

CHAPTER 19.

An Act to amend further the Law relating to Local Government in Ireland and for other purposes connected therewith. [3rd June 1919.]

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 :

Proportional
representation
at local elec-
tions.

1.—(1) At a contested election of members of a local authority for any local electoral area constituted under this Act, any election of the full number of members for the area shall be according to the principle of proportional representation, each elector having one transferable vote as defined in this Act.

(2) For the purpose of forming electoral areas suitable for the application of the principle aforesaid, the Local Government Board shall by Order divide the several counties, boroughs, urban and rural districts, poor law unions and towns into local electoral areas so as to constitute—

- (a) In every county, county electoral areas for the election of county councillors ;
- (b) In every rural district, district electoral areas for the election of rural district councillors ;
- (c) In every borough, borough electoral areas for the election of aldermen and councillors ;
- (d) In every urban district, not being a borough, district electoral areas for the election of urban district councillors ;
- (e) In so much of every union as is situated in an urban district, poor law electoral areas for the election of guardians ; and
- (f) In every town, town electoral areas for the election of town commissioners :

Provided that any urban district or town or so much of any union as is situated in an urban district may be constituted a single urban, town, or poor law electoral area, as the case may be.

(3) The number of members to be elected for each local electoral area shall be such as may be assigned thereto by Order of the Local Government Board, and in constituting the local electoral areas and assigning members thereto the Board shall, so far as practicable, secure—

- (a) that the total number of members of any local authority other than a rural district council or board of guardians shall not be altered ;
- (b) that the number of members of a rural district council or board of guardians be reduced by one half at least ;

- (c) that the number of members assigned to the local electoral areas shall in each case be such as to give equal representation upon the basis of population ;
- (d) that the number of members assigned to any local electoral area shall not be less than six in the case of any borough electoral area and three in the case of any other local electoral area :

Provided that, if the council of any borough within the prescribed time submit to the Local Government Board a scheme for the division of the borough into borough electoral areas, and the assignment of members thereto, the Board shall, on being satisfied that the scheme has been published by the local authority in the prescribed manner, adopt the scheme except where and so far as they see good reason to the contrary.

(4) For the purposes of elections conducted according to the principle of proportional representation, the scale of election expenses fixed by any county council under Article 6 of the Schedule to the Local Government (Application of Enactments) Order, 1898, may be increased or otherwise altered by the Local Government Board, and as so altered shall have effect as if it had been made under that article by the county council with the approval of the Board.

(5) Except so far as is necessary for the purpose of forming local electoral areas, nothing in this section shall affect any existing district electoral divisions or wards, or the powers of the Local Government Board with respect thereto.

(6) The Local Government Board may by Order apply the provisions of this section with the necessary modifications to the election of the members of any kind of local body other than the local authorities mentioned in this section upon the application of the local body concerned.

2. On the ordinary day of retirement of aldermen, councillors, and commissioners in the year nineteen hundred and twenty all the aldermen and councillors for any borough and all the councillors for any other urban district, and all the commissioners for any town shall, notwithstanding any enactment to the contrary and notwithstanding any system of rotation in force, go out of office, and their places shall be filled by newly elected aldermen, councillors, and commissioners.

Retirement of aldermen and certain councillors and town commissioners on next ordinary day of retirement.

3. In every urban district not being a borough and in every town the councillors and commissioners shall all be elected triennially.

Triennial election of councillors and commissioners in certain urban districts and towns.

4.—(1) In every borough the term of office of an alderman shall be three years, and, subject to the provisions of this section, the aldermen and councillors shall all be elected together triennially and shall retire together.

Triennial election of aldermen and councillors in boroughs.

(2) At any election of the full number of aldermen and councillors for any borough electoral area the number of candidates to be elected shall be the aggregate of the number of aldermen and number of councillors assigned to the area, and, where a poll is taken, the first and every other candidate successively declared to be elected until the number of aldermen for the area is completed shall be alderman or aldermen for the area, and the remaining candidates declared to be elected shall be the councillors for the area.

(3) If there is no poll at any such election, such of the elected candidates for the borough electoral area as may be determined by the borough council shall be alderman or aldermen, and the remaining elected candidates shall be councillors for the borough electoral area, and the determination of the question which of the said candidates shall be alderman or aldermen shall be the first business to be transacted at the quarterly meeting of the borough council next after the election.

When the question has been determined, the elected candidates shall be deemed to have come into office as alderman or aldermen and as councillors respectively for the borough electoral area on the day next after the day of the election, and pending the determination of the question the said candidates shall be deemed to be members of the borough council and its powers and constitution shall not be prejudicially affected.

Date of triennial election and ordinary day of retirement in boroughs, other urban districts, and towns.

5. The first triennial elections after the passing of this Act of aldermen and councillors of boroughs, councillors of urban districts, and commissioners of towns shall be held on the ordinary day of election of councillors and commissioners in the year nineteen hundred and twenty, and the subsequent triennial elections shall be held on the ordinary day of election in each third subsequent year, and all the aldermen, councillors and commissioners who hold office on any such day shall retire together on the next following day which shall be the ordinary day of retirement of aldermen, councillors and commissioners, and the newly elected aldermen, councillors and commissioners shall (save as is otherwise provided in this Act) come into office on the ordinary day of retirement.

Alteration of date of elections of county councillors, rural district councillors, and guardians, and postponement of next elections.

6.—(1) The next triennial elections of county councillors, rural district councillors, and guardians in urban districts, instead of being held on the ordinary day of election in the year nineteen hundred and nineteen, shall be further postponed until the ordinary day of election in the year nineteen hundred and twenty, and the term of office of each existing councillor and guardian shall accordingly be further extended so as to expire on the day next after such day of election.

(2) In this section the expression "existing councillor and guardian" means a councillor or guardian holding office on the ordinary day of election in the year nineteen hundred and nineteen.

(3) Any provisions of any Act, Order, or regulations relating to county councillors, rural district councillors, or guardians, or to chairmen, vice-chairmen, deputy vice-chairmen, or committees of those bodies shall be construed as if they were modified in such manner as to give full effect to the provisions of this section.

(4) This section shall be deemed to have had effect as from the fifteenth day of April, nineteen hundred and nineteen, and accordingly any act, matter, or thing done or omitted by any county council, rural district council, or board of guardians, or by any member or officer thereof (including a returning officer), after that day and before the passing of this Act which would have been lawfully done or omitted if this section had then been in actual operation, shall be deemed to have been lawfully done or omitted, and any election of councillors or guardians held within the period aforesaid shall be deemed to be void, and each existing councillor and guardian shall be deemed to have continued in office notwithstanding that the ordinary day of election or retirement occurred within the said period.

7. Where the population of any rural district is less than four thousand and its rateable value is less than twenty thousand pounds, the Local Government Board shall, if it is conveniently possible, amalgamate the district with an adjoining rural district in the same county, and for that purpose subsection (5) of section sixty-eight of the Local Government (Ireland) Act, 1898, shall apply whether the Board have or have not amalgamated the unions comprised in the rural districts.

Amalgama-
tion of small
rural districts.

61 & 62 Vict.
c. 37.

8.—(1) If any officer of a local authority who holds on the passing of this Act a pensionable office is removed from his office for any cause other than misconduct or incapacity, or resigns his office with the sanction of the Local Government Board, he shall, without prejudice to any other right, be entitled to receive from the local authority an allowance not exceeding two-thirds of the salary, fees and emoluments which he was in receipt of at the time of the removal or resignation, and not less than an allowance calculated according to the scale provided by the Superannuation Acts, 1834 to 1892, and the rules thereunder, if at that time he has served as an officer of the local authority for not less than ten years, or a gratuity according to the scale in Part I. of the Seventh Schedule to the Local Government (Ireland) Act, 1898, if he has so served for less than ten years, and the right to and amount of any such allowance or gratuity shall, in case of dispute, be determined by the Local Government Board. For the purposes of this section, any person duly appointed standing solicitor of a local authority before the passing of this Act shall be deemed to be a pensionable officer of the local authority, notwithstanding that his whole time is not devoted to the duties of his office.

Protection of
existing
local officers.

(2) The Local Government Board shall not give their sanction to the resignation of an officer for the purposes of this section unless they are satisfied that, owing to changes made without reasonable cause in the conditions of his employment after the passing of this Act, his position has been materially altered to his detriment; or that he has become incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body; or that he is not less than sixty years of age and has served as an officer of the local authority for not less than twenty years.

62 & 63 Vict.
c. 50.

(3) This section shall apply to a whole-time officer of a committee of a local authority or of a joint committee of several local authorities in like manner as if he were an officer of the local authority or authorities holding a pensionable office, and in the case of an officer of a joint committee the amount of the superannuation allowance or gratuity shall be payable by the local authorities in such proportions as may be agreed upon, or, in default of agreement, as may be determined by the Local Government Board: Provided that, in the application of this section to an officer of a committee or joint committee appointed for the purposes of the Agriculture and Technical Instruction (Ireland) Act, 1899, the sanction of the Department of Agriculture and Technical Instruction for Ireland shall be substituted for the sanction of the Local Government Board.

8 Geo. 5. c. 64.

(4) The holding by an officer of a local authority whether before or after the passing of this Act of the office of clerk to an old age pensions committee or to a national insurance committee, or of registration officer under the Representation of the People Act, 1918, shall not be deemed for the purposes of this section to deprive him of the status of a holder of a pensionable office.

(5) In this section "local authority" means the council of any county, county borough, or county district, the commissioners of any town, and the guardians of any poor law union.

Application
to Sligo
borough.

9. This Act, in its application to the council of the borough of Sligo and the election of members of that council, shall have effect with the following modifications; namely,—

The first triennial election after the passing of this Act of alderman and councillors shall be held on the fifteenth day of January in the year nineteen hundred and twenty-three, and the existing term of office of aldermen and councillors shall be extended so as to expire on the sixteenth day of January in that year, and accordingly in sections two and five of this Act a reference to the year nineteen hundred and twenty-three shall be substituted for any reference to the year nineteen hundred and twenty.

10.—(1) The Local Government Board may make such Orders as appear to them to be necessary or proper for giving full effect to this Act, including Orders—

Orders of
the Local
Government
Board.

- (a) Prescribing the method of voting and transferring and counting votes at any election conducted according to the principle of proportional representation, in pursuance of this Act, and the duties of returning officers in connexion therewith; and
- (b) Adapting any of the provisions of the Local Government (Ireland) Act, 1898, or any Order of the Lord Lieutenant in Council made thereunder, or of any other enactment (including any local Act) relative to local elections, to county or district electoral divisions or wards, to the powers and duties of local authorities, or to members, committees and officers thereof in such manner as may appear to the Board to be necessary in order to bring such provisions into conformity with the provisions of this Act.

(2) If any difficulty arises as to the holding of the first triennial election of members of any local authority after the commencement of this Act, the Local Government Board may by Order do any matter or thing which appears to them necessary for the proper holding of the election

(3) Any Order made by the Local Government Board under this Act shall have effect as if enacted in this Act, but may be revoked or varied by a subsequent Order.

11. The enactments specified in the Schedule to this Act are hereby repealed to the extent mentioned in the third column of that schedule.

Repeals.

12. In this Act, unless the context otherwise requires, the expression “transferable vote” means a vote—

Interpretation.

- (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.

The expression “members of a local authority” includes aldermen, councillors, guardians, and town commissioners.

The expression “town” means any town as defined in the Local Government (Ireland) Act, 1898, other than an urban district.

The expression “population” means population according to the last published census for the time being.

Short title,
construction,
and citation.

13. This Act may be cited as the Local Government (Ireland) Act, 1919, and shall be construed as one with the Local Government (Ireland) Acts, 1898 to 1902, and may be cited together with those Acts as the Local Government (Ireland) Acts, 1898 to 1919.

SCHEDULE.

Section 11.

Session and Chapter.	Title or Short Title.	Extent of Repeal.
3 & 4 Vict. c. 108.	The Municipal Corporations (Ireland) Act, 1840.	Sections sixty-one and sixty-two.
17 & 18 Vict. c. 103.	The Towns Improvement (Ireland) Act, 1854.	Section twenty-three; section twenty-four, so far as respects the rotation of the Commissioners.
61 & 62 Vict. c. 37.	The Local Government (Ireland) Act, 1898.	In subsection (3) of section two the words from "Provided that" to the end of the subsection; in subsection (4) of section two the words from "may give" to "that division and"; in paragraph (a) of subsection (2) of section twenty-one the words from "Provided that" to the end of the paragraph; in subsection (1) of section twenty-three the words from "Provided that" to the end of the subsection; in subsection (3) of section twenty-three paragraph (b) down to "division and," the words from "may give" to "division and" in paragraph (c), and in section twenty-four, paragraphs (c) and (d)