides for the taking down of a neglected structure or any part thereof the Corporation in executing the order may remove the materials to a convenient place and (unless the expenses of the Corporation under this section in relation to such structure are paid to them within fourteen days after such removal) sell the same if and as they in their discretion think fit.

(4) All expenses incurred by the Corporation under this section in relation to a neglected structure may be deducted by the Corporation out of the proceeds of the sale and the surplus (if any) shall be paid by the Corporation on demand to the owner of the structure and if such neglected structure or some part thereof is not taken down and such materials are not sold by the Corporation or if the proceeds of the sale are insufficient to defray the said expenses the Corporation may recover such expenses or such insufficiency from the owner of the structure together with all costs in respect thereof in a summary manner but without prejudice to his right to recover the same from any lessee or other person liable to the expenses of repairs.

**170.** All plans sections and specifications which in pursuance of any Act or byelaw in force within the city are

Further pro-  
visions as to  
plans sec-

A.D. 1918. furnished to the surveyor or other officer of the Corporation or left at the office of the Corporation shall be of such description and upon such scale and be accompanied by such particulars and information as the Corporation may from time to time reasonably prescribe.

tions and specifications.

Alteration of existing buildings.

**171.** In any case where it is proposed to alter a dwelling-house so that any part thereof may be used for purposes other than residence the owner or occupier of such dwelling-house shall submit to the surveyor complete plans sections and specifications showing the alterations proposed to be made and the materials proposed to be used and shall not commence any such alterations until such plans sections and specifications have been approved by the surveyor so as to secure the construction of fire-resisting walls and ceilings between the portion of the dwelling-house intended to be used for purposes of residence and the portion to be used for other purposes and of fire-resisting roofs of adequate strength to any projecting window or porch and the construction of adequate access between the portion of such building to be used for purposes of residence and the yard at the back of such building.

Notice of alterations in buildings.

**172.** Any person intending to make any alteration in any building shall give to the surveyor notice thereof with full particulars and no building shall be so altered as to offend against the provisions of the former Acts or this Act with respect to buildings or of any byelaws relating to buildings in force in the city.

Penalties.

**173.** Any person who shall offend against the provisions of the two immediately preceding sections of this Act shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

For preventing water flowing on footpath.

**174.** Where lands or premises abutting upon any street are so situate that the surface water from such lands or premises flows on to the footpath of such street the owner of such lands or premises shall within one month after service of an order of the Corporation for that purpose execute such works as may be necessary to prevent the water from such lands or premises from flowing over the footpath and in default of compliance with such order within the period aforesaid such owner shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding forty shillings.



**175.** Any person who without the consent of the Corporation wilfully displaces or takes up or who injures the pavement stones materials fences or posts of or the trees in any street road or footpath in charge of or maintainable wholly or partly by or at the expense of the Corporation shall be liable to a penalty not exceeding five pounds and to a further penalty not exceeding five shillings for every square foot of pavement stones or other materials so displaced taken up or injured He shall also be liable in the case of fences posts or trees to pay to the Corporation such amount of compensation as a court of summary jurisdiction may award.

A.D. 1918.  
Penalty for  
injuring  
street works.

**176.** Nothing in this Part of this Act or any byelaws to be made thereunder shall apply to any buildings (not being a dwelling-house) walls or works belonging to and used by a railway company for the purposes of their railway under any Act of Parliament.

Saving for  
railway  
companies in  
respect of  
this Part of  
Act.

## PART IX.

### SEWERS DRAINS &C.

**177.** Every person who wilfully turns or permits to enter into any sewer of the Corporation or any drain communicating therewith any petrol oil or other like deleterious substance shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding five pounds.

Prohibiting  
entry of  
petrol &c.  
into sewers.

**178.—(1)** The owners or occupiers of all lands shall construct such works as may be necessary for the purpose of preventing as far as reasonably practicable the soil sand and other débris of such lands from falling upon or being washed or carried into any public street sewer or gulley in such quantities as will choke up such sewer or gulley or cause the houses in such street to be flooded.

For prevent-  
ing soil sand  
and other  
débris being  
washed into  
sewers.

(2) If any person shall for one month after notice in writing from the Corporation fail in any respect to comply with the provisions of subsection (1) of this section he shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(3) For the purpose of this section "public street" means a street in charge of or maintainable wholly or partly by or at the expense of the Corporation.

A.D. 1918.  
Watercourse  
choked up to  
be a nuisance  
under Public  
Health  
(Ireland)  
Act 1878.

**179.** Any river stream or watercourse or any part or parts thereof respectively so choked or silted up as to obstruct or impede the proper flow of water along the same and thereby to cause or render probable an overflow of such river stream or watercourse on to or into the land and property adjacent thereto shall be deemed to be a nuisance within the meaning of section 107 (Definition of nuisances) of the Public Health (Ireland) Act 1878 and all the provisions of that Act relating to nuisances shall apply to every such river stream or watercourse notwithstanding that the same may not be injurious to health.

Power to  
require cul-  
verting of  
watercourse  
or ditch on  
building  
land.

**180.** If any watercourse or ditch situate upon any land in the city laid out for building or on which any such land abuts requires in the opinion of the Corporation to be wholly or partially filled up or covered over the Corporation may by notice in writing require the owner or owners of such land to substitute for such watercourse or ditch a pipe drain or culvert with all necessary gullies pipes and means of conveying surface water thereinto Provided that nothing in this section shall authorise the Corporation to require the filling up or covering over of any watercourse or ditch wholly or partly belonging to any person other than the owner of the land so laid out for building Any person offending against the provisions of this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Watercourse  
not to be  
covered in  
except in  
accordance  
with ap-  
proved plan.

**181.—**(1) Before the owner of any land shall culvert or cover over any watercourse thereon forming part of the natural drainage of the area involved he shall submit for the approval of the Corporation plans sections and specifications of such watercourse and the method of culverting or covering over the same and the Corporation may subject as hereinafter provided require such owner so to construct and maintain any such culvert or so to cover over and maintain any such watercourse as to secure the free and uninterrupted passage of the water flowing in any such watercourse:

Provided that—

- (A) No requirement of the Corporation under this section shall operate to compel any such owner to receive upon his land or to make provision for the passage of a greater quantity of water than he would have been obliged to receive or to permit to pass if this section had not been enacted:

(B) If with the consent of such owner the Corporation shall require him to make provision for the passage of a larger quantity of water than he is obliged to permit to pass at the time of the commencement of any work under this section any additional cost occasioned by such requirement shall be borne by the Corporation. A.D. 1918.

(2) If any difference shall arise between the Corporation and such owner as to the expediency or necessity of the works required by the Corporation to be executed or otherwise under this section such difference shall be referred to arbitration.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

(4) Nothing in this section shall apply to any watercourses forming part of the undertaking of the Midland Railway Company.

**182.** If in any street (not being a street in charge of or maintainable wholly or partly by or at the expense of the Corporation) the Corporation for the purpose of main drainage or otherwise shall require a larger sewer to be made than they consider necessary for the ordinary sewerage of such street the person laying out such street shall construct such enlarged sewer in accordance with the requirements of the Corporation and the additional cost thereof as ascertained by the surveyor shall be paid by the Corporation. Corporation may require enlarged sewer.

**183.** If the owner or occupier of any premises within the city desires that the sewer or drain from such premises shall be made to communicate with any sewer of the Corporation such communication may in the discretion of the Corporation be made by the Corporation who may execute all works necessary for the purpose and the cost or estimated cost of making the communication and executing such works shall be secured to the Corporation to their satisfaction. Corporation may make communications between private drains and their sewers on payment &c.

**184.—**(1) It shall not be lawful for any person to reconstruct or alter the course of any drain communicating with any sewer of the Corporation except in accordance with the provisions of the byelaws of the Corporation relating to the drainage of existing buildings. Reconstruction of drains.

A.D. 1918.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Improper construction or repair of watercloset or drain.

**185.**—(1) If a watercloset drain or soil-pipe is so constructed or repaired as to be a nuisance or injurious or dangerous to health the person who undertook or executed such construction or repair shall unless he shows that such construction or repair was not due to any wilful act neglect or default be liable to a penalty not exceeding twenty pounds.

(2) Provided that where a person is charged with an offence under this section he shall be entitled upon information duly laid by him to have any other person being his agent servant or workman whom he charges as the actual offender brought before the court at the time appointed for hearing the charge and if he proves to the satisfaction of the court that he had used due diligence to prevent the commission of the offence and that the said other person committed the offence without his knowledge consent or connivance he shall be exempt from any penalty and the said other person may be summarily convicted of the offence.

Notice of intention to repair drains.

**186.**—(1) It shall not be lawful for any person to repair any drain communicating with any sewer of the Corporation without giving to the Corporation or the executive sanitary officer twenty-four hours' previous notice in writing of his intention to do so except in case of emergency and in that case it shall not be lawful for any person to cover over the drain without giving the like notice of his intention to do so.

(2) Free access to such drain or work of repair shall be afforded to the executive sanitary officer or any officer of the Corporation authorised in writing by the town clerk for the purpose of inspection.

(3) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

Provisions as to combined drainage for two or more houses.

**187.** The powers given by section 19 of the Public Health Acts Amendment Act 1890 in relation to two or more houses belonging to different owners shall extend and apply to two or more houses belonging to the same owner.

Corporation may order houses to be

**188.**—(1) If it appears to the Corporation that two or more houses may be drained more economically or advan-

tageously in combination than separately and a sewer of a sufficient size already exists or is about to be constructed within one hundred feet of any part of such houses the Corporation may when the drains of such houses are first laid order that such houses be drained by a combined drain to be constructed either by the Corporation if they so desire or by the owners in such manner as the Corporation shall direct and the costs and expenses of such combined drain and of the repair and maintenance thereof shall be apportioned between the owners of such houses in such manner as the Corporation shall determine and if such drain is constructed by the Corporation such costs and expenses may be recovered by the Corporation from such owners.

A.D. 1918.  
drained by a  
combined  
drain.

(2) Any combined drain constructed in pursuance of this section shall for the purposes of the Public Health Acts be deemed to be a drain and not a sewer.

(3) Provided that the Corporation shall not exercise the powers conferred by this section in respect of any house plans for the drainage of which shall have been previously approved by the Corporation.

**189.** The Corporation may on the application and at the expense of any person owning or occupying premises abutting or fronting on any street (not being a street in charge of or maintainable wholly or partly by or at the expense of the Corporation) wherein a sewer has been laid lay down take up alter relay or renew in across or along such street such drains as may be requisite or proper for connecting such premises with the sewer doing as little damage as may be in the execution of the powers hereby granted and making compensation for any damage which may be done in the execution of such powers such compensation in case of dispute to be ascertained by and recovered before a court of summary jurisdiction.

Power to lay  
drains in pri-  
vate streets.

**190.** If any drain (including any joint or combined drain) shall not be well and sufficiently maintained and kept in good repair to the satisfaction of the Corporation it shall be lawful for the Corporation if in their opinion such drain can be sufficiently repaired at a cost not exceeding twenty pounds to cause the same to be repaired and the expenses of such repairs may be recovered by them from the owner or owners thereof in such proportions as the surveyor shall determine Provided that where such expenses do not exceed twenty shillings the Corporation

As to repair  
of private  
drains.

A.D. 1918. may remit the payment of the same by the owner or owners if they think fit.

Power to re-construct drain if laid in contravention of Public Health (Ireland) Act 1878.

**191.** Where any person has been convicted of causing any drain to be constructed in contravention of section 27 of the Public Health (Ireland) Act 1878 the court may in addition to imposing a penalty under that section order that the drain shall be laid relaid or amended or remade as the case may require in accordance with the provisions of that section and if such person shall not comply with the order within one month after the date thereof the Corporation may cause the drain in respect of which such conviction has been obtained to be laid relaid or amended or remade as the case may require and may recover from such person in a summary manner as a civil debt the expenses incurred by them in so doing.

Cleansing of gullies in private streets.

**192.**—(1) The Corporation may by notice in writing require the owner of any street in the city (not being a street in charge of or maintainable wholly or partly by or at the expense of the Corporation) or the owners of the premises abutting upon such street to cleanse the gullies in such street within such reasonable time as may be specified in the notice.

(2) In the event of such owner or owners neglecting or refusing to comply with any requirement of the Corporation under this section the Corporation may themselves cleanse the gullies in such street and may recover the expense incurred by them in so doing from such owner or owners.

Street orderly bins.

**193.** The Corporation may provide and maintain orderly bins or other receptacles for the collection and temporary deposit of street refuse and waste paper and the storage of sand grit or shingle in upon or under the streets of the city of such dimensions and in such positions as the Corporation may from time to time determine.

Soil-pipes to be ventilated.

**194.**—(1) The soil-pipe of any watercloset within a house or building shall be properly ventilated by means of a pipe carried up therefrom or by such other method as the Corporation shall direct.

(2) Any owner or occupier of such house or building who shall neglect or fail to comply with any requirement of the Corporation under this section for a period of twenty-eight days after notice in writing of such requirement and the mode in which the same is to be complied with shall be liable to a

penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings. A.D.1918.

**195.**—(1) Every pipe from any slop-stone bath or basin in a building shall be properly trapped within such building and shall where practicable be carried through the external wall of such building and be constructed so as to discharge in the open air on the outside of such building over or under a gulley grating or into a channel leading to a gulley grating at a suitable distance and every gulley grating or other inlet to the drains shall also be properly trapped. Discharge and trapping of pipes from slop-stones baths and basins.

(2) Any person neglecting or refusing for a period of twenty-eight days to comply with a notice from the Corporation requiring him to carry out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding ten shillings.

(3) Provided that this section shall only apply to buildings existing at the passing of this Act and that any expense incurred in respect of any such building beyond a sum of three pounds shall be borne by the Corporation.

**196.** Section 49 (Summary power to provide sinks and drains for buildings) of the Public Health Acts Amendment Act 1907 shall be construed and have effect as if the expression “building” therein had been “building or tenement.” Extension of summary powers for provision of sinks and drains.

**197.** Section 39 of the Public Health Acts Amendment Act 1907 shall be extended so to provide as follows Any officer of the Corporation duly authorised in writing by the Corporation shall on production of his authorisation be admitted into any premises for the purposes of the said section and the provisions of sections 118 and 119 of the Public Health (Ireland) Act 1878 shall with the necessary modifications apply to his admission. Amendment of provisions as to conversion of existing closet accommodation into water-closets.

**198.** Nothing in this Part of this Act shall apply to any building (not being a dwelling-house) belonging to and used and occupied by a railway company as a part of or for the purposes of their railway under any Act of Parliament. Saving for railway companies.

## PART X.

### INFECTIOUS DISEASE AND SANITARY PROVISIONS.

**199.**—(1) The occupier of any building in the city which is used for human habitation and in which there is or has been any person suffering from an infectious disease shall on the Information to be furnished to medical

A.D. 1918. application of the medical officer at any time during the illness of such person or within six weeks from the occurrence of such illness furnish such information within his knowledge as the medical officer may reasonably require for the purpose of enabling measures to be taken to prevent the spread of the disease.

officer and  
penalty for  
furnishing  
false infor-  
mation.

(2) Any occupier knowingly furnishing false information shall be liable to a penalty not exceeding forty shillings.

(3) In this section the expression "occupier" shall have the same meaning as in the Infectious Disease (Notification) Act 1889.

For prevent-  
ing spread of  
infectious  
disease.

**200.** If any person not less than sixteen years of age while suffering from any infectious disease wilfully exposes himself without proper precautions against spreading the disease in any street public place shop inn or any public conveyance in the city or being in charge of any person so suffering wilfully exposes such sufferer as aforesaid he shall be liable to a penalty not exceeding five pounds.

Restrictions  
on attend-  
ance of  
children at  
Sunday  
schools when  
infectious  
disease pre-  
vails.

**201.**—(1) No person being the parent or having the care or charge of a child within the city who is or has been attending any school or any part thereof which has been closed by order of the Corporation or of the school attendance committee of the Corporation with the view of preventing the spread of infectious disease or of a child who with the same view has been prohibited from attending school by the medical officer or school medical officer shall permit such child to attend any Sunday school in the city without having procured from the medical officer a certificate (which shall be granted free of charge upon application) that in his opinion such child may attend such Sunday school without undue risk of communicating disease to others.

(2) Any person who shall offend against this section shall for every such offence be liable to a penalty not exceeding forty shillings.

Power to  
close Sunday  
schools to  
prevent  
spread of  
disease.

**202.**—(1) If the Corporation or a committee of the council acting on the advice of the medical officer with the view of preventing the spread of infectious disease in the city require the closing of any Sunday school or any department thereof or the exclusion of certain children therefrom for a specified time such requirement shall be at once complied with.



(2) Any person responsible for the conduct or management of any Sunday school wilfully failing to comply with any such requirement shall for every such failure be liable to a penalty not exceeding twenty shillings. A.D. 1918.

**203.** The Corporation may provide and supply (with or without charge therefor) any medical antidotes disinfectants and remedies against infectious disease. Corporation may supply antidotes against infectious disease.

**204.** If any dairyman shall at the request of the Corporation stop his milk supply within the city on account of the spread or suspected spread of infectious disease or the probability that the consumption of such milk may cause tuberculosis to persons residing within the city the Corporation may make compensation to him for any loss occasioned by such stoppage. Power to compensate dairymen for stoppage of milk supply in case of disease.

**205.** If any person shall at the request of the Corporation or of the medical officer stop his employment for the purpose of preventing the spread of infectious disease the Corporation may make compensation to him for any loss he may sustain by reason of such stoppage. Power to compensate persons for ceasing employment to prevent spread of disease.

**206.**—(1) If the medical officer shall at any time receive notice of a case of infectious disease he may apply to the person who is required by section 3 (Notification of infectious disease) of the Infectious Disease (Notification) Act 1889 to send a notice of the case of infectious disease for the name and address of any laundryman to whom any clothes or other things may from time to time during the continuance of the infectious disease be sent for mangling or washing from the house in which the case of infectious disease exists and such person shall forthwith furnish such information accordingly. Power to require names of laundrymen to whom clothes from infected houses are sent.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

**207.** For the purposes of the foregoing provisions of this Part of this Act the expression "infectious disease" includes measles german measles whooping cough and chicken-pox. Extended meaning of "infectious disease" for certain purposes.

**208.**—(1) If the medical officer certifies in writing that any person is suffering from pulmonary tuberculosis and is in an infectious state and that the lodging or accommodation with which such person is provided is such that proper precaution to prevent the spread of infection in the city cannot be taken or that such precautions are not being taken the medical officer Removal of person suffering from pulmonary tuberculosis to hospital.

A.D. 1918. — may make application to a court of summary jurisdiction and such court upon oral proof of the allegations in such certificate and subject to examination by a medical man to be nominated by them if they think fit may make an order for the removal of such person to a suitable hospital or place for the reception of the sick provided within the city or within a convenient distance of the city and for the detention and maintenance of such person therein for such period not exceeding three months as may be determined by such order or such further period not exceeding three months as may be determined by any further order made under and in accordance with the provisions of this section.

(2) The medical officer shall give to the person so suffering or some person being in charge of the person so suffering three clear days' notice of his intention to make such application and of the time and place when and where such application will be made.

(3) The Corporation may in their discretion during the period of detention make payments for or towards the effective support and maintenance of the relatives of or those actually dependent upon any person so suffering and removed to a suitable hospital or place as aforesaid whether voluntarily or in pursuance of an order made by the court as aforesaid and on the hearing of any application under this section the court shall take into consideration the amount necessary for such effective support and maintenance and shall not make an order unless they are satisfied that the Corporation will make a sufficient payment in any case in which it appears that a contribution is necessary for the support and maintenance of such relatives or dependents.

(4) An order under this section may be addressed to such officer of the Corporation as the court making the same may think expedient and any person who wilfully disobeys or obstructs the execution of such order shall be liable to a penalty not exceeding ten pounds.

(5) At any time after but not before the expiration of six clear weeks from the making of the order an application may be made to the court by or on behalf of the person in respect of whom the order was made for the rescission of the order and such court may make a rescission order accordingly if having regard to the circumstances of the case they are of opinion that it is right and proper that such rescission order should be made. Such person or other person making the

application shall give to the medical officer not less than three clear days' notice of his intention to make the application and of the time and place when and where the application will be made. A.D. 1918.

(6) The provisions of this section shall cease to be in force at the expiration of five years from the date of the passing of this Act unless they shall have been continued by Act of Parliament or by an order of the Local Government Board which order the Local Government Board are hereby empowered to make.

**209.** Any person who being in charge of the body of any person who has died from any infectious disorder or infectious disease shall permit or allow any other person unnecessarily to come into contact with such body within the city shall be liable to a penalty not exceeding five pounds. For preventing contact with body of person who has died of infectious disease.

**210.** When any person suffering from infectious disease whereof notice shall have been given to the medical officer shall die in the city of such disease the medical officer may give notice thereof to the person responsible for the conduct of the burial of the body of such person and when any such notice shall have been given it shall not be lawful to transport any such body by railway or other public conveyance (not being a conveyance reserved for such purpose) unless and until the medical officer has certified that every precaution necessary for the public safety has been adopted to his satisfaction and any undertaker and any person so responsible who shall after the giving of such notice knowingly remove or assist in removing such body without such certificate and any person who unless unaware of such notice shall procure or endeavour to procure the removal of such body without having obtained such certificate shall be liable to a penalty not exceeding ten pounds. Removal of body of person dying of infectious disease.

**211.—(1)** The Corporation may from time to time provide free of charge temporary shelter or house accommodation with any necessary attendants and apparatus for cleansing and freeing from vermin the person and clothes of any person who shall be certified by the medical officer to be infested with vermin or in a foul or filthy condition or suffering from any contagious or infectious disease of the skin and may on the certificate of the medical officer cause any such person who consents to leave his house or whose parent or guardian (where the person is a child) consents to his leaving the house to be removed therefrom to Cleansing of verminous persons.

A.D. 1918.

such temporary shelter or house accommodation for the purpose of disinfecting and cleansing his person and clothing and in the like case and on the like certificate may cause any such person who (or where the person is a child whose parent or guardian) does not consent to his leaving the house to be removed therefrom to and detained in any such temporary shelter or house accommodation where two justices on the application of the Corporation and on being satisfied of the necessity of the removal and detention make an order for the removal and detention subject to such conditions (if any) as are imposed by the order. The Corporation shall in every case cause the removal and detention to be effected and the conditions of any order satisfied without charge to the person removed or to the parent or guardian of that person.

(2) Any person who wilfully disobeys or obstructs the execution of an order under this section shall be liable to a penalty not exceeding five pounds.

(3) If any person at the request of the Corporation or under an order of such justices shall cease his employment in order to comply with such order the Corporation may and in the case of an order of the justices shall make compensation to him for any loss he may suffer thereby.

(4) For the purpose of this section the word "house" includes any tent van shed or similar structure used for human habitation within the city or any boat lying in any river dock or other water within the jurisdiction of the Corporation and used for the like purpose.

Houses infested with vermin to be cleansed.

**212.**—(1) If the medical officer or the executive sanitary officer has reasonable cause to believe that any house is infested with vermin he may enter into such house and may inspect and examine the same and any articles therein for the purpose of ascertaining whether such house is infested with vermin.

(2) Where on the certificate of the medical officer or executive sanitary officer it appears to the Corporation that any house is infested with vermin the Corporation shall give notice in writing to the occupier of such house or if the same be vacant to the owner thereof requiring him within a period to be specified in such notice to cleanse such house or the portion thereof specified in the notice and any articles therein and if so required in the notice to remove the wallpaper or other covering from the walls of such house or the portion thereof specified in the

notice and to take such other steps for the purpose of destroying and removing vermin as the case may require. A.D. 1918.

(3) If the person to whom such notice is given fails to comply therewith within the time therein specified he shall be liable to a penalty not exceeding ten shillings for every day during which he makes default in complying with the requirements of such notice and the Corporation may if they think fit at any time after the expiration of the period specified in the notice themselves do any work required by the notice to be done and all reasonable costs and expenses incurred by the Corporation in so doing shall (subject as hereinafter provided) be recoverable summarily as a civil debt from the person making the default.

(4) Every person who shall wilfully obstruct any authorised officer or servant of the Corporation in carrying out the provisions of this section shall be liable to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

(5) Upon any proceedings under this section the court may inquire whether any requirement contained in any notice given or any work done by the Corporation was reasonable and whether the costs and expenses incurred by the Corporation in doing such work or any part thereof ought to be borne wholly or in part by the person to whom notice was given and the court may make such order concerning such costs and expenses or their apportionment as appears to the court to be just and equitable in the circumstances of the case.

(6) For the purpose of this section the word "house" includes any tent van shed or similar structure used for human habitation within the city or any boat lying in any river dock or other water within the jurisdiction of the Corporation and used for the like purpose.

**213.** The owner of any dwelling-house or tenement in the city which is not provided with a proper and sufficient water supply who shall occupy or allow to be occupied such dwelling-house or tenement shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings unless such supply is not available. Provisions as to house without water supply.

**214.—**(1) The Corporation may by notice in writing require the owner or occupier of any dwelling-house warehouse or shop Regulation dustbins.

A.D. 1918. in the city to provide portable galvanised iron or enamelled iron or steel dustbins in lieu of ashpits or ashtubs or other receptacles for refuse and such bins shall be of such size and construction as may be approved by the Corporation.

(2) Any owner or occupier who fails within fourteen days after notice given to him to comply with the requirements of the Corporation under this section shall be liable to a penalty not exceeding twenty shillings and to a daily penalty not exceeding five shillings.

(3) Provided that this section shall not apply to any ashpits or ashtubs or other receptacles for refuse in use at the passing of this Act so long as the same are of suitable material size and construction and in proper order and condition.

Wilful  
damage to  
drains water-  
closets &c.

**215.** If any person causes any drain watercloset earth-closet privy or ashpit in the city to be a nuisance or injurious or dangerous to health by wilfully destroying or damaging the same or any water supply apparatus pipe or work connected therewith or by otherwise wilfully stopping up or wilfully interfering with or improperly using the same or any such water supply apparatus pipe or work he shall be liable to a penalty not exceeding five pounds Provided that nothing in this section shall prejudice any right which the owner or occupier of any premises aggrieved by any such act may have to recover compensation in respect of any damage suffered by him by reason of such act.

For regu-  
lating manu-  
facture and  
sale of ice-  
cream &c.

**216.—**(1) Any person being a manufacturer vendor or merchant of or dealer in ice-cream or other similar commodity within the city who—

(A) Causes or permits ice-cream or any similar commodity or any materials used in the manufacture thereof to be manufactured sold or stored in any sleeping-room or in any room cellar or place which is in a condition likely to render such commodity injurious to health or in which there is an inlet or opening to a drain; or

(B) In the manufacture sale or storage of any such commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination; or

(c) Omits on the outbreak of any infectious disease amongst the persons employed in his business to give notice thereof to the medical officer; A.D. 1918.

shall be liable to a penalty not exceeding forty shillings.

(2) In the event of any inmate of any building (any part of which is used for the manufacture of ice-cream or similar commodity) in the city suffering from any infectious disease the medical officer may seize and destroy all ice-cream or similar commodity or materials for the manufacture of the same in such building and the Corporation shall compensate the owner of the ice-cream commodity or materials so destroyed.

(3) Every dealer in ice-cream or similar commodity selling his wares from any cart barrow or other vehicle or stand in the city shall have his name and address legibly painted or inscribed on such cart barrow vehicle or stand and any person who shall fail to comply with this subsection shall be liable to a penalty not exceeding forty shillings.

(4)—(A) Any officer duly authorised by the Corporation in that behalf shall at all reasonable times have the same power of entry into and inspection of the premises of any manufacturer vendor or merchant or dealer in ice-cream or other similar commodity for the purpose of inspecting such premises and the materials or commodities or articles of food therein as an officer of the Corporation would have under section 118 (Power of entry of sanitary authority) of the Public Health (Ireland) Act 1878 in the cases therein mentioned.

(B) Any person refusing entry into or inspection of such premises as aforesaid or obstructing such officer as aforesaid in the execution of his duty shall be liable to a penalty not exceeding forty shillings for each offence.

**217.**—(1) From and after the passing of this Act the following provisions shall apply to any room shop or other part of a building within the city in which any article whether solid or liquid intended or adapted for the food of man is sold or exposed for sale or deposited for the purpose of sale or of preparation for sale or with a view to future sale—

Sanitary regulations for premises where food is deposited for sale.

(A) No urinal watercloset earthcloset privy ashpit or other like sanitary convenience shall be within such room shop or other part of a building or shall communicate

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therewith except through the open air or through an intervening ventilated space :

- (B) No cistern for supplying water to such room shop or other part of a building shall be in direct communication with and directly discharge into any such sanitary convenience :
- (C) No drain or pipe for carrying off fæcal or sewage matter shall have any inlet or opening within such room shop or other part of a building :
- (D) No such room shop or other part of a building shall be used as a sleeping-place and so far as may be reasonably necessary to prevent risk of the infection or contamination of any such article as aforesaid no sleeping-place shall adjoin such room shop or other part of a building and communicate therewith except through the open air or through an intervening ventilated space ;
- (E) Refuse or filth whether solid or liquid shall not be deposited or allowed to accumulate in any such room shop or other part of a building except so far as may be reasonably necessary for the proper carrying on of trade or business :
- (F) Due cleanliness shall be observed in regard to such room shop or other part of a building and all articles apparatus and utensils therein and shall be observed by persons engaged in such room shop or other part of a building.

(2) If any person occupies or lets or knowingly suffers to be occupied any such room shop or other part of a building wherein any of the conditions prohibited by this section exist or does or knowingly permits any act or thing therein in contravention of this section, he shall be liable on summary conviction to a fine not exceeding for a first offence twenty shillings and for every subsequent offence five pounds and in either case to a daily penalty not exceeding twenty shillings.

(3) The provisions of this section shall not apply to any factory within the meaning of the Factory and Workshop Act 1901.

Regulations  
for securing  
cleanliness

**218.** The provisions of section 34 of the Contagious Diseases (Animals) Act 1878 and of the Dairies Cowsheds and Milkshops



(Ireland) Order 1908 made thereunder and of any other order made or to be made under the said section or relating to dairies cowsheds or milkshops and of any regulations made or to be made by the Corporation under any such order for securing the cleanliness of milk vessels used for containing milk for sale shall apply to all vessels used within the city for the reception measurement storage or delivery of milk by persons selling milk by retail in the streets.

A.D. 1918.  
of vessels  
used for sale  
of milk in  
streets.

**219.** It shall not be lawful to blow or inflate the carcase or any part of the carcase of any animal slaughtered within or brought into the city and any person offending against this enactment or exposing or depositing for sale within the city a carcase which is blown or inflated or any part thereof shall be liable to a penalty not exceeding twenty shillings.

Prohibition  
of blowing  
or inflating  
of carcasses.

**220.**—(1) From and after the passing of this Act any person within the city who in the manufacture storage or preparation for sale of sausages pressed or pickled meat or other similar commodity does any act or thing likely to expose such commodity to infection or contamination or omits to take any proper precaution for the due protection of such commodity from infection or contamination shall be liable for every such offence to a penalty not exceeding forty shillings and to a daily penalty not exceeding twenty shillings.

As to con-  
tamination of  
sausages and  
other foods.

(2) No person shall be convicted of an offence under this section unless before the commission of the offence with which he is charged he shall have had written notice that acts such as the one complained of are offences against this section.

**221.**—(1) It shall not be lawful for any collector of or dealer in rags or bones or similar articles or any person carrying on the business of rag and bone merchant or any person acting on behalf of any such person as aforesaid to sell or distribute within the city any articles of food from any cart barrow or other vehicle used for the collection of rags bones or similar articles or in or from any shop or premises used for or in connexion with the business of rag and bone merchants.

Rag and  
bone dealers  
not to sell  
food.

(2) Every person who shall offend against this section shall be liable to a penalty not exceeding five pounds.

**222.** For the purposes of section 128 (Restrictions on establishment of offensive trade in urban district) of the Public Health (Ireland) Act 1878 a trade business or manufacture

Establish-  
ment &c. of  
offensive  
trades.

A.D. 1918. — shall be deemed to be established not only if it is established for the first time but also if it is removed from any one set of premises to any other premises or if it is renewed on the same set of premises after having been discontinued for a period of six months or upwards of if any premises on which it is for the time being carried on are enlarged without the consent in writing of the Corporation but a trade business or manufacture shall not be deemed to be established for the first time on any premises by reason only that the ownership of such premises is wholly or partially changed or that the building in which it is established having been wholly or partially pulled down or burnt down has been reconstructed without any extension of its area.

Sanitary conveniences for manufactories &c.

**223.**—Section 22 (Sanitary conveniences for manufactories &c.) of the Public Health Acts Amendment Act 1890 shall be extended so as to confer upon the medical officer and the executive sanitary officer respectively the same power as is conferred upon the surveyor by subsection (2) of that section.

Sanitary conveniences for workmen engaged on buildings.

**224.**—(1) The contractor or builder engaged in or upon the construction reconstruction or alteration of any building in the city shall if practicable provide to the reasonable satisfaction of the Corporation and until the completion of any such work or operation sufficient water or other closets and urinals for the use of workmen employed by him on such building.

(2) Any person offending against this section shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding forty shillings.

Ejection of steam and gas to annoyance of public.

**225.**—(1) All steam or waste gas ejected from any fixed engine or the boiler or condensers thereof and all condensing water above a temperature of one hundred and ten degrees Fahrenheit so ejected and all spent and ejected steam arising or produced in any trade business or manufacture shall be so discharged as not to be an annoyance to the public but nothing in this section shall apply to steam ejected from any locomotive boiler or engine now or hereafter belonging to any railway company.

(2) Any person who shall offend against this section shall be liable to a penalty not exceeding twenty pounds and to a daily penalty not exceeding forty shillings.

Boilers &c. not to be tapped or

**226.**—(1) From and after the passing of this Act it shall not be lawful for any person to tap or blow off any steam

boiler in connexion with any premises where any trade or manufacture is carried on at a greater pressure than twenty pounds or to discharge the water from any dye-pan or other receptacle into any sewer of the Corporation unless the water in such boiler or dye-pan or receptacle shall have been so cooled as effectually to prevent any steam from such water being emitted in any street manhole gully or other drain opening in connexion with such sewer.

A.D. 1918.  
blown off  
direct into  
sewer.

(2) Any person who shall offend against the provisions of this section shall be liable to a penalty not exceeding ten pounds and to a daily penalty not exceeding twenty shillings.

**227.**—(1) On the representation of any person to the Corporation that the water in any well tank or cistern or supplied from any pump pipe or other source is used by man for domestic purposes or for manufacturing drink for the use of man and is so polluted as to be injurious or dangerous to health a court of summary jurisdiction on complaint by the Corporation and after hearing the person who is the owner or occupier of the premises to which the well tank cistern pump pipe or other source belongs if it be private or in the case of a public well tank cistern pump pipe or other source the person who is alleged in the complaint to be interested in the same or after giving him an opportunity of being heard may by summary order direct the well tank cistern pump pipe or other source of supply to be permanently or temporarily closed or the use for the purposes aforesaid of the water supplied by means thereof to be discontinued or make such other order as appears to the court requisite to prevent injury or danger to the health of persons drinking the water.

Power to  
close polluted  
well tank  
cistern pump  
pipe or other  
water source.

(2) The Corporation may take samples of the water complained of and may cause the same to be analysed or the court may if they see fit cause the water to be analysed at the cost of the Corporation.

(3) If the person on whom the order is made fails to comply therewith he shall be liable to a fine not exceeding twenty pounds and a court of summary jurisdiction on complaint by the Corporation may authorise the Corporation to execute the order and any expenses incurred by them in so doing may be recovered in a summary manner from the said person.

**228.** The provisions of section 118 (Power of entry of sanitary authority) and section 119 (Penalty for disobedience of

Power to  
enter pre-  
mises.

A.D. 1918. — order) of the Public Health (Ireland) Act 1878 shall extend and apply to the purposes of this Part of this Act as if those purposes had been mentioned in the said section 118.

Public notice to be given of provisions of this Part of Act.

**229.**—(1) Public notice of the foregoing provisions of this Part of this Act shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected so far as such persons can reasonably be ascertained.

(2) Copies of the newspapers containing the advertisements shall be sufficient evidence that the provisions of this section have been complied with.

## PART XI.

### COMMON LODGING-HOUSES &C.

Medical examination of inmates of common lodging-houses &c. when infectious disease prevails.

**230.** Whenever the medical officer shall report in writing to the Corporation or to a committee of the Corporation authorised for this purpose by the Corporation that there is a prevalence of dangerous infectious disease in the city or in any adjoining or neighbouring borough or district and that there are reasonable grounds to apprehend the spread or communication of such disease to persons within the city by persons resorting to common lodging-houses or seamen's lodging-houses the Corporation or such committee as aforesaid may by resolution declare that by reason of the prevalence of the dangerous infectious disease named in the resolution it is expedient that the medical officer should be entrusted with the special powers hereinafter mentioned and subject as hereinafter provided the following provisions shall thereupon be in force within the city for such period as the Corporation or such committee as aforesaid having regard to the circumstances of the case shall in the resolution determine (that is to say) :—

- (1) The medical officer may when authorised by warrant granted by any justice on complaint on oath by the medical officer that he has reason to believe that the dangerous infectious disease named in the resolution of the Corporation or of such committee as aforesaid may exist or has recently existed in any common lodging-house or seamen's lodging-house in the city medically examine any person found in any common lodging-house or seamen's lodging-house in the city

with a view to ascertaining whether such person is suffering or has recently suffered from such disease  
Any person obstructing the medical officer in making the examination aforesaid shall be liable to a penalty not exceeding forty shillings for each offence:

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- (2) A copy of every such resolution shall forthwith be sent by the Corporation or such committee as aforesaid to every keeper of a registered common lodging-house and licensed seamen's lodging-house in the city and to the Local Government Board:
- (3) Unless approved by the Local Government Board any such resolution shall cease to be in force at the expiration of fourteen days after it is passed or any earlier date fixed by the Local Government Board:
- (4) A warrant granted under this section may authorise the medical officer to exercise the powers of examination hereinbefore conferred during such period not exceeding the period during which the provisions aforesaid shall be in force as may be specified in such warrant.

**231.** If the Corporation deem it necessary on account of the existence or recent existence therein of infectious disease to close a common lodging-house or seamen's lodging-house they may make an application to a justice for an order to close the same and the justice if satisfied of the necessity of such closing may make an order for the closing of such house until the same shall have been disinfected to the satisfaction of and certified to be free from infection by the medical officer and any keeper of a common lodging-house or seamen's lodging-house who shall receive any lodger or suffer or permit any lodger to remain in such house after an order has been made to close the same and during the continuance of such order shall be liable to a penalty of five pounds for every day during which the offence continues.

Power to close infected common lodging-houses &c.

The Corporation shall make compensation to the keeper of any such lodging-house for any loss he may sustain by reason of such closing.

**232.**—(1) Notice of the provisions of the two immediately preceding sections of this Act shall be served upon the keeper of every common lodging-house or seamen's lodging-house within

Notice of provisions of Act to keepers of

A.D. 1918. the city either personally or by leaving the same at or sending the same to the lodging-house.

common  
lodging-  
houses &c.

(2) A copy of a notice endorsed with a certificate purporting to be signed by the town clerk that such notice has been served in accordance with the requirements of the last preceding subsection shall be sufficient evidence that the provisions of such subsection have been complied with.

Power to  
inspect pre-  
mises used  
in contra-  
vention of  
Merchant  
Shipping  
Act.

**233.** The executive sanitary officer or other duly authorised officer of the Corporation if he has reason to believe that seamen are being lodged in premises which ought to be but are not duly licensed in pursuance of section 214 of the Merchant Shipping Act 1894 may enter into and inspect such premises and if entry to such premises under the provisions of this section is refused by the person having the custody of such premises or any person acting in his behalf any justice may upon the application of the Corporation or the executive sanitary officer grant a warrant to the executive sanitary officer or such officer as aforesaid to enter such premises for the purposes of this section and any person who obstructs the executive sanitary officer or such officer as aforesaid in the performance of his duty under such warrant and this section shall be liable to a penalty not exceeding five pounds.

## PART XII.

### MARKETS AND SLAUGHTER-HOUSES.

Removal and  
exclusion  
from city of  
animals  
diseased or  
unfit for  
food.

**234.** The market-keeper any officer of the market the executive sanitary officer or any constable may remove and exclude from the city all animals which after inspection by a duly registered veterinary surgeon shall be suspected by him to be affected with tubercular disease or any old emaciated or diseased animal which in the opinion of a duly registered veterinary surgeon is unfit for human food.

Power to  
provide ap-  
purtenances  
for markets  
fairs &c.

**235.** The Corporation may provide all such matters and things as may be necessary for the convenient use of their markets fairs and slaughter-houses.

Power to  
provide cold  
storage.

**236.** The Corporation may provide maintain and use cold stores and refrigerators and all other necessary buildings works conveniences plant and apparatus in connexion therewith or incidental thereto.

**237.** If any person liable to pay any stallage rent toll or charge to the Corporation in respect of the markets or fairs shall give an incorrect account of the same or make any false statement in relation thereto or refuse or neglect to give a correct account thereof with a view to evade or attempt to evade the payment of such stallage rent toll or charge or any part thereof he shall be liable to a penalty not exceeding forty shillings and to pay the amount of the stallage rent toll or charge so evaded or attempted to be evaded.

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Penalty for attempt to evade payment of tolls &c.

**238.** So long as the Corporation shall provide adequate slaughter-house accommodation conveniently situated no person shall slaughter in the way of trade or dress for sale any cattle beast sheep or swine within the city except in the premises provided for that purpose by the Corporation and if any person shall act in contravention of the provisions of this section he shall be liable to a penalty not exceeding five pounds for each such offence:

Prohibition of slaughtering elsewhere than in public slaughter-houses.

Provided that nothing in this section shall prevent a farmer from slaughtering on land occupied by him for agricultural purposes any cattle belonging to him for his own use or with the consent of the Corporation for any other purpose or in case of emergency without such consent but no part of the carcase of any animal so slaughtered by a farmer shall be removed from the farm until after inspection by the medical officer or the executive sanitary officer such inspection to be made within a reasonable time.

Nothing in this section contained shall interfere with the operation or effect of the Diseases of Animals Acts 1894 to 1911 or of any order or licence of the Department of Agriculture and Technical Instruction for Ireland made or granted thereunder.

**239.**—(1) Notwithstanding anything contained in the Act of 1848 or the Act of 1896 the Corporation may demand and receive for the use of their markets and of the stalls and standings therein and in respect of animals and things brought into the markets and for the use of their slaughter-houses weighing-houses and weighing places and machines such stallages rents tolls and charges as the Corporation may from time to time appoint not exceeding such stallages rents tolls or charges as may for the time being be prescribed by the Local Government Board upon the application of the Corporation and any

Power to levy market &c. tolls prescribed by Local Government Board.

A.D. 1918. — stallages rents tolls and charges so prescribed shall be substituted for the stallages rents tolls or charges specified in Schedule (D) to the Act of 1848 and in Schedule B to the Act of 1896.

(2) Unless and until any stallages rents tolls and charges shall be prescribed by the Local Government Board in pursuance of this section nothing in this section contained shall affect the right of the Corporation to demand and receive the stallages rents tolls and charges which they are now authorised to take.

### PART XIII.

#### STREET TRAFFIC AND HACKNEY CARRIAGES.

Byelaws as to street collections.

**240.** The Corporation may for the purpose of preventing obstruction in the streets with the approval of the Chief Secretary for Ireland make byelaws with respect to the places where and the manner in which persons may collect money in any street within the city for charitable or other purposes Any person who shall contravene any such byelaw shall be liable to a penalty not exceeding forty shillings.

Restrictions on advertising vehicles.

**241.** It shall not be lawful in any street in the city to use any vehicle exclusively or principally for the purpose of displaying advertisements without the consent of the Corporation which consent shall be in writing and may be for such time and contain such terms and conditions as the Corporation think fit Any person who acts in contravention of the provisions of this section or who violates any conditions made or the terms of any consent given in pursuance of such provisions shall be liable to a penalty not exceeding five pounds and to a daily penalty not exceeding twenty shillings Any person aggrieved under this section by the refusal of the Corporation to give such consent or by the terms or conditions attached to such consent may appeal to a court of summary jurisdiction within three clear days after the decision of the Corporation is notified to him in writing under the hand of the town clerk provided he give twenty-four hours' notice of such appeal and the grounds thereof to the town clerk and the court shall have power to make such order as they think fit.

Byelaws as to leading or driving cattle.

**242.** The power to make byelaws conferred on the Corporation by section 125 of the Municipal Corporations (Ireland) Act 1840 shall be deemed to enable the Corporation to make



byelaws in accordance with the provisions of that section for prescribing the streets in which the hours during which and the manner according to which animals may be led or driven along the streets of the city Provided that the route or routes prescribed by any such byelaws shall not be such as would prevent the passage of cattle by a reasonably short and convenient route between any market or licensed or registered slaughter-house and any railway station in the city or any place beyond the boundary of the city when such animals are merely passing between such market or slaughter-house and railway station or other place as aforesaid Provided also that any such byelaws shall not prevent the owner of any animal driving the same to his own premises.

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**243.**--(1) Any person appointed by the Corporation in writing may examine all hackney carriages and other public vehicles plying for hire and shall see that the laws and byelaws relating to such hackney carriages and public vehicles are duly observed.

Inspection of hackney carriages and other public vehicles.

(2) If the proprietor driver conductor or other person shall obstruct or hinder such person so appointed as aforesaid in the execution of his duty such proprietor driver conductor or person shall be liable to a penalty not exceeding forty shillings.

**244.** An occasional licence for a public vehicle may be granted by the Corporation to be in force for such day or days or other periods less than one year as may be specified in the licence.

Power to grant occasional licences for hackney carriages or other public vehicles.

**245.** The Corporation may from time to time in addition to the byelaws which they may make under section 68 (Commissioners may make byelaws for regulating hackney carriages) of the Town Police Clauses Act 1847 make byelaws for fixing the rates or fares to be paid for motor or other hackney carriages within the prescribed distance under the said Act by a combination of time and distance and for securing the due publication of such rates or fares.

Further powers as to making byelaws for regulating motor hackney carriages.

**246.** The provisions of the Town Police Clauses Acts 1847 and 1889 and the byelaws of the Corporation for the time being in force with respect to hackney carriages and other public vehicles shall be as fully applicable in all respects to hackney carriages and other public vehicles within the city conveying

Regulation of hackney carriages or other public vehicles plying to and from railway stations.

A.D. 1918. — passengers to or from any railway station within the city or plying for hire at such railway station as if such railway station were a public stand for public vehicles:

Provided always that the provisions of this section shall not apply to any vehicle belonging to and used by any railway company for the purpose of carrying passengers and their luggage to or from any of their railway stations or to the drivers or conductors of such vehicles:

Provided also that nothing in this section shall empower the Corporation to fix the site of the stand or starting place of any hackney carriage or other vehicles in any railway station or in any yard belonging to a railway company except with the consent of the railway company owning such station or yard.

#### PART XIV.

##### SUPERANNUATION.

Extension of provisions of Local Officers Superannuation Act (Ireland) 1869.

**247.** The provisions of the Local Officers Superannuation Act (Ireland) 1869 shall be extended so as to include and apply to any artisan workman labourer or servant in the employment of the Corporation upon similar terms and conditions as the same apply to officers in the service of the Corporation. Provided that the exercise of the powers by this section granted shall be subject to the sanction of the Local Government Board instead of the consent of the Lord Lieutenant or other Chief Governor of Ireland.

Power to grant gratuities in certain cases.

**248.—(1)** The Corporation may if they think fit except in cases within the Workmen's Compensation Act 1906 or in which the powers of the Local Officers Superannuation Act (Ireland) 1869 as extended by this Act shall have been exercised grant a gratuity of any sum (not exceeding two years' pay) to any of their officers or servants who may be disabled or injured in their service or may become incapacitated through age sickness or other infirmity or to the widow or family of any such officer or servant who may die in their service.

(2) Every such gratuity shall be charged on and paid out of the fund or funds on or out of which the salary wages or emoluments of such officer or servant would have been charged or paid if he had continued in his office or service.

PART XV.

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FINANCIAL.

**249.**—(1) The Corporation may from time to time independently of any other borrowing power borrow at interest any sum or sums of money for the purposes hereinafter mentioned not exceeding the respective amounts following (that is to say):—

Power to borrow.

- (A) For the purchase of lands and easements for and the construction of the waterworks by this Act authorised and for the purchase of other lands and easements in connexion with the water undertaking three hundred and twenty thousand pounds:
- (B) For new mains extensions of mains and service pipes and other waterworks purposes ten thousand pounds:
- (C) For the purchase of lands and easements for and the construction of the street improvement and works by this Act authorised five hundred pounds:
- (D) For the purchase of lands and easements for the purposes of the trolley vehicle and omnibus undertaking or for other the purposes of the Corporation seven thousand pounds:
- (E) For the provision of the trolley vehicles authorised by this Act fourteen thousand four hundred pounds:
- (F) For the provision of the electrical equipment and the construction of the other works necessary for the trolley vehicles authorised by this Act fifty-four thousand pounds:
- (G) For omnibuses nineteen thousand pounds:
- (H) For electrical plant and machinery two thousand pounds:
- (I) For the construction of buildings for the purposes of the trolley vehicles and omnibuses four thousand pounds:
- (J) For paying the costs charges and expenses of this Act as hereinafter provided the sum requisite for that purpose.

The Corporation may also with the consent of the Board of Trade borrow such further money as the Corporation may require for any of the purposes of Part VI. (Trolley Vehicles and Omnibuses) of this Act and may with the consent of the

A.D. 1918. Local Government Board borrow such further money as may be necessary for any of the purposes of this Act other than the purposes of that Part.

(2) The Corporation shall out of the improvement fund and improvement rate and notwithstanding any limits placed by any Act upon the amount of such rate which limits are hereby removed for the purposes of this section pay off all money borrowed by them under subsection (1) of this section within the respective periods (each of which is in this Act referred to as "the prescribed period") following (that is to say):—

As to money borrowed for the purposes (A) (C) and (D) mentioned in this section within sixty years from the date or dates of borrowing the same:

As to money borrowed for the purposes (B) and (I) mentioned in this section thirty years from the date or dates of borrowing the same:

As to the money borrowed for the purposes (E) mentioned in this section within ten years from the date or dates of borrowing the same:

As to money borrowed for the purposes (F) and (H) mentioned in this section within twenty years from the date or dates of borrowing the same:

As to money borrowed for the purposes (G) mentioned in this section within five years from the date or dates of borrowing the same:

As to money borrowed for the purpose (J) mentioned in this section within five years from the passing of this Act:

As to money borrowed with the consent of the Board of Trade or the Local Government Board within such period as may be prescribed by the Board with whose consent it is borrowed.

(3) In order to secure the repayment of the money borrowed under this section and the payment of the interest thereon the Corporation may mortgage or charge—

As regards moneys borrowed for the purposes (A) and (B) hereinbefore mentioned the revenue of the water undertaking and the improvement fund and improvement rate;

As regards moneys borrowed for the purposes (c) and (J) hereinbefore mentioned the improvement fund and improvement rate; A.D. 1918.

As regards moneys borrowed for the purposes (D) (E) (F) (G) and (I) hereinbefore mentioned the revenue of the trolley vehicle and omnibus undertaking and the improvement fund and improvement rate;

As regards money borrowed for the purposes (H) hereinbefore mentioned the revenue of the electric lighting undertaking of the Corporation and the improvement fund and improvement rate;

As regards moneys borrowed with the consent of the Board of Trade or of the Local Government Board such fund rate or revenue as may be prescribed by the Board with whose consent the money is borrowed.

The provisions of this section shall not limit the powers conferred on the Corporation by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes."

**250.** The Corporation shall not borrow for the provision of trolley vehicles and the electrical equipment and the construction of the other works necessary for those vehicles any greater sum than fifty thousand pounds until they shall have taken all the requisite steps to introduce into Parliament in the next session available for Private Bill Legislation or the next succeeding session a Bill for the extension of the city boundaries. Limitation of borrowing powers for trolley vehicles.

**251.** The powers of borrowing money conferred on the Corporation by this Act shall not be restricted by any of the provisions of the Public Health (Ireland) Act 1878 and in calculating the amount which the Corporation may borrow under that Act any sums which they may borrow under this Act shall not be reckoned. Certain regulations of Public Health (Ireland) Act 1878 not to apply.

**252.** Any money borrowed or raised under the provisions of this Act shall be applied only to the purposes for which it is authorised to be borrowed or raised and to which capital is properly applicable Provided that moneys which may have been borrowed in excess of the amount required shall be paid into the sinking fund or shall be applied in such manner as the Corporation with the approval of the Local Government Board determine. Application of moneys borrowed.

A.D. 1918.  
Provisions  
as to mort-  
gages.

**253.** The following sections of the Public Health (Ireland) Act 1878 (that is to say):—

- Section 240 (Form of mortgage);
- Section 241 (Register of mortgages);
- Section 242 (Transfer of mortgages);
- Section 243 (Receiver may be appointed in certain cases);

shall (subject to the provisions of the section of this Act the marginal note of which is "Power to use one form of mortgage for all purposes") apply to and in relation to all mortgages granted under the powers of this Act as if they were with necessary modifications re-enacted in this Act.

Protection  
of lender  
from  
inquiry.

**254.** Any person lending money to the Corporation under this Act shall not be bound to inquire as to the observance by them of any provisions of this Act nor be bound to see to the application nor be answerable for any loss mis-application or non-application of the money lent or of any part thereof.

Mode of pay-  
ment off of  
money bor-  
rowed.

**255.** The Corporation shall pay off all moneys borrowed by them on mortgage under the powers of this Act either by equal yearly or half-yearly instalments of principal or of principal and interest combined or by means of a sinking fund or partly by one of those methods and partly by another or others of them.

Sinking  
fund.

**256.**—(1) If the Corporation determine to repay by means of a sinking fund any moneys borrowed by virtue of this Act such fund shall be formed and maintained either—

- (A) By payment to the fund throughout the prescribed period of such equal annual sums as will together amount to the moneys for the repayment of which the sinking fund is formed A sinking fund so formed is hereinafter called a "non-accumulating sinking fund"; or
- (B) By payment to the fund throughout the prescribed period of such equal annual sums as with accumulations at a rate not exceeding three pounds per centum per annum will be sufficient to pay off within the prescribed period the moneys for the repayment of which such sinking fund is formed A sinking fund so formed is hereinafter called an "accumulating sinking fund."

(2) Every sum paid to a sinking fund and in the case of an accumulating sinking fund the interest on the investments of the sinking fund shall unless applied in repayment of the loan in respect of which the sinking fund is formed or in accordance with the provisions of the section of this Act of which the marginal note is "Power to use sinking fund instead of borrowing" be immediately invested in statutory securities the Corporation being at liberty from time to time to vary and transpose such investments.

(3) In the case of a non-accumulating sinking fund the interest on the investments of the fund may be applied by the Corporation towards the equal annual payments to the fund.

(4) The Corporation may at any time apply the whole or any part of any sinking fund in or towards the discharge of the money for the repayment of which the fund is formed. Provided that in the case of an accumulating sinking fund the Corporation shall pay into the fund each year and accumulate during the residue of the prescribed period a sum equal to the interest which would have been produced by such sinking fund or part thereof so applied if invested at the rate per centum per annum on which the annual payments to the sinking fund are based.

(5)—(A) If and so often as the income of an accumulating sinking fund is not equal to the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any deficiency shall be made good by the Corporation.

(B) If and so often as the income of an accumulating sinking fund is in excess of the income which would be derived from the amount invested if the same were invested at the rate per centum per annum on which the annual payments to the fund are based any such excess may be applied towards such annual payments.

(6) Any expenses connected with the formation maintenance investment application management or otherwise of any sinking fund under this Act shall be paid by the Corporation in addition to the payments provided for by this Act.

(7) If it appear to the Corporation at any time that the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating

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sinking fund) will not be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed it shall be the duty of the Corporation to make such increased payments to the sinking fund as will cause the sinking fund to be sufficient for that purpose. Provided that if it appear to the Local Government Board that any such increase is necessary the Corporation shall increase the payments to such extent as the Board may direct.

(8) If the Corporation desire to accelerate the repayment of any loan they may increase the amounts payable to any sinking fund.

(9) If the amount in the sinking fund with the future payments thereto in accordance with the provisions of this Act together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be more than sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may reduce the payments to the sinking fund either temporarily or permanently to such amounts as will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the money for the repayment of which the sinking fund is formed.

(10) If the amount in any sinking fund at any time together with the probable accumulations thereon (in the case of an accumulating sinking fund) will in the opinion of the Local Government Board be sufficient to repay within the prescribed period the moneys for the repayment of which the sinking fund is formed the Corporation may with the consent of that Board discontinue the annual payments to such sinking fund until the Board shall otherwise direct.

(11) Any surplus of any sinking fund remaining after the discharge of the whole of the moneys for the repayment of which it was formed shall be applied to such purpose or purposes as the Corporation with the consent of the Local Government Board may determine.

Commence-  
ment of pay-  
ments to  
sinking fund.

**257.** It shall not be obligatory upon the Corporation to commence to make any payment to the sinking fund or to commence the repayment by instalments of any moneys to be borrowed by them for or in connexion with the construction of any of the works by Part II. (Waterworks) of this Act authorised or the acquisition of lands or easements for the purposes



thereof or in connexion with the water undertaking until the expiration of a period of ten years from the date of the borrowing of such moneys. A.D. 1918.

Except as hereinbefore provided the first payment by instalments or to the sinking fund shall be made within one year from the time of the borrowing of the moneys in respect of which such payment is to be made.

**258.**—(1) Where the Corporation are authorised by any statutory borrowing power to raise money for any purpose they may instead of exercising such borrowing power by the issue of any fresh security in respect thereof exercise the said power and raise the said money either wholly or partially by using for such purpose so much of any money for the time being forming part of a sinking fund as shall be available for the repayment of— Power to use sinking fund instead of borrowing.

(A) A loan which is secured by a charge on the same rate fund or revenue as would be specifically chargeable as the security for the repayment of a loan under the statutory borrowing power if the same were raised by the issue of a fresh security and which is not shown by the deed to be raised in exercise of a particular borrowing power specified therein; or

(B) Moneys borrowed and charged upon all the revenues of the Corporation in manner provided by the section of this Act whereof the marginal note is "Power to use one form of mortgage for all purposes" and not shown by the deed to be raised in exercise of a particular borrowing power specified therein.

(2) The Corporation when exercising the powers conferred on them by this section shall—

(A) Withdraw from the sinking fund a sum equal to the amount of the statutory borrowing power proposed to be exercised by the user of money from such sinking fund:

(B) Credit such sinking fund with the repayment of an amount of the principal moneys for the repayment of which the fund is established equal to the sum withdrawn from the sinking fund and thereupon the amount so credited shall be deemed to be principal moneys discharged by application of the sinking fund:

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(c) Debit the account of the statutory borrowing power proposed to be exercised with an amount of the principal money equal to the sum withdrawn from such sinking fund and thereupon the statutory borrowing power shall be deemed to have been exercised as fully as if the said amount had been raised by the issue of a fresh security and the provisions of any enactment as to the repayment and re-borrowing of sums raised under the statutory borrowing power shall apply thereto accordingly.

(3) The Corporation shall furnish all such information (if any) to the Local Government Board with regard to the exercise of the powers contained in this section as that Board shall require.

Power to use one form of mortgage for all purposes.

**259.**—(1) Where the Corporation have for the time being any statutory borrowing power they may for the purpose of exercising such power grant mortgages in pursuance of the provisions of this section.

(2) Every mortgage granted under this section shall be by deed truly stating the consideration and the time or the mode of ascertaining the time and the place of payment and shall be sealed with the common seal of the Corporation and may be made in the form contained in the Third Schedule to this Act or to the like effect.

(3) All mortgages granted under this section shall rank equally without any priority or preference by reason of any precedence in the date of any statutory borrowing power or in the date of the mortgages or on any other ground whatsoever and shall also rank equally with all other securities granted by the Corporation at any time after the date of the first grant of a mortgage under this section.

(4) The repayment of all principal sums and the payment of interest thereon secured by mortgages granted under this section shall be and the same are by virtue of this Act charged indifferently upon all the revenues of the Corporation.

(5) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the repayment of the sums secured by mortgages granted under this section and all such sums shall be repaid within the periods by the means and out of the funds rates or revenues within by and

out of which they would have been repayable respectively if this section had not been enacted. A.D. 1918.

(6) Nothing in this section contained shall alter or affect the obligations of the Corporation to provide for the payment of interest upon the sums secured by mortgages granted under this section and the interest upon such sums shall be paid out of the funds rates or revenues out of which such interest would have been payable respectively if this section had not been enacted.

(7) There shall be kept at the office of the Corporation a register of the mortgages granted under this section and within fourteen days after the date of any such mortgage an entry shall be made in the register of the number and date thereof and of the names and descriptions of the parties thereto as stated in the deed. Every such register shall be open to public inspection during office hours at the said office without fee or reward and the accountant or other the person having the custody of the same refusing to allow such inspection shall be liable to a penalty not exceeding five pounds.

(8) Any mortgagee or other person entitled to any mortgage granted under this section may transfer his estate and interest therein to any other person by deed duly stamped truly stating the consideration and such transfer may be according to the form contained in the Third Schedule to this Act or to the like effect.

(9) There shall be kept at the office of the Corporation a register of the transfers of mortgages granted under this section and within thirty days after the date of every deed of transfer if executed within the United Kingdom or within thirty days after its arrival in the United Kingdom if executed elsewhere the same shall be produced to the accountant who shall on payment of a sum not exceeding five shillings cause an entry to be made in such register of its date and of the names and descriptions of the parties thereto as stated in the deed of transfer and until such entry is made the Corporation shall not be in any manner responsible to the transferee.

(10) On the registration of any transfer the transferee his executors or administrators shall be entitled to the full benefit of the original mortgage and the principal and interest secured thereby and any transferee may in like manner transfer his estate and interest in any such mortgage and no person except

A.D. 1918. — the last transferee his executors or administrators shall be entitled to release or discharge any such mortgage or any moneys secured thereby.

(11) If the accountant wilfully neglects or refuses to make in the register any entry by this section required to be made he shall be liable to a penalty not exceeding twenty pounds.

Corporation  
not to regard  
trusts.

**260.** The Corporation shall not be bound to see to the execution of any trust whether express implied or constructive to which any loan or security for loan given by them may be subject but the receipt of the person in whose name any loan or security for loan stands in the register of mortgages of the Corporation shall be a sufficient discharge to the Corporation in respect thereof notwithstanding any trusts to which such loan or security may be subject and whether or not the Corporation have had express or implied notice of any such trust or of any charge or encumbrance upon or transfer of such loan or security or any part thereof or interest thereon not entered in their register.

Power to  
re-borrow.

**261.—**(1) The Corporation shall have power—

(A) To borrow for the purpose of paying off any moneys previously borrowed under any statutory borrowing power which are intended to be forthwith repaid; or

(B) To borrow in order to replace moneys which during the previous twelve months have been temporarily applied from other funds of the Corporation in repaying moneys previously borrowed under any statutory borrowing power and which at the time of such repayment it was intended to replace by borrowed moneys.

(2) Any moneys borrowed under this section shall for the purposes of repayment be deemed to form part of the original loan and shall be repaid within that portion of the period prescribed for the repayment of that loan which remains unexpired and the provisions which are for the time being applicable to the original loan shall apply to the moneys borrowed under this section.

(3) The Corporation shall not have power to borrow for the purpose of making any payment to a sinking fund or of paying any instalment or making any annual payment which has or may become due in respect of borrowed moneys.

(4) The Corporation shall not have power to borrow in order to replace any moneys previously borrowed which have been repaid— A.D. 1918.

- (A) By instalments or annual payments; or
- (B) By means of a sinking fund; or
- (C) Out of moneys derived from the sale of land; or
- (D) Out of any capital moneys properly applicable to the purpose of the repayment other than moneys borrowed for that purpose.

**262.**—(1) The accountant shall within twenty-one days after the thirty-first day of March in each year if during the twelve months next preceding the said thirty-first day of March any sum is required to be paid as an instalment or annual payment or to be appropriated or to be paid to a sinking fund in pursuance of the provisions of this Act or in respect of any money raised under any statutory borrowing power and at any other time when the Local Government Board may require such a return to be made transmit to the Local Government Board a return in such form as may be prescribed by that Board and if required by that Board verified by statutory declaration of the accountant showing for the year next preceding the making of such return or for such other period as the Board may prescribe the amounts which have been paid as instalments or annual payments and the amounts which have been appropriated and the amounts which have been paid to or invested or applied for the purpose of the sinking fund and the description of the securities upon which any investment has been made and the purposes to which any portion of the sinking fund or investment or of the sums accumulated by way of compound interest has been applied during the same period and the total amount (if any) remaining invested at the end of the year and in the event of any default in making such return the accountant shall be liable to a penalty not exceeding forty shillings a day during the continuance of the default which shall be paid to the Local Government Board and shall be recoverable by that Board in the same manner as penalties recoverable under the Public Health (Ireland) Act 1878 in a summary manner may be recovered by parties aggrieved within the meaning of that Act.

Returns to  
Local Government  
Board  
respecting  
sinking fund.

(2) If it appear to the Local Government Board by that return or otherwise that the Corporation have failed to pay any instalment or annual payment required to be paid or to appropriate any sum required to be appropriated or to set apart any

A.D. 1918. — sum required for any sinking fund (whether such instalment or annual payment or sum is required by the Act in pursuance of which the moneys are raised or by the Local Government Board in virtue thereof to be paid appropriated or set apart) or have applied any portion of any sinking fund to any purposes other than those authorised the Local Government Board may by order direct that the sum in such order mentioned not exceeding double the amount in respect of which default has been made shall be paid or applied as in such order mentioned and any such order shall be enforceable by writ of Mandamus to be obtained by the Local Government Board out of the High Court.

Power to invest sinking funds in statutory securities.

**263.** When under the provisions of any Act of Parliament or of any Order confirmed by or having the effect of an Act of Parliament whether passed confirmed or made before or after the passing of this Act the Corporation are empowered or required to form a sinking fund for the payment off of money borrowed or payable by them they may (in addition to any other powers for the time being vested in them) invest such sinking fund and the interest on the investments of such sinking fund in statutory securities.

Application of moneys from sale &c. of land.

**264.** The Corporation shall apply all moneys from time to time received by them in respect of any sales or dispositions of lands and premises or by way of fine or premium on any lease under this Act in or towards paying off moneys borrowed and for the time being owing under this Act Provided that such proceeds shall not be applicable to the payment of instalments appropriations or annual repayments or to payments into the sinking fund except to such extent and upon such terms as may be approved by the Local Government Board.

Separate accounts of trolley vehicle and omnibus undertaking to be kept.

**265.** The Corporation shall keep separate accounts of their receipts and expenditure on capital and revenue account for the purposes of the trolley vehicle and omnibus undertaking.

As to temporary borrowing.

**266.** For the purpose of providing temporarily during any financial year for their current expenses as a municipal or sanitary authority (whether under the provisions of public general or local Acts) or for the current expenses of their water electricity or trolley vehicle and omnibus undertakings and after the commencement of such year it shall be lawful for the Corporation to borrow by way of temporary loan or overdraft from any bank such sums as they may from time to

time resolve not exceeding in each case an amount equal to one-third of the amount of the before-mentioned expenses for the immediately preceding financial year for any such purpose as aforesaid and any amount so borrowed shall form a charge upon the rates or revenue of the undertaking in respect of which it is borrowed as the same may be specified in the resolution of the Corporation authorising such borrowing *pari passu* with any Corporation stock bond or mortgage affecting the same and it shall further be lawful for the Corporation to utilise for providing temporarily for any such expenses any sinking funds which they may have in hand crediting the said sinking funds with such fair rate of interest not being less than three pounds per centum per annum as they may resolve Provided that—

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- (A) Any sum so borrowed together with the interest thereon shall in the case of any sum borrowed on the credit of a rate be repaid out of such rate within the financial year during which the same was borrowed and in any other case the same shall be repaid out of the income on the credit of which the sum was borrowed within three months after the expiration of such financial year:
- (B) The accountant shall within forty-two days after the end of each financial year furnish to the Local Government Board a special report showing precisely the operation of the powers of this section during such year and such report shall be in such form and shall contain such information as that Board shall approve or require:
- (C) The Local Government Board may make such investigation as may be necessary to satisfy themselves that the requirements of this section as to repayment have been complied with and if it appear to the Local Government Board by the said report or by such investigation that the Corporation have failed to comply with the requirements of this section as to repayment that Board may by order suspend the operation of the powers of this section for such period as they may think fit.

**267.** All expenses incurred by the Corporation in carrying into execution the provisions of this Act and not otherwise expressly provided for shall be defrayed as expenses under the Public Health (Ireland) Act 1878 Provided that when any

Expenses of  
executing  
Act.

A.D. 1918.

expenditure is incurred or any money is received for purposes common to two or more accounts the Corporation may apportion the same between those accounts in such manner as they deem equitable.

Apportionment of rates payable by occupiers.

**268.**—(1) When after the passing of this Act any rate has been made by the Corporation under the Act of 1848 for a particular period and the occupier of any rateable property who is rated in respect thereof to such rate ceases to be the occupier of such property before the end of such period and has not paid such rate it shall be lawful for the Corporation to determine that such occupier shall be liable to a portion only of such rate payable for the whole of such period proportionate to the portion of such period during which he remained occupier and thereupon he shall notwithstanding anything in the said Act be liable to pay such portion only. Provided however that the amount of such portion shall not be leviable by distress and sale of any goods or chattels other than those of the person who has ceased to be such occupier.

(2) In case the Corporation shall have arrived at any such determination as aforesaid and if any other person before the end of the period for which such rate was made becomes the occupier of the property such person shall pay a portion of such rate payable for the whole of such period proportionate to the portion of such period between his becoming such occupier and the end of such period and the same shall be recovered from him in the same manner as if he had been originally rated for such property.

(3) Subject to the provisions of this section the portions of any rate which shall become payable under this Act shall and may be collected and levied sued for and recovered by such and the same ways and means as the whole of such rate might have been collected levied sued for and recovered if this Act had not passed.

(4) This section shall not apply to any rate made by the Corporation under the provisions of section 229 (Power to make private improvement rates) of the Public Health (Ireland) Act 1878.

Corporation not to borrow money during continuance of war.

**269.**—Notwithstanding anything in this Act the Corporation shall not under the powers of this Act borrow any money other than money required for the payment of the costs charges and expenses of this Act as in this Act provided during the con-



tinuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained. A.D. 1918.

## PART XVI.

### MISCELLANEOUS.

**270.** The Corporation may convert any clinkers or other refuse or surplus material or product arising in connexion with their refuse destructors into slabs of artificial stone bricks concrete mortar and other materials and may construct such buildings and works and may in connexion therewith provide and erect such machinery plant and appliances as may be required and any such slabs bricks concrete mortar or other materials so produced may be utilised by the Corporation for making and repairing streets or for any other purposes connected with the work of the Corporation for which they may be suitable or may be sold by the Corporation who shall carry the proceeds arising from any sales thereof to the credit of the improvement fund.

Power to convert destructor refuse into slabs and other materials and to use and sell such materials.

**271.**—(1) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight shall sell the same or offer or expose the same for sale in sacks with a metal label affixed to the top of every such sack indicating the correct legal weight or measure of coke therein.

Regulating sale of coke by street hawkers.

(2) Any purchaser of coke in a quantity exceeding fourteen pounds but not exceeding two hundredweight from any vehicle in any street and any inspector of weights and measures or other officer appointed by the Corporation may require that any coke sold or offered for sale as aforesaid be weighed or re-weighed or measured or re-measured by any instrument or measure stamped by an inspector of weights and measures Provided that—

(A) No seller of coke or person in charge of a vehicle in which coke is carried shall be required under this section to carry coke beyond such distance not exceeding half a mile as may be prescribed in that behalf by the Corporation:

(B) Where any such coke has at the instance of the purchaser been weighed or re-weighed or measured

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or re-measured in pursuance of this section and found to be of the weight or measure stated in that behalf by the seller of the coke or the person in charge of the vehicle the purchaser shall be liable to the payment of all reasonable costs actually incurred of and incidental to the weighing or re-weighing or measuring or re-measuring.

(3) Every person who shall sell offer or expose for sale or cause to be sold offered or exposed for sale from any vehicle coke in quantities not exceeding two hundredweight shall have the name and address of the seller of such coke conspicuously painted upon such vehicle.

(4) If the owner or any person in charge of any vehicle from which coke is being sold or offered for sale in any street wilfully makes any false statement as to the weight or measure of the coke in any sack or wilfully increases such weight by damping such coke or wilfully does any other act by which the purchaser of the coke shall be defrauded or fails to comply with the other provisions of this section or obstructs any weighing or re-weighing or measuring or re-measuring authorised by this section he shall be liable for every such offence to a penalty not exceeding five pounds.

(5) Any inspector of weights and measures may with the consent of the Corporation prosecute before a court of summary jurisdiction or justices any proceedings under this section.

(6)—(A) Public notice of the provisions of this section shall be given forthwith after the passing of this Act by advertisement in two newspapers published or circulating in the city and by a notice affixed outside the town hall and by the distribution of handbills amongst persons affected or likely to be affected as far as such persons can reasonably be ascertained.

(B) Copies of the newspapers containing the advertisement shall be sufficient evidence that the provisions of this section have been complied with.

Fire alarms.

**272.** The Corporation may erect or fix street fire alarms in such positions in any street road or public place within the city as they think fit Provided that nothing in this section shall authorise the transmission of any telegram which is within the exclusive privilege conferred upon the Postmaster-General by the Telegraph Act 1869.

**273.** The Corporation may from time to time let for terms not exceeding twelve months to any club company body or persons any portion of any park or place of public resort or recreation set apart by them for the purposes of cricket football or any other game or recreation under section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907 and may upon such portions so set apart erect construct and maintain all proper and convenient houses pavilions dressing-rooms and other buildings works and conveniences.

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Power to let  
to clubs &c.  
parts of  
parks &c.

**274.** The Corporation may make such reasonable charges as they may think fit for the use of any portion of any park place of public resort or recreation set apart by them for the purposes of cricket football or any other game or recreation under section 76 (Powers as to parks and pleasure gardens) of the Public Health Acts Amendment Act 1907 and they may also make such further charges as they may think fit for the admission of the public thereto respectively while so set apart.

Power to  
make charges  
for use of  
and admis-  
sion to parts  
of parks &c.

**275.** Notwithstanding anything contained in section 251 of the Public Health (Ireland) Act 1878 the Corporation shall have power to take proceedings under that Act for any offence committed on the racecourse situate in the townland of Shantallow or in any park or recreation ground or public walk belonging to the Corporation as if the said racecourse park recreation ground and public walk formed part of and were within the city.

Prosecution  
of offences  
committed in  
recreation  
grounds out-  
side city.

**276.** The Corporation may pay out of the improvement fund or rate any reasonable subscriptions whether annually or otherwise to the funds of any association of municipal corporations or other local authorities or their officers formed for the purpose of consultation as to their common interests and the discussion of matters relating to local government and any reasonable expenses of the attendance of any members or officers of the Corporation not exceeding in any case four at conferences or meetings of such associations or any of them and the cost of purchasing reports and contributing towards the expenses of the proceedings of any such conferences or meetings.

Power to  
subscribe to  
associations  
&c.

**277.** The provisions of the following sections of the Public Health (Ireland) Act 1878 (namely):—

Confirmation  
of byelaws.

Section 219 (Authentication and alteration of byelaws);

Section 220 (Power to impose penalties on breach of byelaws);

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Section 221 (Confirmation of byelaws);

Section 222 (Byelaws to be printed &c.); and

Section 223 (Evidence of byelaws);

so far as they relate to byelaws made by an urban sanitary authority shall apply to all byelaws made by the Corporation under the powers of this Act except the byelaws made under Part VI. (Trolley Vehicles and Omnibuses) of this Act and under the section of this Act of which the marginal note is "Byelaws as to wires apparatus and fittings."

Consent of Corporation to be in writing.

**278.** All consents given by the Corporation under the provisions of this Act shall be given in writing and unless otherwise prescribed shall be given under the hand of the town clerk.

As to breach of conditions of consent of Corporation.

**279.** Where under this Act or under any general or local Act for the time being in force in the city the Corporation give their consent to the execution of any work or the doing of any act or thing subject to any terms or conditions which they are authorised to impose any breach of any such terms or conditions shall be deemed as regards liability to a penalty and other consequences equivalent to the execution of the work or the doing of the act or thing without the required consent.

Evidence of appointments authority &c.

**280.** Where in any legal proceedings taken by or on behalf of or against the Corporation or any officer servant solicitor or agent of the Corporation or any committee of the Corporation under this Act or under any general or local Act for the time being in force in the city it becomes necessary to prove the appointment or authority of any officer servant solicitor or agent of the Corporation or of any committee of the Corporation or to prove any resolution or order of the Corporation or any resolution order or report of any committee of the Corporation a certificate of such appointment authority resolution order or report purporting to be authenticated by the signature of the mayor or of the town clerk shall be *primâ facie* evidence of such appointment authority resolution order or report without further proof of the holding of any meeting or the production of any minute book or other record or document.

Authentication and service of notices.

**281.**—(1) Where any notice or demand under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city requires authentication by the Corporation the signature of the town clerk or other

duly authorised officer of the Corporation shall be sufficient authentication. A.D. 1918.

(2) Notices demands orders and other documents required or authorised to be served under this Act or under any local Act Provisional Order or byelaw for the time being in force within the city may be served in the same manner as notices under the Public Health (Ireland) Act 1878 are by section 267 of that Act authorised to be served Provided that in the case of any company any such notice demand order or document shall be delivered or sent by post addressed to the secretary of the company at their registered office or at their principal office or place of business.

**282.** If any occupier of any house or part of a house shall prevent the owner thereof from carrying into effect any requirement of the Corporation under this Act or under any byelaw made thereunder then after notice of this provision shall have been given by the owner to the occupier any court of summary jurisdiction upon proof thereof may make an order in writing requiring the occupier to permit the owner to execute the works required by the Corporation to be done and if after the expiration of seven days from the service of such order the occupier shall continue to refuse to permit the owner to execute the said works he shall for every day during which he shall so continue to refuse be liable to a penalty not exceeding forty shillings and during the continuance of his refusal the owner shall be discharged from any penalties to which he might otherwise have become liable by reason of his default in executing such works. Penalty on occupiers refusing execution of Act.

**283.** No matter or thing done or contract entered into by the Corporation nor any matter or thing done by the town clerk or by any member or officer of the Corporation or any person whomsoever acting under the direction of the Corporation shall if the matter or thing be done or the contract be entered into bonâ fide for the purpose of executing this Act subject them or any of them personally to any action liability claim or demand whatsoever and any expense incurred by the Corporation or town clerk member officer or person acting as last aforesaid shall be borne and repaid out of any of the funds at the disposal of the Corporation. Persons acting in execution of Act not to be personally liable.

**284.** Whenever the Corporation or the surveyor or the engineer as the case may be under any enactment or byelaw In executing work for owner Cor-

A.D. 1918. for the time being in force within the city or under any of their statutory powers execute re-execute or alter any work or do any act or thing in default or at the request of the owner occupier or other person required to do such work act or thing (not being undertakers under any Act or Order made under the Electric Lighting Acts 1882 to 1909) the Corporation shall not as between themselves and such owner occupier or other person in the absence of any negligence on the part of the Corporation or the surveyor or the engineer or of any contractor or other person employed by them or either of them be liable to pay any damages penalties costs charges or expenses for or in respect of or consequent upon the executing re-executing or altering of such work or the doing of such act or thing and any such damages penalties costs charges or expenses paid by the Corporation in the absence of negligence as aforesaid shall be deemed to be part of the expenses payable by such owner occupier or other person and shall be recoverable accordingly.

poration  
liable for  
negligence  
only.

Apportion-  
ment of ex-  
penses in  
case of joint  
owners.

**285.** Where under the provisions of this Act or any local Act in force in the city the Corporation shall construct or do any works for the common benefit of two or more buildings belonging to different owners the expenses which under those Acts or any of them are recoverable by the Corporation from the owners shall be paid by the owners of such buildings in such proportions as shall be determined by the surveyor or in case of dispute by a court of summary jurisdiction.

Recovery of  
demands.

**286.** Proceedings for the recovery of any demand made under the authority of this Act or other local Acts in force in the city for the time being or any incorporated enactment whether provision is or is not made for the recovery in any specified court or manner may be taken in any county court having otherwise jurisdiction in the matter provided that the demand does not exceed the amount recoverable in that court in a personal action.

Compensa-  
tion how to  
be deter-  
mined.

**287.** When any compensation costs damages or expenses is or are by this Act directed to be paid and the method for determining the amount thereof is not otherwise provided for such amount shall in case of dispute be ascertained in the manner provided by the Public Health Acts.

Compensa-  
tion may be  
in land &c.

**288.** The Corporation when they are required by any enactment to make compensation to any person interested in any lands may by agreement with such person make such

compensation wholly or partly in works land or money but in the case of land for the alienation of which the consent of any public department is required only with such consent. A.D. 1918.

**289.** Save as herein expressly provided all informations and complaints under or for the breach of any of the provisions of this Act or of any byelaws made thereunder may be laid and made by any officer of the Corporation duly authorised in that behalf or by the town clerk. Informations by whom to be laid.

**290.** A judge of any court or a justice shall not be disqualified from acting in the execution of this Act by reason of his being liable to any rate. Judges not disqualified.

**291.** Save as otherwise by this Act expressly provided all offences against this Act and all penalties forfeitures costs and expenses imposed or recoverable under this Act or any byelaw made in pursuance thereof may be prosecuted and recovered in a summary manner Provided that costs or expenses except such as are recoverable along with a penalty shall not be recovered as penalties but may be recovered summarily as civil debts. Recovery of penalties &c.

**262.** All penalties recovered on the prosecution of the Corporation or any officer of the Corporation on their behalf under this Act or under any byelaw thereunder shall be paid to the city treasurer and be by him carried to the credit of the improvement fund or to such other fund as the Corporation shall direct. Penalties to be paid over to treasurer.

**293.** Any person deeming himself aggrieved by any order judgment determination or requirement or the withholding of any certificate licence or consent or approval of or by the Corporation or of or by any officer of the Corporation under the provisions of this Act or by any conviction or order by a court of summary jurisdiction or a petty sessions court under any provision of this Act may if no other mode of appeal is provided by this Act appeal to the next practicable court of quarter sessions under and according to the provisions of the Summary Jurisdiction (Ireland) Acts and in regard to any such order made by a court of summary jurisdiction or a petty sessions court the Corporation may in like manner appeal. As to appeal.

**264.** Nothing in this Act shall protect any person from being proceeded against by way of indictment in respect of any matter by this Act made punishable on summary proceedings or shall relieve any person in respect of such matter from any Saving for indictments &c.

A.D. 1918. — penal or other consequences to which he would have been liable if such matter had not been made punishable by this Act Provided that nothing in this Act shall make a person liable to be punished more than once for the same offence.

Repeal of section 70 of Act of 1848.

**295.** Section 70 (As to levy of proportion of rate on the holders of certain houses &c.) of the Act of 1848 shall be and the same is hereby repealed.

Inquiries by Local Government Board.

**296.**—(1) The Local Government Board may direct any inquiries to be held by their inspectors which they may deem necessary in regard to the exercise of any powers conferred on them or the giving of any consents under this Act and their inspectors shall for the purposes of any such inquiry have all such powers as they have for the purpose of inquiries directed by that Board under the Public Health (Ireland) Act 1878.

(2) The Corporation shall pay to the Local Government Board any expenses incurred by that Board in relation to any inquiries referred to in this section including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by that Board not exceeding three guineas a day for the services of such inspector.

As to arbitrations.

**297.** Where any matter except a matter of disputed compensation for lands taken compulsorily is referred under any of the provisions of this Act to an arbitrator unless such provision otherwise provides the expenses of such arbitration shall be defrayed as the arbitrator may direct and the award of the arbitrator may be made a rule of court on the application of either party under and in accordance with the Common Law Procedure Amendment Act (Ireland) 1856 or any statutory modification thereof.

Powers of Act cumulative.

**298.** All powers rights and remedies given to the Corporation by this Act shall (except where otherwise expressly provided) be deemed to be in addition to and not in derogation of any other powers rights or remedies conferred on them or on any committee appointed by them by Act of Parliament charter law or custom and the Corporation or such committee as the case may be may exercise such other powers and be entitled to such other rights and remedies as if this Act had not been passed Provided that no person shall incur more than one penalty (other than a daily penalty for a continuing offence) for the commission of the same offence.



**299.** Nothing in this Act affects prejudicially any estate right power privilege or exemption of the Crown or subjects to the provisions of this Act any lands buildings or works vested in or occupied by the Crown or any department of His Majesty's Government except to such extent as His Majesty or the Commissioners of Public Works may voluntarily agree and in particular nothing herein contained authorises the Corporation to take use or in any manner interfere with any portion of the shore or bed of the sea or of any river channel creek bay or estuary or any land hereditaments subjects or rights of whatsoever description belonging to His Majesty in right of His Crown and under the management of the Commissioners of Woods or of the Board of Trade respectively without the consent in writing of the Commissioners of Woods or the Board of Trade as the case may be on behalf of His Majesty first had and obtained for that purpose (which consent the said Commissioners and Board are hereby respectively authorised to give).

A.D. 1918.  
Crown  
rights.

**300.** Except only as is by this Act expressly provided nothing in this Act or the Acts incorporated herewith contained shall extend to prejudice diminish alter or take away any of the jurisdictions franchises estates rights privileges powers or authorities vested in or enjoyed by the Honourable the Irish Society under or by virtue of any charter or charters heretofore granted to them by the Crown or of any statute or statutes in anywise relating thereto.

Saving  
rights of the  
Honourable  
the Irish  
Society.

**301.** All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons shall be paid by the Corporation out of the improvement fund and improvement rate or the borough fund and borough rate or out of moneys to be borrowed under this Act for that purpose.

Costs of Act.

A.D. 1918.      The SCHEDULES referred to in the foregoing Act.

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## THE FIRST SCHEDULE.

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### ACTS.

The Act 11 and 12 Victoria chapter cxli. intituled "An Act for the improvement of the borough of Londonderry."

The Londonderry Improvement Act 1852.

The Londonderry Improvement Act 1855.

The Londonderry Improvement Act 1864.

The Londonderry Improvement Act 1896.

### ORDERS.

The Londonderry Provisional Order 1876 confirmed by the Local Government Board (Ireland) Provisional Orders (Dalkey &c.) Confirmation Act 1876.

The Londonderry Waterworks Provisional Order 1882 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Banbridge &c.) Act 1882.

The Londonderry Waterworks (Waterside District) Provisional Order 1886 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (Galway and Londonderry) Act 1886.

The Londonderry (New Streets) Provisional Order 1891 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1891.

The Londonderry Electric Lighting Order 1891 confirmed by the Electric Lighting Orders Confirmation (No. 3) Act 1891.

The Londonderry Provisional Order 1895 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 9) Act 1895.

The Londonderry Waterworks Provisional Order 1896 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1896.

The Londonderry Provisional Order 1900 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 3) Act 1900.

The Londonderry Order 1901 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No 2) Act 1901.

[ 8 & 9 GEO. 5.] *Londonderry Corporation Act, 1918.* [Ch. xxi.]

The Londonderry Order 1903 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 4) Act 1903. A.D. 1918.

The Londonderry (County and County Borough) Adjustment Order 1903.

The Londonderry Order 1905 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 4) Act 1905.

The Londonderry Order 1906 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 2) Act 1906.

The Londonderry Order 1914 confirmed by the Local Government Board (Ireland) Provisional Orders Confirmation (No. 4) Act 1914.

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**THE SECOND SCHEDULE.**

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DESCRIBING THE PROPERTIES OF WHICH PARTS ONLY MAY BE  
TAKEN BY THE CORPORATION.

Name of Parish &c.	Numbers on deposited Plans.
Banagher (Limavady Rural District) - -	200 201 260 293 304 305 310.
Upper Cumber (Limavady Rural District) -	361.
Upper Cumber (Londonderry No. 1 Rural District).	19 20 21 37 38 39.
Templemore (city of Londonderry) - -	46 47.

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**THE THIRD SCHEDULE.**

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**FORM OF MORTGAGE.**

By virtue of the Londonderry Corporation Act 1918 and of other their powers in that behalf them enabling the mayor aldermen and burgesses of the city of Londonderry (hereinafter called "the Corporation") in consideration of the sum of \_\_\_\_\_ pounds paid to the treasurer of the Corporation by \_\_\_\_\_ (hereinafter called "the mortgagee") do hereby grant and assign unto the mortgagee [his] executors administrators and assigns such proportion of the revenues of the Corporation in the said Act defined as the said sum so paid doth or shall bear to the whole sum which is or shall be charged on the said revenues To hold unto the mortgagee [his]

[Ch. xxi.] Londonderry Corporation Act, 1918. [8 & 9 GEO. 5.]

A.D. 1918. — executors administrators and assigns from the day of the date of these presents until the said sum of                    pounds shall be fully paid and satisfied with interest for the same (subject as hereinafter provided) at the rate of            per centum per annum from the            day of one thousand nine hundred and                    until payment of the said principal sum such interest to be paid half-yearly [on the            day of                    and the                    day of                    in each year] And it is hereby agreed that the said principal sum of            pounds shall be repaid at the office of the Corporation in the said district [(subject as hereinafter provided) on the            day of one thousand nine hundred and                    ] [by                    ]:

Provided always and it is hereby agreed and declared that the before-mentioned time for repayment may be extended to such subsequent day or days and upon any such extension the before-mentioned rate of interest may be altered to such other rate or rates of interest as shall from time to time be agreed between the Corporation and the mortgagee and specified in an endorsement to be made hereon under the hand of the town clerk of the said city for the time being and that upon any such endorsement being made whether relating to extension of time only or to extension of time with alteration of rate of interest the provisions thereof shall be incorporated herewith and shall operate and take effect as though they had been originally inserted herein.

In witness whereof the Corporation have caused their common seal to be hereunto affixed this                    day of                    one thousand nine hundred and                    .

THE ENDORSEMENT WITHIN REFERRED TO.

The within-named                    consenting the within-mentioned time for repayment of the within-mentioned principal sum of                    is hereby extended to the                    day of                    one thousand nine hundred and                    [and the interest to be paid thereon on and from the                    day of                    one thousand nine hundred and                    is hereby declared to be at the rate of                    per centum per annum].

Dated this                    day of                    one thousand nine hundred and                    .

FORM OF TRANSFER OF MORTGAGE.

A.D. 1918.

I [the within-named]  
[of \_\_\_\_\_ ] in consideration of the sum of \_\_\_\_\_ pounds  
paid to me by \_\_\_\_\_ of  
(hereinafter called "the transferee") do hereby transfer to the  
transferee his executors administrators and assigns [the within-written  
security] the mortgage number \_\_\_\_\_ of the revenues of the  
mayor aldermen and burgesses of the city of Londonderry bearing  
date the \_\_\_\_\_ day of \_\_\_\_\_ ] and all my right  
and interest under the same subject to the several conditions on  
which I hold the same at the time of the execution hereof and I the  
transferee for myself my executors administrators and assigns do  
hereby agree to take the said mortgage security subject to the same  
conditions.

Dated this \_\_\_\_\_ day of \_\_\_\_\_ one thousand  
nine hundred and \_\_\_\_\_

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FOR

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