



CHAPTER lxxxiii.

An Act to confirm a Provisional Order of the Local Government Board for Ireland relating to the Borough of Waterford. A.D. 1897.
[15th July 1897.]

WHEREAS the Local Government Board for Ireland have made the Provisional Order set forth in the schedule hereto under 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 hereto is hereby confirmed and all the provisions thereof shall have full validity and force.

Order in
schedule
confirmed.

2. This Act may be cited as the Local Government Board (Ireland) Provisional Order Confirmation (No. 4) Act 1897.

Short title.

A.D. 1897.

S C H E D U L E.

THE LOCAL GOVERNMENT BOARD FOR IRELAND.

Waterford.

BOROUGH OF WATERFORD.

PROVISIONAL ORDER.

Giving compulsory powers to purchase lands and premises for the purposes of Part III. of the Housing of the Working Classes Act 1890 and for an Abattoir and Rubbish Depots.

53 & 54 Vict.
c. 70.

WHEREAS the Mayor Aldermen and Burgesses of the Borough of Waterford (herein-after called the sanitary authority) have presented a petition to the Local Government Board for Ireland (herein-after called the Local Government Board) 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 purposes of Part III. of the Housing of the Working Classes Act 1890 (which has been adopted in the said borough) and for an abattoir and two rubbish depots:

And whereas the sanitary authority have deposited at the office of the Local Government Board in Dublin plans and a book of reference (herein-after called the deposited plans and book of reference) showing the lands and premises required for the said purposes:

And whereas all advertisements and notices required for that purpose having been previously duly published served and given the Local Government Board have caused a local inquiry to be held as to the propriety of assenting to the prayer of the said petition and it appears to the Local Government Board to be proper to make this Order in reference thereto:

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

Compulsory
powers to
take lands
and other
premises.
53 & 54 Vict.
c. 70.

1. From and after the confirmation of this Order by Parliament the sanitary authority shall be empowered to put in force the powers of the Lands Clauses Acts as amended by the Second Schedule to the Housing of the Working Classes Act 1890 with reference to the lands and premises described in the deposited plans and book of reference except those numbered therein numbers 55 56 57 58 59 60 and 66.

[60 & 61 VICT.] *Local Government Board* [Ch. lxxxiii.]
(Ireland) Provisional Order Confirmation (No. 4) Act, 1897.

2. The sanitary authority shall not in the execution of this Order purchase or acquire ten or more houses which on the fifteenth day of December last were or have been since that day or will hereafter be occupied either wholly or partially by persons belonging to the labouring class as tenants or lodgers unless and until—

A.D. 1897.

Waterford.

Provisions
respecting
houses
occupied by
persons of the
labouring
class.

- (1.)—(a.) They have obtained the approval of the Local Government Board to a scheme for providing new dwellings for such number of persons as were residing in such houses on the fifteenth day of December last or for such number of persons as that Board may 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 have given security to the satisfaction of the Local Government Board for the carrying out of the scheme.

- (2.) The approval of the Local Government Board to any such scheme may be given either absolutely or conditionally and after the Local Government Board have approved of any such scheme they may approve either absolutely or conditionally of any modification in the scheme.
- (3.) Every such scheme 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 and 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 deem fit.
- (4.) Any provisions of any such scheme and any conditions subject to which the Local Government Board may have approved of any such scheme or of any modification thereof 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.
- (5.) If the sanitary authority acquire or appropriate any house for the purpose of this Order in contravention of the foregoing provisions or displace or cause to be displaced persons residing in any house in contravention of any such 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 by action in the High Court and shall be

[Ch. lxxxiii.] *Local Government Board* [60 & 61 VICT.]
(Ireland) Provisional Order Confirmation (No. 4) Act, 1897.

A.D. 1897.

Waterford.

carried to and form part of the Consolidated Fund of the United Kingdom Provided that the Court may if it thinks fit reduce the said penalty.

41 & 42 Vict.
c. 52.

- (6.) Subject to the provisions of such scheme the sanitary authority and the Local Government Board and their inspectors shall have and may exercise for any purpose in connexion with any scheme under this Order 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 :

Provided that all lands on which any buildings have been erected by the sanitary authority in pursuance of any scheme under this Order shall for a period of twenty-five years from the passing of the Act confirming this Order be appropriated for the purpose of dwellings and every conveyance demise and lease of such lands and buildings shall be endorsed with notice of this provision Provided also that the Local Government Board may at any time dispense with all or any of the requirements of this clause of this section subject to such conditions if any as they may deem fit.

- (7.) The sanitary authority shall pay to the Local Government Board a sum to be fixed by that Board in respect of the preparation and issue of any order made in pursuance of this section of this Order and any expenses incurred by the Board in relation to any inquiries under this Order including the expenses of any witnesses summoned by the inspector holding the inquiry and a sum to be fixed by the Local Government Board not exceeding three guineas a day for the services of such inspector.
- (8.) For the purposes of this Order the expression "labouring class" includes mechanics artificers 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 families and persons other than domestic servants whose income does not exceed on an average thirty shillings a week and the families of any of such persons who may be residing with them.

Duration of
compulsory
powers.

3. The compulsory powers of purchasing and taking lands given by this Order shall not be exercised after the expiration of three years from the confirmation of this Order.

Costs of Order.

4. The costs charges and expenses of the sanitary authority and of the Local Government Board of or incidental to the application for preparation of obtaining and confirming this Order shall be paid by the sanitary authority as part of their expenses under the Housing of

53 & 54 Vict
c. 70.

[60 & 61 VICT.] *Local Government Board* [Ch. lxxxiii.]
(Ireland) *Provisional Order Confirmation (No. 4) Act, 1897.*

the Working Classes Act 1890 and the Public Health (Ireland) Acts A.D. 1897.
1878 to 1896.

5. This Order may be cited as the Waterford Provisional Order 1897.

Waterford.
Short title of
Order.

Given under our hands and seal of office this third day of May in the
year of our Lord one thousand eight hundred and ninety-seven.

(L.S.)

(Signed)

GEORGE MORRIS.

F. MACCABE.

H. A. ROBINSON.

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