

[51 & 52 VICT.] *Local Government Board (Ireland)* [Ch. xxxiii.]
Provisional Orders Confirmation (Bangor and Warrenpoint)
Act, 1888.



CHAPTER xxxiii.

An Act to confirm certain Provisional Orders of the Local Government Board for Ireland relating to Bangor and Warrenpoint. A.D. 1888.
[28th June 1888.]

WHEREAS the Local Government Board for Ireland have, as regards the above-named places, made the Provisional Orders set forth in the schedule hereunto annexed, under the provisions of the Public Health (Ireland) Act, 1878 :

41 & 42 Vict.
c. 52.

And whereas it is requisite that the said Orders should be confirmed by Parliament :

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

1. The Orders set out in the schedule hereunto annexed shall be and the same are hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force. Provisional
Orders in
schedule
confirmed.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Orders Confirmation (Bangor and Warrenpoint) Act, 1888. Short title.

[Ch. xxxiii.] *Local Government Board (Ireland)* [51 & 52 VICT.]
Provisional Orders Confirmation (Bangor and Warrenpoint)
Act, 1888.

A.D. 1888.

Bangor.

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

TOWN OF BANGOR.

Provisional Order.

17 & 18 Vict.
c. 103.

WHEREAS there are in the town of Bangor, in the Newtownards Poor Law Union, Town Commissioners elected under the Towns Improvement (Ireland) Act, 1854 :

41 & 42 Vict.
c. 52. s. 7.

And whereas the number of the inhabitants of the said town being less than six thousand, the said Town Commissioners have presented a petition to the Local Government Board for Ireland, in pursuance of the seventh section of the Public Health (Ireland) Act, 1878, praying that a Provisional Order may be made to separate the said town from the rural sanitary district consisting of the Newtownards Poor Law Union, and to constitute the said town an urban sanitary district :

And whereas all advertisements and notices required by the said Act, having been previously published and given, the Local Government Board for Ireland has caused a local inquiry to be made into the matter of the said petition, in pursuance of the said Act, and it appears to the said Board to be proper to comply with the prayer of the said petition :

It is ordered by the Local Government Board for Ireland, as follows :—

The town of
Bangor con-
stituted an
urban sanitary
district.

1. From and after the time when this Order shall be confirmed by Act of Parliament, the said town of Bangor shall be separated from the rural sanitary district consisting of the Newtownards Poor Law Union, and thenceforth the said town of Bangor shall be constituted an urban sanitary district subject to the several provisions of the Public Health (Ireland) Act, 1878, the Public Health (Ireland) Amendment Act, 1879, and the Public Health (Ireland) Amendment Act, 1884, affecting urban sanitary districts.

Costs and
expenses of
Order

2. All costs and expenses of and incidental to the obtaining, preparation, and confirming of this Order shall be paid by the said Town Commissioners out of and by means of any assessment (not being a private or district assessment) leviable by them under the provisions of the Towns Improvement (Ireland) Act, 1854.

Short title of
Order.

3. This Order may be cited and referred to for all purposes as the Town of Bangor Provisional Order, 1887.

Given under our hands and seal of office, this seventh day of July, in the year of our Lord one thousand eight hundred and eighty-seven.

(Signed)

HENRY ROBINSON.

CHARLES CROKER-KING.

[51 & 52 VICT.] *Local Government Board (Ireland)* [Ch. xxxiii.]
Provisional Orders Confirmation (Bangor and Warrenpoint)
Act, 1888.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

A.D. 1888.

TOWN OF WARRENPOINT.

Warren-
point.

Provisional Order.

WHEREAS before the confirmation by Parliament of the Warrenpoint Provisional Order, 1883, the Towns Improvement (Ireland) Act, 1854, had been adopted and was in force in the town of Warrenpoint and in a certain district adjoining thereto in the county of Down :

And whereas the population of the said town and district being less than 6,000, the said town and district, until the confirmation of the said Order, formed part of the rural sanitary district consisting of the Newry Poor Law Union :

And whereas the guardians of the poor of the Newry Poor Law Union (hereinafter called the rural sanitary authority) purchased certain lands and premises and executed certain works for the purpose of supplying the said town and district with water, and the particulars of the said lands, premises, and works, and of the materials and appliances used in connection therewith, and for the purposes of such water supply, are set out in the schedule hereto, and are hereinafter called the water works undertaking :

And whereas by an order of the Local Government Board for Ireland (hereinafter called the Local Government Board), made on the ninth day of February, 1875, in pursuance of the Public Health (Ireland) Act, 1874, it was determined that the contributory place and area of charge for the purposes of the said water works should consist of the townlands of Dromore and Ringmackilroy, situate in the Warrenpoint electoral division of the said union :

37 & 38 Vict.
c. 93. s. 13.

And whereas the rural sanitary authority, with the consent of the Lords Commissioners of Her Majesty's Treasury, and on the recommendation of the Local Government Board, borrowed for the purposes of the said water works, from the Commissioners of Public Works in Ireland, the sum of 5,000*l.*, and by deed of mortgage dated the third day of July, 1875, the said sum, with interest at the rate of 3*l.* 10*s.* 0*d.* per cent. per annum, was charged upon the rates of the said townlands of Dromore and Ringmackilroy and made payable by instalments in 30 years in the manner provided by the said deed of mortgage :

And whereas the rural sanitary authority, with the like assent, and on the like recommendation, borrowed for the purposes of the said water works from the said Commissioners a further sum of 1,000*l.*, and by a further deed of mortgage dated the twelfth day of January, 1878, the said sum of 1,000*l.*, and interest thereon at the rate of 3*l.* 10*s.* 0*d.* per cent. per annum, was charged upon the said rates and made payable by instalments in thirty years in the manner provided by the said last mentioned deed of mortgage :

And whereas by the Warrenpoint Provisional Order, 1883, confirmed by Parliament by the Local Government Board (Ireland) Provisional Orders Confirmation (Rathmines, &c.,) Act, 1883, the town and district of Warrenpoint was separated from the rural sanitary district, consisting of the Newry Poor Law Union, and was constituted an urban sanitary district subject to the provisions of the Public Health (Ireland) Act, 1878, and of the Public Health

46 Vict. c. xl.

41 & 42 Vict.
c. 52.
42 & 43 Vict.
c. 57.

[Ch. xxxiii.] *Local Government Board (Ireland) [51 & 52 VICT.]*
Provisional Orders Confirmation (Bangor and Warrenpoint)
Act, 1888.

A.D. 1888.
 ———
Warren-
point.

(Ireland) Act, 1879, and of all other Acts affecting urban sanitary districts, and the Town Commissioners of Warrenpoint (hereinafter called the urban sanitary authority) were constituted a body corporate for the purposes of the said Acts

And whereas by the operation of the said Provisional Order and of the Act confirming the same, the power and duty of providing a supply of water for the urban sanitary district thereby constituted has been transferred from the rural sanitary authority to the urban sanitary authority, and in consequence of such transfer, doubts and differences have arisen with respect to the powers, rights, and duties relating to the supplying of the said town and district with water, and with respect to the ownership of the said water works undertaking, and the repayment of the balance remaining due of the monies secured by the said mortgages, and of the instalments and interest payable in respect thereof, and with respect to the power of the rural sanitary authority to levy rates within the said urban sanitary district for the purpose of providing for and paying the said instalments and interest :

41 & 42 Vict.
 c. 52. s. 277.

And whereas the urban sanitary authority has made an application to the Local Government Board in pursuance of the Public Health (Ireland) Act, 1878, section 277, for an order to settle the said doubts and differences :

And whereas, all advertisements and notices required by the said Act having been previously published and given, the Local Government Board has caused a local inquiry to be made into the matter of the said application, and it appears from the result of the said inquiry that in order to settle the said doubts and differences, and to provide properly for a supply of water to the urban sanitary district, the said water works undertaking should be transferred to and vested in the urban sanitary authority and that the several provisions hereinafter contained should be made with respect to the repayment of the balance remaining due of the said sums of 5,000*l.* and 1,000*l.* and interest, and to the levying of rates by the rural sanitary authority within the urban sanitary district :

And whereas this Order will be provisional only until it shall be confirmed by Parliament :

Transfer of the
 Warrenpoint
 water works
 undertaking
 to the urban
 sanitary
 authority.

1. From and after the time of the confirmation of this Order by Parliament, the water works undertaking, the particulars whereof are set out in the schedule to this Order, shall be transferred from the rural sanitary authority to the urban sanitary authority and shall become and be the property of the said urban sanitary authority, and the several lands and premises included in the said water works undertaking shall be vested in the urban sanitary authority absolutely in fee simple, and thenceforth shall be used by the urban sanitary authority for the purpose of providing a supply of water to the urban sanitary district in the manner provided by the Public Health (Ireland) Act, 1878.

Provisions for
 contributions
 to the repay-
 ment of the
 water works
 loans.

2. From and after the time when this Order shall be confirmed by Parliament, the urban sanitary authority and the rural sanitary authority shall contribute to the payment of each instalment of the said mortgage debts of 5,000*l.*, and 1,000*l.*, and interest which shall thenceforth become due and payable in the proportions and in the manner following :

The urban sanitary authority shall contribute to each instalment of principal and interest a sum bearing to the total amount of such instalment the same proportion as the valuation, in pursuance of the Acts for the valuation of rateable hereditaments in Ireland, of the

[51 & 52 VICT.] *Local Government Board (Ireland)* [Ch. xxxiii.]
Provisional Orders Confirmation (Bangor and Warrenpoint)
Act, 1888.

rateable hereditaments comprised and included in the parts of the said townlands of Dromore and Ringmackilroy, included within the urban sanitary district, bears to the total amount of the valuation of the whole of the said townlands; and the rural sanitary authority shall contribute and pay the balance of each such instalment remaining after deducting the amount of the contribution so to be paid by the urban sanitary authority.

A.D. 1888.

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Warren-
point.

The amount of each contribution of the urban sanitary authority shall be raised and levied as part of, and by means of, the rates leviable by the urban sanitary authority under the provisions of the Towns Improvement (Ireland) Act, 1854, upon and in respect of rateable premises situated within the said townlands of Dromore and Ringmackilroy, not being private or district assessments, and shall be lodged with the treasurer of the rural sanitary authority at least one week before the day upon which the instalment to which it shall be a contribution shall become due and payable by the rural sanitary authority to the Commissioners of Public Works in Ireland according to the terms of the said mortgages of the third day of July, 1875, and twelfth day of January, 1878, respectively; the rural sanitary authority shall from time to time raise and levy, as part of the poor rate on the parts of the said townlands of Dromore and Ringmackilroy not included in the urban sanitary district, the balances remaining of each such instalment after deducting the amount of the contribution thereto from time to time, to be made and paid by the urban sanitary authority, and shall from time to time pay to the Commissioners of Public Works in Ireland the whole amount of each such instalment of principal and interest according to the provisions of the said mortgages of the third day of July, 1875, and twelfth day of January, 1878, respectively.

Provided always that nothing contained in this Order shall in any way, as between the rural sanitary authority and the Commissioners of Public Works in Ireland, impair, diminish, or affect the security provided for the repayment of the instalments of principal and interest by the said mortgages of the third day of July, 1875, and twelfth day of January, 1878, according to the terms of the said mortgages, and the rural sanitary authority shall notwithstanding any omission or default of the urban sanitary authority to pay or lodge the amount of any contribution hereinbefore provided for, continue liable and bound to raise and pay to the said Commissioners of Public Works the whole amount of each instalment of principal and interest according to the terms of each of the said mortgages respectively. If liberty be hereafter given to the urban sanitary authority to borrow from the Commissioners of Public Works in Ireland a sum sufficient to pay off their proportion of the said two mortgages and to leave a sufficient margin either to improve the present water supply, or get a purer supply from other sources, it is hereby ordered, that the said urban sanitary authority, if they so desire it, and if the said Commissioners of Public Works shall consent, shall be at liberty to pay off their proportion of the said two mortgages, and their proportion shall

[Ch. xxxiii.] *Local Government Board (Ireland)* [51 & 52 VICT.]
Provisional Orders Confirmation (Bangor and Warrenpoint)
Act, 1888.

A.D. 1888.

*Warren-
point.*

be a sum bearing to the amount of the then present value of the said two mortgages the same proportion as the valuation, in pursuance of the Acts for the valuation of rateable hereditaments in Ireland, of the rateable hereditaments comprised and included in the parts of the said townlands of Dromore and Ringmackilroy included within the urban sanitary district, bears to the total amount of the valuation of the whole of the said townlands. Such proportion shall be paid by the urban sanitary authority to the rural sanitary authority, and the rural sanitary authority shall pay same to the Commissioners of Public Works, and procure from the Commissioners of Public Works a proper release to the urban sanitary authority from said two mortgages; and thenceforth the rural sanitary authority and the rateable hereditaments included in the rural sanitary district of the townlands of Dromore and Ringmackilroy shall remain solely liable for the balance of said two mortgages. The costs and expenses of obtaining such release shall be paid by the urban sanitary authority to the rural sanitary authority.

Declaratory order with respect to the rating powers of the rural sanitary authority, and provision for levying of rates due to that authority, and for making rates upon default of the urban sanitary authority.

3. With respect to differences which have arisen as to the effect of the Warrenpoint Provisional Order, 1883, and of the Act confirming the same upon the power of the rural sanitary authority to levy and raise rates on premises situated within the urban sanitary district, for the purposes of the said water works, and for paying the instalments of principal and interest in accordance with the provisions of the said mortgages of the third day of July, 1875, and twelfth day of January, 1878; it is hereby declared and ordered that, notwithstanding anything contained in the said Act or Order, all rates made by the rural sanitary authority before the time of the confirmation of this Order by Parliament for the purposes of the said water works and of paying the said instalments or any of them, shall be deemed to have been legally and validly made and assessed by the rural sanitary authority and to be leviable by the rural sanitary authority upon and in respect of all rateable premises thereby rated whether situated within or outside of the urban sanitary district. And it is further ordered that all arrears of such rates made, due and owing at the time of the confirmation of this Order by Parliament, shall be paid to and shall be collected, raised, and levied by the rural sanitary authority upon and in respect of all premises rated in respect thereof whether situated within or outside of the urban sanitary district. And it is hereby ordered that in case at any time the urban sanitary authority shall make default in lodging the amount of the contribution payable by such authority to any instalment of principal or interest according to the terms of this Order, if and so often as any such default shall take place, it shall be lawful for the rural sanitary authority to raise, levy and enforce payment of the amount of such contribution, as part of the poor rates leviable upon the parts of the said townlands of Dromore and Ringmackilroy situate within the urban sanitary district.

Costs of the Order.

4. All the costs and expenses of the urban sanitary authority and of the Local Government Board of and incidental to the application for and preparation and making of this Order and of and incidental to the obtaining the confirmation of this Order by Parliament, shall be paid by

[51 & 52 VICT.] *Local Government Board (Ireland)* [Ch. xxxiii.]
Provisional Orders Confirmation (Bangor and Warrenpoint)
Act, 1888.

the urban sanitary authority out of the rates leviable by them under the provisions of the Towns Improvement (Ireland) Act, 1854, not being private or district assessments, upon and in respect of premises situated within the said townlands of Dromore and Ringmackilroy.

A.D. 1888.

Warren-
point.

Short title of
the Order.

5. This Order may be cited and referred to for all purposes as the Warrenpoint Provisional Order, 1888.

SCHEDULE.

PARTICULARS of the WATER WORKS UNDERTAKING referred to in this Order.

Sluicelhouse and intake in the townland of Ballydesland and county of Down.

Pipes leading from sluice to the reservoir.

Reservoir in the townlands of Donaghaguy and Ballydesland in the county of Down.

Valve house pipes, rights of way, and all works connected with reservoir.

Overflow weir by wash and banks.

Pipes through the townlands of Donaghaguy, Dromore and Ringmackilroy and all easements rights of way and other rights connected therewith.

All hydrants, water keys, hose and plant belonging to the said water works undertaking.

Given under our hands and seal of office, this twenty-fifth day of January, in the year of our Lord one thousand eight hundred and eighty-eight.

(Signed) HENRY ROBINSON.
GEORGE MORRIS.

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