



CHAPTER cxxi.

An Act to make further provisions with respect to the supply of Water by the Corporation of the City of Dublin and for other purposes. [15th July 1897.] A.D. 1897.

WHEREAS the Right Honourable the Lord Mayor Aldermen and Burgesses of the city of Dublin (herein-after called "the Corporation") are the authority for supplying water for domestic and other purposes within the city of Dublin (herein-after called "the city") and to the following townships (namely) Bray Blackrock Clontarf Dalkey Kilmainham Kingstown and Pembroke (herein-after collectively called "the townships"):

And whereas the supply of water to the townships is regulated partly by Acts and Provisional Orders obtained by the Corporation and partly by Acts obtained by the commissioners for the respective townships who are the local authority within the meaning of the Public Health (Ireland) Act 1878 (herein-after called "the Public Health Act"):

41 & 42 Vict.
c. 52.

And whereas the said Acts and Orders are enumerated by their short titles in Parts I. and II. of the First Schedule to this Act and are in this Act referred to as "the scheduled Acts":

And whereas the provisions of the said Acts and Orders are in some respects defective and require amendment and it is expedient to make such amendments thereof as this Act contains:

And whereas it is expedient to confer on the Corporation powers for the better regulation of waste lands and other matters:

And whereas it is expedient to make such other provisions as this Act contains:

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

And whereas an absolute majority of the whole number of the council at a meeting held on the thirteenth day of October one

A.D. 1897. — thousand eight hundred and ninety-six after ten clear days' notice by public advertisement of such meeting and of the purpose thereof in the Irish Daily Independent a local newspaper published or circulated in the city such notice being in addition to the ordinary notices required for summoning such meeting resolved that the council should promote the Bill for this Act and that the expense of and in connexion with such promotion should be defrayed out of the borough fund or any other fund of the city :

And whereas such resolution was published in the said Irish Daily Independent and has received in respect of matters within the jurisdiction of the Local Government Board for Ireland the approval of that 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 was confirmed by an absolute majority of the whole number of the council at a further special meeting held in pursuance of a similar notice on the eleventh day of January one thousand eight hundred and ninety-seven being not less than fourteen days after the deposit of the Bill in Parliament :

And whereas the propriety of the promotion of the Bill for this Act was approved by a special resolution of the persons qualified to vote at an election of members of the council passed at a meeting summoned and held in conformity with the provisions of section 7 of the Borough Funds (Ireland) Act 1888 :

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

PART I.—PRELIMINARY.

Short title
and com-
mencement.

1. This Act may be cited as the Dublin Corporation Act 1897 and shall commence and take effect on the third Monday after the passing thereof.

Division of
Act into
parts.

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

Part I.—Preliminary.

Part II.—Water.

Part III.—Fire Brigade Fencing Vacant Lands and Miscellaneous.

Limits of
Act.

3. The limits of this Act shall be the municipal boundaries of the city of Dublin save as otherwise in this Act provided.

4. This Act shall be carried into execution by the Corporation acting by the council.

A.D. 1897.

Council to
execute Act.
Interpreta-
tion.

5. In this Act (unless the context otherwise requires) words and expressions to which meanings are assigned by the Dublin Corporation Act 1890 have the same respective meanings.

PART II.—WATER.

6. If in any of the townships a supply of water shall at any time be taken or used in excess of the statutable supply which the commissioners of such township are for the time being entitled to receive from the Corporation the commissioners of such township shall notwithstanding the non-service on the Corporation of a notice under the provisions of the Local Government Board (Ireland) Provisional Order (Dublin) Confirmation Act 1874 of their desire to take a supply of water in excess of the statutable supply pay and they are by this Act empowered and required to pay out of the rates levied in such township for all the water taken by them in excess of such statutable supply as aforesaid.

Townships
to pay for
excess
supply of
water not-
withstanding
non-service
of notice on
Corporation.

7. The population from time to time of the townships shall for the purpose of determining the statutable as well as the excess supply be ascertained in manner provided by the Local Government Board (Ireland) Provisional Orders Confirmation (Dublin Corporation Waterworks) Act 1885 which shall for this purpose apply to all the townships Save that as regards the townships mentioned in the first column of the Second Schedule of this Act for the purpose of determining the statutable supply to be afforded to such townships there shall be added to the population to be ascertained as aforesaid the respective percentage specified in the second column of such schedule.

Mode of
determining
population of
townships.

8. The price for excess or surplus water supplied to the commissioners of any of the townships shall be threepence halfpenny per thousand gallons and in and for the purposes of this Act the expression "excess or surplus water" means and includes in the case of each township all water supplied in excess of a quantity of water equal to twenty gallons per head per day for the population of the townships ascertained as in this Act provided.

Price for
excess or
surplus
water.

9. Notwithstanding anything in this Act or in any of the scheduled Acts it shall be competent for the commissioners of any of the townships supplied with water by the Corporation to apply to the Corporation to be supplied with water for all purposes at the uniform rate or price of twopence and four-tenths of a penny for

Power of
townships to
apply for
supply at
uniform
price.

A.D. 1897. every thousand gallons so supplied and the Corporation shall thereupon be bound to afford the supply on such terms as aforesaid instead of on the terms as to payment provided by the scheduled Acts :

Provided that after the expiration of ten years from the passing of this Act the rate or price named in this section may on the application of the commissioners of any township or of the Corporation be revised by the Board of Trade after such local or other inquiry as the Board may think fit.

As to
payment
by commis-
sioners of
Kingstown.

10. The commissioners of the township of Kingstown in the event of their being supplied with water by the Corporation under the provisions of the last preceding section shall in respect of the sum of six thousand pounds expended by the Corporation in the purchase of the rights and property of the Kingstown Waterworks Company pay yearly to the Corporation a sum equal to the annual interest on the said sum of six thousand pounds at such rate as may be agreed or failing agreement as may be determined by an arbitrator to be appointed by the Local Government Board for Ireland.

Supply to
be by meter.

11.—(1.) All water supplied to the commissioners of the townships (including any excess or surplus water) shall be supplied by measure and the meters for that purpose shall be provided and maintained by and be under the sole control of the Corporation and the registers of such meters shall be (subject to the right of appeal herein-after provided) conclusive evidence of the quantity of water supplied.

(2.) All such meters may be from time to time at reasonable intervals and hours inspected and tested by the commissioners of any of the townships.

(3.) If the commissioners of any township are dissatisfied with the construction or working of any such meter as aforesaid they may complain to the Corporation and if their complaint is not explained or remedied to their satisfaction they may appeal to the Board of Trade.

(4.) In the case of any such appeal the Board of Trade after inquiry by such competent person and in such manner as they see fit may make such order in the matter and as to the costs of the inquiry as they deem just and every such order shall be final and binding on all persons.

Power for
commis-
sioners to
distribute
water.

12. The commissioners of any of the townships shall be at liberty to supply and distribute within their township for other than domestic purposes any water which is not required by them for use or distribution for domestic or public purposes subject

always to the condition that the commissioners shall in all cases and at all times charge for every supply afforded by them for other than domestic purposes a sum or sums at least equal to the sum or sums for the time being charged for a similar supply within the city Any breach of this condition by the commissioners of any of the townships shall render such commissioners liable to a penalty not exceeding fifty pounds recoverable summarily or in any court of competent jurisdiction. A.D. 1897.

13. Save as herein-after provided nothing in this Act shall prejudice or interfere with the position and rights of the Corporation with respect to all supplies of water for domestic or other purposes afforded at the present time directly by the Corporation to any person or company in any of the townships specifically named in the preamble of this Act but the Corporation shall be entitled to continue to afford such supplies as heretofore and to receive and demand payment directly from the persons receiving such supplies all such payments being independent of and in addition to the payments by the commissioners for any supply to them. Saving for existing supplies by Corporation.

14. Notwithstanding anything in this Act or in any of the scheduled Acts the Clontarf Township Commissioners (in addition to all other powers and authorities vested in them) shall henceforth be at liberty to use any of the water supplied by the Corporation to the Clontarf Township Commissioners and to sell supply and distribute the same for the following purposes Water for cattle or for horses or for washing carriages where such horses or carriages are kept for sale or hire or by a common carrier or a supply for any trade manufacture or business or for watering gardens or for fountains or for any ornamental purpose and for the supply of ships or other purposes and the Corporation shall not be at liberty to sell or supply within the township except to the Clontarf Township Commissioners any water for any of the above purposes but shall be at liberty under and pursuant to the provisions of the Clontarf Township Act 1869 to continue to convey and send through all the mains of the commissioners any water which the Corporation may require to convey or send for sale or distribution within any adjoining district or township and the Corporation shall assign as from the thirtieth day of September one thousand eight hundred and ninety-seven to the Clontarf Township Commissioners the benefit of all contracts and rights in respect of all supplies of water for any purpose afforded at the present time directly by the Corporation to any person or company within the Clontarf township except the O'Brien Institution As to supply by Clontarf Township Commissioners for trade purposes.

A.D. 1897. — but including the following supplies The baths the coastguards the tramway company the Post Office Fairview and supplies to builders and in consideration thereof the Clontarf Township Commissioners shall as from the said thirtieth day of September one thousand eight hundred and ninety-seven pay to the Corporation an annual sum of fifty pounds in equal half-yearly instalments in addition to and over and above such sums as shall be payable by them for water supplied by the Corporation to the Clontarf Township Commissioners.

Saving for applications of Acts.

15. Subject to the provisions of this Act the provisions of the scheduled Acts shall continue to apply to and regulate the supply in bulk to be afforded by the Corporation to the commissioners of the townships.

Act not to apply to certain portion of township of Bray.

16. None of the provisions of this Act shall apply to or in any way affect so much of the township of Bray as lies within the county of Dublin in this section referred to as Little Bray unless and until the special resolution referred to in clause 3 of the Local Government Board (Ireland) Provisional Order (Dublin) Confirmation Act 1874 shall have been duly passed as therein provided Provided that the Corporation shall have power to fix and maintain a valve or valves and meter or meters on the pipe or pipes supplying Little Bray so as to enable the supply to the remaining portion of the township to be metered and the excess water paid for :

Provided further that unless and until a special resolution shall have been passed under section 3 of the Local Government Board (Ireland) Provisional Order (Dublin) Confirmation Act 1874 the population of Little Bray shall be ascertained for the purposes of this Act by the census for the time being in force.

PART III.—FIRE BRIGADE FENCING VACANT LANDS AND MISCELLANEOUS.

Corporation may borrow for fire brigade purposes.

17. The Corporation may from time to time borrow for fire brigade purposes any sum not exceeding in the whole the sum of twelve thousand five hundred pounds and may raise such sum by the creation and issue of Corporation stock or by mortgage of the public water rate or any other rate leviable by them subject to provision being made for the repayment of any sums so borrowed within such periods as the Local Government Board for Ireland may from time to time direct.

Increased provision for fire brigade.

18. Notwithstanding the provisions of the twelfth section of the Dublin Corporation Fire Brigade Act 1862 as amended by the twelfth section of the Local Government Board (Ireland) Provisional

Order (Dublin) Confirmation Act 1874 it shall be lawful for the Corporation to appropriate and apply for the purposes of the first-mentioned Act a sum not exceeding twopence halfpenny in the pound of the annual value of the property in respect of which the public water rate shall be apportioned and levied. A.D. 1897.

19. Where any vacant or unfenced lands within the city are in a state liable to cause a nuisance to the public the Corporation may serve a notice on the owner or occupier requiring him within a time thereby limited to effectually fence the same and if the owner or occupier fails to comply with the requisitions of the notice or to keep such lands effectually fenced the Corporation may cause such lands to be effectually fenced or the fences thereof to be repaired and may recover the expenses incurred thereby summarily or by action in any court of competent jurisdiction : Fencing
vacant lands.

Provided that this section shall not be construed to compel the Grand Canal Company the Dublin Port and Docks Board the Alliance and Dublin Consumers Gas Company or the Dublin Wicklow and Wexford Railway Company to fence any of their lands adjoining or held in connexion with any canal dock railway or work belonging to them respectively.

20. All offences penalties costs and expenses under this Act the prosecution and recovery of which is not otherwise provided for may be prosecuted and recovered in manner provided by the Summary Jurisdiction (Ireland) Acts and all penalties recovered by the Corporation under this Act shall (where not otherwise directed) be paid over to their treasurer and be carried to the credit of the improvement rate or of such other rate or fund as the Corporation may determine. Prosecution
of offences.

21. All expenses of the execution of this Act by the Corporation which are not otherwise provided for may be defrayed out of the borough fund and borough rate or out of the improvement fund or rate as may in each case be just and proper. Expenses of
execution of
Act.

22. All the costs charges and expenses preliminary to and of and incidental to the preparing applying for obtaining and passing of this Act and also of the application to Parliament by the Corporation in the session of 1895 as taxed by the taxing officer of the House of Lords or of the House of Commons or otherwise in relation thereto shall be paid by the Corporation out of the borough fund and borough rate or the improvement fund and improvement rate and shall be debited to such accounts and in such proportions as the Corporation think fit and such costs shall include the costs incurred by the Corporation in complying with the provisions of the Borough Funds (Ireland) Act 1888 with respect to the Bill for this Act. Costs of Act.

A.D. 1897.

SCHEDULES referred to in the foregoing Act.

THE FIRST SCHEDULE.

PART I.

Corporation Water Acts and Orders.

- The Dublin Corporation Waterworks Act 1861 (24 & 25 Vict. c. clxxii.).
- The Dublin Corporation Waterworks Amendment Act 1863 (26 & 27 Vict. c. lxxviii.).
- The Dublin Corporation Waterworks Acts Amendment Act 1866 (29 Vict. c. xxiii.).
- The Dublin Corporation Waterworks Act 1870 (33 & 34 Vict. c. xcvi.).
- The Dublin Corporation Waterworks Act 1874 (37 & 38 Vict. c. cxlii.).
- The Local Government Board (Ireland) Provisional Order (Dublin) Confirmation Act 1874 (37 & 38 Vict. c. clxxxvi.).
- Dublin Corporation Waterworks Acts Amendment Act 1878 (41 Vict. c. xvi.).
- Local Government Board (Ireland) Provisional Orders Confirmation (Dublin Corporation Waterworks) Act 1885 (48 & 49 Vict. c. cxc.).

PART II.

Townships Acts.

- The Blackrock Township Act 1863 (26 & 27 Vict. c. cxxi.).
 - The Bray Township Act 1866 (29 & 30 Vict. c. cclxi.).
 - The Clontarf Township Act 1869 (32 & 33 Vict. c. lxxxv.).
 - The Dalkey Township Act 1867 (30 & 31 Vict. c. cxxxiv.).
 - The Kilmainham Township Act 1868 (31 & 32 Vict. c. cx.).
 - The Kingstown Township Act 1869 (32 & 33 Vict. c. cxxxiii.).
 - The Pembroke Township Act 1863 (26 & 27 Vict. c. lxxii.).
-

THE SECOND SCHEDULE.

A.D. 1897.

PERCENTAGE OF POPULATION TO BE ADDED IN CERTAIN OF THE TOWNSHIPS.

Name of Township.	Additional Percentage.
Bray - - - - -	30 per centum.
Clontarf - - - - -	20 "
Dalkey - - - - -	20 "
Kingstown - - - - -	10 "
Pembroke - - - - -	5 "

Printed by EYRE and SPOTTISWOODE,

FOR

T. DIGBY PIGOTT, Esq., C.B., the Queen's Printer of Acts of Parliament.

And to be purchased, either directly or through any Bookseller, from
EYRE AND SPOTTISWOODE, EAST HARDING STREET, FLEET STREET, E.C.; or
JOHN MENZIES & Co., 12, HANOVER STREET, EDINBURGH, and
90, WEST NILE STREET, GLASGOW; or
HODGES, FIGGIS, & Co., LIMITED, 104, GRAFTON STREET, DUBLIN.