



CHAPTER xxiii.

An Act to amend the provisions for the local management of the borough of Sligo and to extend the rating powers of the Corporation of the borough and to extend the power of the Corporation to borrow and re-borrow moneys and to provide for the payment by the Corporation of the expenses incurred in meeting the demands of the county council of the county of Sligo and to confer on the Local Government Board for Ireland further powers of control in regard to the performance of their respective duties by the Corporation and the officers thereof and to amend the provisions relating to the election and duration in office of the aldermen and councillors of the borough and for other purposes.

A.D. 1918.

[30th July 1918.]

WHEREAS the urban district of Sligo in the county of Sligo (hereinafter called "the borough") is a municipal borough subject to the Acts relating to municipal corporations in Ireland and an urban district within the meaning of the Local Government (Ireland) Act 1898 and the mayor aldermen and burgesses of the borough of Sligo acting by the town council (hereinafter called "the Corporation") are the sanitary authority of the borough of Sligo under the Public Health (Ireland) Act 1878 and the Acts amending the same:

And whereas it is expedient for the purpose of providing for the more effective execution of the several Acts for the time being in force in the borough that the limits imposed by the Sligo Borough Improvement Act 1869 and the Sligo Borough Improvement (Revival of Powers) Act 1880 upon the rates which may be made and levied by the Corporation should be removed and that the provisions of the Acts for the time being in force in the borough in regard to the making

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assessing and levying of rates therein should be amended as by this Act provided and that the Corporation should have power to consolidate the outstanding loans and to borrow and re-borrow moneys as by this Act provided :

And whereas it is expedient that the expenses of the Corporation incurred in meeting all the demands of the county council of the county of Sligo should be defrayed out of the poor rate as provided by subsection one of section forty-six of the Local Government (Ireland) Act 1898 and that the provisions of any local Act now in force in the borough and preventing the application of the said subsection in the borough should cease to have effect :

And whereas it is also expedient that powers should be vested in the Local Government Board for Ireland (hereinafter called "the Local Government Board") for the purpose of enabling the said Board if occasion should arise to appoint officers for the performance of all or any of the duties of the Corporation under the Acts for the time being in force in the borough and more effectively to secure the performance by any such officer of the duties of his office :

And whereas it is also expedient that the provisions relating to the election and duration in office of the aldermen and councillors of the borough should be amended as by this Act provided :

And whereas the objects aforesaid cannot be attained without the authority of Parliament :

And whereas by a resolution of an absolute majority of the whole number of the Corporation being the governing body in the said district at a meeting held on the thirteenth day of February one thousand nine hundred and eighteen after ten clear days' notice by public advertisement of such meeting and of the purposes thereof in the *Sligo Champion* newspaper being a newspaper published and circulating in the said district (such notice being in addition to the ordinary notices required for summoning such meeting) it was resolved that the expenses in relation to promoting the Bill for this Act in Parliament should be charged on the borough fund and borough rate :

And whereas such resolution was published twice in the said newspaper and has received in respect of matters within the jurisdiction of the Local Government Board the approval of such Board and in respect of other matters the approval of the Chief Secretary to the Lord Lieutenant of Ireland :

And whereas the propriety of the promotion of the Bill for this Act in Parliament was confirmed by an absolute majority of the whole number of the Corporation at a further special meeting of the Corporation held in pursuance of a similar notice on the twenty-fourth day of May one thousand nine hundred and eighteen being not less than fourteen days after the deposit of the Bill for this Act in Parliament: A.D. 1918.

And whereas the promotion of the Bill for this Act in Parliament was approved by a special resolution of the persons qualified to vote at an election of the members of the Corporation passed at a meeting summoned as provided by section seven of the Borough Funds (Ireland) Act 1888:

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:—

1. This Act may be cited as the Sligo Corporation Act 1918. Short title.

2.—(1) Where at the time of making the borough rate authorised by section one hundred and forty-seven of the Sligo Borough Improvement Act 1869 any private dwelling-house shall be unoccupied the Corporation shall make assess and levy such rate upon the owner thereof and the provisions of subsection one of the said section shall be extended accordingly Provided always that for the purposes of this subsection private dwelling-house shall not include any tenement for the time being separately rated and consisting in whole or in part of a mill warehouse store or shop. Amendments of provisions in regard to rating and extension of powers of Corporation.

(2) The power given by the proviso contained in subsection one of section fifty-three of the Local Government (Ireland) Act 1898 to the council of a county borough to resolve that the provisions of the said subsection shall not apply in such borough shall be exerciseable by the Corporation as by the said subsection provided notwithstanding that the borough of Sligo is not a county borough Provided always that in the event of the Corporation so resolving the power of the Corporation to rate the owner instead of the occupier of property in the cases mentioned in section one hundred and fifty-four of the Sligo Borough Improvement Act 1869 shall not be subject to the provisions or limitations contained in the said section and that part of the said section commencing with the words "subject

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(3) Where the Corporation are empowered by this or any other Act to make assess or levy any rate upon the owner of any rateable property the person receiving or entitled to receive the rents of such property from the occupier thereof on his own account or as agent for any other person shall be deemed to be the owner.

(4) The provisions of section ten of the Poor Relief (Ireland) Act 1849 shall apply to the borough rate which the Corporation are by this or any other Act empowered to make assess and levy Provided always that the provisions of the said section shall not apply at all in the case of any rent reserved or created by any instrument executed after the first January one thousand eight hundred and seventy and prior to the date of the passing of this Act and in the case of any other rent reserved or created prior to the date of the passing of this Act the person liable to be rated in respect thereof shall be so liable to the extent only of one-fourth part of the poundage of the said borough rate.

(5) Where under section ninety-five of the Sligo Borough Improvement Act 1869 the Corporation are not for the time being supplying water to any houses and buildings situated outside the limits of the borough as defined for municipal purposes before the passing of the said Act and such houses and buildings are situated at a distance exceeding one hundred yards from any main pipe of the Corporation for supplying water the person liable to be rated in respect of such houses and buildings shall be entitled to be exempted in respect thereof from payment of so much of the borough rate as is expressed to be made for the purpose of defraying the expenses of the Corporation in relation to water purposes.

(6) Any person liable to be rated in respect of any houses and buildings situated outside the limits of the borough as defined for municipal purposes before the passing of the Sligo Borough Improvement Act 1869 and at a distance exceeding two hundred yards from any public gas lamp shall be entitled to be exempted in respect of such houses and buildings from payment of so much of the borough rate as is expressed to be made for the purpose of defraying the expenses of the Corporation in relation to public lighting purposes.

(7) Subsection three of section one hundred and forty-seven of the Sligo Borough Improvement Act 1869 is hereby repealed.

(8) In addition to all other powers and remedies now or at any time applicable for the recovery of the borough rate it is hereby provided that all the powers which now are or may hereafter at any time be by law provided for the recovery of poor rate (including all such rights and powers as may be vested in a collector of poor rate to levy and raise the same by distress and sale of the distresses taken) shall be applicable to and exerciseable by any person authorised to collect the borough rate.

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(9) A general revaluation of rateable hereditaments under the Valuation Acts may be made as respects the borough on the application of the Corporation in the manner and subject as provided in the case of a county borough by section sixty-five of the Local Government (Ireland) Act 1898 Provided always that no such application shall be made by the Corporation unless a resolution approving of such application shall have been passed by a majority consisting of at least three-fourths of the whole number of members of the Corporation at a special meeting of the Corporation summoned for the purpose by all the ordinary notices required for summoning such meeting and by public advertisement of the meeting and the purposes thereof appearing at least ten clear days before the date of such meeting in some newspaper published and circulating in the district and unless such resolution shall have been subsequently confirmed by a further resolution passed by a like majority at a second special meeting of the Corporation held not more than twenty-one days or less than fourteen days after the passing of the resolution approving of the application and summoned in like manner as the first-mentioned special meeting.

3. Section one hundred and forty-nine of the Sligo Borough Improvement Act 1869 and sections twelve and thirteen of the Sligo Borough Improvement (Revival of Powers) Act 1880 are hereby repealed Provided always and it is hereby declared that the charge created by any mortgage debenture or other security now charged upon the water rate authorised by section twelve of the Sligo Borough Improvement (Revival of Powers) Act 1880 to be levied shall be transferred to the borough rate and shall be recoverable as against the borough rate by all the means and ways by which it is now recoverable against such water rate.

Repeal of
32 & 33 Vict.
c. cxlvii.
s. 149
and 43 & 44
Vict. c. cix.
ss. 12 and 13
(Removal of
limits on
rating
powers of
Corpora-
tion).

4. The Corporation may with the consent of the Local Government Board redeem any or all of the loans raised by the

Consoli-
dation of
loans.

A.D. 1918. Corporation outstanding at the date of this Act and for that purpose may with the like consent borrow or re-borrow any moneys which may be necessary therefor for such period or periods and at such rate of interest and subject to such provisions in regard to the mode of repayment or otherwise as the said Board may determine.

Rating of
Midland
Great West-
ern Railway
of Ireland
Company.

5. Section fourteen of the Sligo Borough Improvement (Revival of Powers) Act 1880 is hereby repealed and in lieu thereof be it enacted that anything in the Sligo Corporation Act 1911 or in any other Act now in force in the borough to the contrary notwithstanding the Midland Great Western Railway of Ireland Company shall not be assessed or liable in respect of their station or other buildings to the payment of any borough rate or any rates (other than poor rate) under this Act or any Act now in force in the borough exceeding in the whole in any year nine shillings in the pound on the annual rateable value thereof and in respect of their railway they shall be assessed or liable to the payment of the said rate in the proportion of one-fourth part only of the annual rateable value thereof.

Water rents.

6. The Corporation may notwithstanding anything contained in sections one hundred and one hundred and one of the Sligo Borough Improvement Act 1869 fix and demand payments according to a fixed schedule or scale to be approved by the Local Government Board in respect of water supplied by the Corporation for non-domestic purposes and in the determination of such fixed schedule or scale regard shall be had to the annual value of the premises and to the nature of the user thereof and the fixed schedule or scale as so approved shall be printed and affixed in some conspicuous place in the office of the town clerk of the Corporation and a copy shall be supplied free of charge to any person taking or intending to take a supply of water for non-domestic purposes.

Payment of
demands of
county
council.

7. The expenses of the Corporation incurred in meeting the demands of the county council of the county of Sligo shall be defrayed out of the poor rate as provided by subsection one of section forty-six of the Local Government (Ireland) Act 1898 anything in any local Act now in force in the borough to the contrary in anywise notwithstanding.

Powers of
Local
Government

8.--(1) If at any time in the opinion of the Local Government Board the duties of the Corporation in regard to the

execution of the several Acts for the time being in force in the borough the execution whereof has devolved upon the Corporation shall through the default of the Corporation not be duly and effectively discharged it shall be lawful for the said Board by Order to declare the said Corporation to be for the time being dissolved and to appoint such and so many paid officers as they shall think fit to carry into execution the said Acts and to perform the duties and exercise the powers of the Corporation in regard thereto and from time to time to revoke and determine such appointment and such paid officers so appointed shall be vested with all the powers of the Corporation under every Act for the time being in force in the borough and the said Board shall by such Order define the amount and nature of the security to be given by such paid officers and the amount of salaries payable to such officers respectively and such salaries shall be payable out of the borough fund or borough rate Provided always that unless the said Board shall sooner revoke or determine the appointment of such paid officers such paid officers shall hold their offices for the period of one year following the date of the said Order declaring the Corporation to be for the time being dissolved and for the further period after the expiration of such one year until the date fixed for the next election of aldermen and councillors of the borough.

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Board as to
appointment
of paid
officers to
perform
duties of
Corporation.

(2) If any difficulty arises with respect to the resumption by the Corporation of all or any of their duties or powers after any such paid officers as aforesaid have ceased to hold office the Local Government Board may make any such Order or do any such thing as may be necessary for the removal of the difficulty.

9. The Local Government Board shall have the same powers with regard to the qualification appointment duties salary and tenure of office of every officer of the Corporation as they have in the case of sanitary officers under section eleven of the Public Health (Ireland) Act 1878.

Officers of
Corporation.

10.—(1) The first election after the passing of this Act of aldermen and councillors of the borough shall be held on the fifteenth day of January in the year one thousand nine hundred and nineteen or in such later year as the Local Government Board may by Order determine on which day and thereafter in every succeeding third year two aldermen and six councillors shall be elected for each of the three wards of the borough.

Provisions in
regard to
election of
aldermen and
councillors

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(2) All the aldermen and councillors so elected shall come into office on the day succeeding the day of election and shall hold office for a term of three years and shall then retire together.

(3) Of the eight elected candidates for each ward at each triennial election the two candidates receiving the greatest number of votes shall be the aldermen of the said ward and the remaining six elected candidates shall be the councillors of such ward and in case an equal number of votes shall be given for any two or more persons any of whom but for such equality would be aldermen or where there shall be no contest the majority of the whole Corporation shall determine at the next meeting after the election which of such persons having an equal number of votes shall be alderman or aldermen.

(4) The election of aldermen and councillors for each ward at the said first and each succeeding triennial election shall be determined according to the principle of proportional representation each elector having a single transferable vote and shall be conducted according to rules framed by the Local Government Board.

(5) Such rules shall have effect as if they were enacted in this Act and may contain provisions with respect to the method of voting and transferring and counting votes at any such election and for the adaptation of the provisions of the Local Government (Ireland) Act 1898 (including any Order in Council made thereunder) and of any other Act relating to such election or to the duties of any returning officer thereat.

(6) The expression "transferable vote" means a vote (A) capable of being given so as to indicate the voter's preference for the candidates in order and (B) capable of being transferred to the next choice when the vote is not required to give a prior choice the necessary quota of votes or when owing to the deficiency in the number of the votes given for a prior choice that choice is eliminated from the list of candidates.

(7) The provisions of this section shall have effect notwithstanding any Act passed or to be passed in the present session of Parliament for making further provision for the prolongation of the present Parliament and the postponement of local elections.

Saving
clause.

11. Save as by this Act provided all provisions relating to or affecting the constitution of the Corporation or the election of members thereof or conferring any power or authority upon

the Corporation under or by virtue of any Act now in force in or applicable to the borough shall continue in full force and effect. A.D. 1918.

12. The costs charges and expenses preliminary to and of and incidental to the preparing for obtaining and passing of this Act as taxed by the taxing officer of the House of Lords or of the House of Commons including the costs incurred by the Corporation in or with the object of complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act shall be paid by the Corporation and may be paid in the first instance out of any moneys in their hands applicable thereto and eventually out of moneys borrowed as hereinafter provided under the authority of this Act for that purpose. Payment of costs of Act.

13. The Corporation may independently of any moneys they have already borrowed or which they may be authorised to borrow under the provisions of any other Act borrow at interest on the security of the borough fund and borough rate such sum or sums of money as may be required for the payment of the costs charges and expenses mentioned in the preceding section and in order to secure the moneys so borrowed may mortgage the borough fund and borough rate Provided always that the Corporation shall pay off all moneys borrowed by them for such purpose within five years from the passing of this Act and may pay off such moneys 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 such instalments and partly by a sinking fund. Borrowing for payment of costs &c.

14. 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 hereinbefore provided during the continuance of the present war and twelve months thereafter unless the consent of the Treasury has been previously obtained. Restriction as to raising money during war.

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