



## CHAPTER lxxxviii.

An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to the providing of a Market Place for Vegetables and Fish, by the Urban Sanitary Authority of the City of Dublin. A.D. 1888.

[5th July 1888.]

**W**HEREAS the Local Government Board for Ireland have made the Provisional Order 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 Order 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 Order set out in the schedule hereunto annexed shall be and the same is hereby confirmed, and all the provisions thereof shall, from and after the passing of this Act, have full validity and force. Provisional  
Order in  
schedule  
confirmed.

2. The Sanitary Authority of the City of Dublin shall not under the powers of this Act, or of the Order set out in the schedule to this Act, without the consent of the Local Government Board for Ireland, purchase or acquire ten or more houses which, after the passing of this Act, have been, or on the fifteenth day of December last were, occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers, unless and until— Special  
provision as  
to houses of  
labouring  
class.

(a.) They shall have obtained the approval of the Local Government Board for Ireland to a scheme for providing new dwellings for such number of persons as were residing in such

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houses on the fifteenth day of December last or for such number of persons as the Board shall, after inquiry, deem necessary, having regard to the number of persons on or after that date residing in such houses and working within one mile therefrom, and to the amount of vacant suitable accommodation in the immediate neighbourhood of such houses, or to the place of employment of such persons, and to all the circumstances of the case ; and

(b.) They shall have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

(2.) The approval of the said Local Government Board to any scheme under this section may be given either absolutely or conditionally, and after the Local Government Board have approved of any such scheme they may from time to time approve either absolutely or conditionally of any modifications in the scheme.

(3.) Every scheme under this section shall contain provisions prescribing the time within which it shall be carried out, and shall require the new dwellings proposed to be provided under the scheme to be completed fit for occupation before the persons residing in the houses in respect of which the scheme is made are displaced :

Provided that the Local Government Board may dispense with the last-mentioned requirement, subject to such conditions, if any, as they may see fit.

(4.) Any conditions subject to which the Local Government Board may have approved of any scheme, or of any modifications of any scheme under this section, or subject to which they may have dispensed with the above-mentioned requirement, shall be enforceable by a Writ of Mandamus to be obtained by the Local Government Board out of the High Court of Justice in Ireland.

(5.) If the sanitary authority acquire or appropriate any house or houses for the purposes of this Act in contravention of the foregoing provisions, or displace or cause to be displaced the persons residing in any house or houses in contravention of the requirements of the scheme, 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 for Ireland by action in the High Court of Justice in Ireland, and shall be carried to and form part of the Consolidated Fund of the United Kingdom :

Provided that the Court may, if it think fit, reduce such penalty.

(6.) Subject to the provisions of this section, the sanitary authority and the Local Government Board and their inspectors shall

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have and may exercise for any purpose in connexion with any scheme under this section all or any of the powers vested in them under the Public Health (Ireland) Act, 1878, in the same manner in every respect as if the preparation and carrying into effect of such scheme were one of the general purposes of that Act : A.D. 1888.

Provided that all lands on which any buildings have been erected or provided by the sanitary authority in pursuance of any scheme under this section, shall, for a period of twenty-five years from the passing of this Act, be appropriated for the purpose of dwellings, and every conveyance, demise, or lease of such lands and buildings shall be endorsed with notice of this enactment :

Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this subsection, subject to such conditions, if any, as they may see fit.

(7.) The sanitary authority shall, if required by the Local Government Board for Ireland, pay to the said Board a sum to be fixed by that Board in respect of the preparation and issue of any Provisional Order in pursuance of this section, and any expenses incurred by that Board in relation to any inquiries under 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.

(8.) For the purposes of this section, the expression "labouring class" includes mechanics, artizans, 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 does not exceed an average of thirty shillings a week, and the families of any of such persons who may be residing with them.

3. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (Dublin Markets) Act, 1888. Short title.

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A.D. 1888.

*City of  
Dublin.*

SCHEDULE.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

CITY OF DUBLIN.

PROVISIONAL ORDER.

41 & 42 Vict.  
c. 52. s. 103.

WHEREAS the Right Honourable the Lord Mayor, Aldermen, and Burgesses of Dublin acting by the Town Council (herein-after called the Corporation), being the Urban Sanitary Authority for the City of Dublin, at a meeting specially convened for that purpose, of which not less than thirty days public Notice had been given, and at which not less than two-thirds of the members were present, by a Resolution in which a clear majority of the whole body concurred, have resolved to provide a Market Place for the Sale of Vegetables and Fish, and to construct a Market House and other conveniences for the purpose of holding Markets, and to provide houses and places for Weighing Carts, and to make convenient approaches to such Market, and to provide all such matters and things as may be necessary for the convenient use of such Market :

And whereas all persons enjoying any right, powers, or privileges within the said city which will be interfered with by the establishment of the said Market have consented to the establishment thereof, and the Local Government Board for Ireland (herein-after called the Local Government Board) approves of the said resolution of the Corporation :

41 & 42 Vict.  
c. 52. s. 203.

And whereas the Corporation have presented a petition to the Local Government Board, in pursuance of the provisions of the Public Health (Ireland) Act, 1878, praying that they may be allowed to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement with reference to certain lands and premises required for the purpose of carrying out the said resolution, and have deposited in the office of the Local Government Board in Dublin, plans, and a book of reference showing the said lands and premises, and herein-after called the deposited plans and book of reference :

And whereas all advertisements and notices required by the Public Health (Ireland) Act, 1878, having been previously duly published, served, and given, the Local Government Board has caused a local inquiry to be made as to the propriety of assenting to the prayer of the said petition, and it appears to the said Board to be proper to assent thereto :

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

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1. From and after the time of the confirmation of this Order by Parliament, the Corporation shall be empowered to put in force the powers of the Lands Clauses Acts with respect to the purchase and taking of land otherwise than by agreement, with reference to the lands and premises described in the deposited plans and book of reference. Compulsory powers to take lands and premises.
2. The compulsory powers of purchasing and taking land given by this Order shall not be exercised after the expiration of three years from the time of the confirmation of this Order by Parliament. Duration of compulsory powers of purchase.
3. All the costs, charges, and expenses of and incidental to the application for and the preparation of this Order, and the confirmation thereof by Parliament, shall be paid by the Corporation. Costs of Order.
4. In this Order the expression "the Lands Clauses Acts" means the Lands Clauses Consolidation Act, 1845, as the same is amended by the Lands Clauses Consolidation Acts Amendment Act, 1860; the Railways Act (Ireland), 1851; the Railways Act (Ireland), 1860; the Railways Act (Ireland), 1864; and the Railways Traverse Act, and the term "Lands" in the said Acts shall, for the purposes of this Order, extend to and include messuages, buildings, land, easements, and hereditaments of any tenure. Interpretation of terms.
5. This Order may be cited and referred to for all purposes as the City of Dublin (New Market) Provisional Order, 1888. Short title of Order.

Given under our hands and seal of office, this Twenty-sixth day of April, in the year of our Lord One thousand eight hundred and eighty-eight.

(L.S.)

HENRY ROBINSON.  
GEORGE MORRIS.  
F. MAC CABE.

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