

SAORSTÁT EIREANN.

BILLE RIALTAIS AITIULA, 1924.
LOCAL GOVERNMENT BILL, 1924.

Mar do leasúidh ag an Seanad i gCoiste.
As amended by the Seanad in Committee.

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SAORSTÁT EIREANN.

BILLE RIALTAIS AITIULA, 1924.
LOCAL GOVERNMENT BILL, 1924.

BILL

entitled

5

AN ACT TO AMEND THE LAW RELATING TO LOCAL
GOVERNMENT IN IRELAND AND FOR OTHER PUR-
POSES CONNECTED THEREWITH.

BE IT ENACTED BY THE OIREACHTAS OF SAORSTÁT
EIREANN AS FOLLOWS:—

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PRELIMINARY.

Definitions.

1.—In this Act, unless the context otherwise requires, the
expression “ the Minister ” means the Minister for Local Govern-
ment and Public Health;

the expression “ prescribed ” means prescribed by the Minister; 15

the expression “ county ” does not include a county borough;

the word “ road ” means any public road and includes any
bridge, pipe, arch, gully, footway, pavement, fence, railing or
wall (where such fence, railing or wall was erected by or was
liable to be maintained by the County Council or Grand Jury) 20
forming part thereof;

the expression “ main road ” means any road which the Minister,
by his order, declares to be a main road;

the expression “ urban road ” means any road in an urban
district except a main road; 25

the expression “ county road ” means any road in a county
except main roads and urban roads;

the expression “ county scheme ” has the same meaning as in the
Local Government (Temporary Provisions) Act, 1923 (No. 9
of 1923); 30

the expression “ direct labour scheme ” means and includes any
declaration prepared by the council of a county under the pro-
visions of Article 25a of the Procedure of Councils Order, 1899,
specifying the roads in a rural district to be maintained by direct
labour, and the scheme formulated for carrying such declaration 35
into effect;

the expression “ local authority ” includes—

- (i) a county council, county or other borough council, urban
district council, rural district council, board of guar-
dians, or the commissioners of any town; 40
- (ii) any public body which is established by or in pursuance
of any statute to perform any of the functions of any
of the above named bodies,

(iii) any committee or joint committee of or appointed by any of the said authorities;

the expression "board of health" includes both a board of public health and a board of health and public assistance;

5 the word "powers" includes rights, jurisdictions, capacities, privileges, and immunities;

the word "duties" includes responsibilities and obligations;

the expression "powers and duties" includes all powers and duties conferred or imposed by or arising under any Local Act;

10 the expression "the appointed day" means the 1st day of October, 1925;

the word "maintenance" when used in relation to any road, includes the widening or other reasonable improvement of such road, and cognate words shall be construed accordingly.

15 2.—The following portions of this Act, that is to say, the whole of Part I, sections 9 to 15, and section 21 in Part II, sections 23, 24, 25 and 28 in Part III, and sections 53, 59, 61, 66, 72 and 73 in Part V shall not apply to the County or the City of Dublin.

Application to County and City of Dublin.

PART I.

20 ABOLITION OF RURAL DISTRICT COUNCILS.

3.—(1) On and after the appointed day all rural district councils shall cease to exist, and upon the appointed day the powers and duties (subject to the provisions of this Act), and the property, debts, and liabilities of the council of every rural district within a county, shall be transferred to the council of such county, and the council of such county shall be the successors of the council of such rural district.

Abolition of rural district councils.

25 (2) Any debt or liability of a rural district council which is transferred to the council of a county by this section shall be paid or defrayed by means of the same rate by means of which such debt or liability would have been discharged before the passing of this Act, and the area of charge for the expenses of discharging such debt or liability shall be determined in accordance with the rules set out in the First Schedule to this Act.

35 (3) If any debt or liability (whether existing on or arising after the appointed day) transferred by this section to the council of a county relates to or is connected with any property transferred by this section to that council, such debt or liability shall so far as possible be paid or defrayed out of any profit or revenue received out of such property.

40 4.—(1) If at the time when any powers, duties, property, or liabilities are transferred to a county council by this Act, any action or proceeding or any cause of action or proceeding is pending or existing in relation to such powers, duties, property, or liabilities by or against or on behalf of the body from which the same are so transferred, such action or proceeding, or cause of action or proceeding shall not abate or be prejudicially affected by such transfer, but shall continue by or against or on behalf of the county council or (in the case of powers or duties exercised through a board of health or of property transferred to a board of health under this Act), the board of health to or by whom the same are transferred or to be exercised.

Continuance of pending actions and contracts.

45 (2) All contracts, deeds, bonds, agreements, and other instruments relating to any powers, duties, property, or liabilities transferred to a county council by this Act and the terms or provisions of which are not fully executed or completed at the date of such transfer, shall be of as full force and effect against

or in favour of such county council or (in the case of powers or duties exercised through a board of health or of property transferred to a board of health under this Act) the board of health to or by whom the same are transferred or to be exercised, and may be enforced against or by such county council or board of health as fully and effectually as if such county council or board of health had been named as a party thereto instead of the body from which such powers, duties, property, or liabilities are transferred.

Public bodies
elected by rural
district councils.

5.—(1) Any joint board, committee, or authority, all of whose members were, prior to the passing of this Act, elected or appointed by the councils of rural districts situate in the same county health district shall, from and after the appointed day, cease to exist, and the powers, duties, property, and liabilities of such joint board, committee, or authority shall be transferred to the council of the county in which such county health district is situate, and such powers and duties shall be exercised and performed by such county council through and by the board of health for such county health district.

(2) The members of any public body in office on the appointed day who were appointed or elected by the council of a rural district shall cease to hold office on the appointed day, and where, prior to the passing of this Act, it was the duty of the council of a rural district in a county to elect members of any public body, it shall, on and after the appointed day, be the duty of the council of such county to elect such members of such public body.

This sub-section shall not apply to any public body to which the first sub-section of this section applies.

Periodical pay-
ments by rural
district councils.

6.—Whenever under any enactment passed prior to the passing of this Act the council of a rural district is empowered or directed (as the case may be) to make any periodical payment in respect of any port, fishery, drainage works, burial works, or other similar matter, the council of the county in which such rural district is situate shall be empowered or directed (as the case may require) to make such payment and the amount thereof shall be charged upon the area upon which such amount would have been charged immediately before the passing of this Act.

Poor law guar-
dians to be elected
where no county
scheme.

7.—In every county health district in a county to which for the time being no county scheme relates, poor law guardians shall after the appointed day be elected on the like days and in the same manner in all respects as members of rural district councils were immediately before the passing of this Act required by law to be elected.

Rural district
councils before
the appointed
day.

8.—(1) No elections of rural district councillors shall be held after the passing of this Act.

(2) On the day on which the next statutory election of county councillors after the passing of this Act is held all rural district councils shall cease to function and the property and the several powers and duties of every rural district council shall be transferred to the council of the county in which the rural district was situate and shall be vested in and exercised and performed by such county council until the appointed day.

(3) In the case of the council of a county to which for the time being no county scheme relates or to which a joint county scheme for such county and an adjoining county borough relates, the powers and duties transferred by this section to such council shall until the appointed day be exercised and performed by a board established for the purpose in the like manner as a board of public health would be established in that county under this Act after the appointed day.

(4) In the case of the council of a county to which a county scheme (other than a joint scheme for such county and an adjoining

ing county borough) relates the powers and duties transferred by this section to such council shall until the appointed day be exercised and performed by the body to whom under such county scheme is entrusted the administration of the relief of the poor in the area in which the rural district was situate.

(5) The Minister may by order do all such things and make all such regulations as in his opinion shall be necessary for the proper preservation and management of the property and the performance and exercise of the powers and duties transferred by this section and generally for giving full effect to this section during the period between the date on which the rural district councils shall cease to function under this section and the appointed day.

PART II.

PUBLIC HEALTH.

9.—(1) On and after the appointed day, and subject to the provisions of sub-section (2) of this section, the area of every county, with the exception of those portions (if any) of that area which are included in urban districts, shall for all purposes form one rural sanitary district or rural district within the meaning of the Public Health (Ireland) Acts, 1878 to 1919, and the council of such county shall be the sanitary authority for such rural sanitary district or rural district, and such rural sanitary district or rural district shall be called by the name of "The County Health District of....." (with the addition of the name of the county).

County to be one rural sanitary district except in certain cases.

(2) At the request of the council of any county, the Minister may by order direct that there shall be in such county two or more rural sanitary districts, and in such case the Minister by his said order shall after consultation with the council of such county determine the boundaries of such rural sanitary districts, and the council of such county shall be the sanitary authority for each such rural sanitary district, and each such rural sanitary district shall be called by the name of the county health district of (with the addition of the name of the county and of such distinguishing name as the Minister shall direct).

10.—(1) In every county health district—

- (a) in a county to which for the time being no county scheme relates, or
- (b) adjoining a county borough and situate in a county to which a joint county scheme for such county borough and county relates,

Duties of county councils as sanitary authorities to be performed by boards of health.

the powers and duties of the council of such county as sanitary authority for such district shall, save as is otherwise provided by this Act, be exercised and performed through and by a board to be established in such county health district and to be called the board of public health.

(2) In every county health district in a county to which a county scheme for the time being relates other than those referred to in paragraph (b) of sub-section (1) of this section, the powers and duties of the council of such county as sanitary authority for such district shall, save as is otherwise provided by this Act, be exercised and performed through and by the body to whom under such county scheme is entrusted the administration of the relief of the poor in such county health district, and such body shall be known as the board of health and public assistance for such county health district.

(3) Any property transferred to the council of a county by this Act may be transferred by such council by order under their seal to the board of public health or the board of health and public assistance of any county health district in such county, and every such order shall operate as an effective conveyance of such property according to the terms of such order, but such order shall not require to be stamped as a conveyance or transfer of property.

Borrowing powers of county councils.

11.—(1) The borrowing powers of a county council as rural sanitary authority for a county health district under the Public Health (Ireland) Acts, 1878 to 1919, shall be exercised directly by such county council, and shall not be delegated by virtue of this Act or otherwise to a board of health.

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(2) Moneys borrowed before the appointed day by the council of a rural district and the liability for which is transferred by this Act to a county council, and moneys borrowed after the appointed day by such county council as sanitary authority for a county health district, shall not be reckoned as part of the total debt of such county council for the purpose of the limitation on borrowing imposed by sub-article (2) of Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898.

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Incorporation of boards of health and regulation of their proceedings.

12.—(1) Every board of health shall be a body corporate and shall have perpetual succession and a common seal, with power to acquire and hold land for the purpose of their powers and duties.

15

(2) The constitution, proceedings, and accounts of boards of health, and the tenure of office of the members thereof, shall be regulated by the Rules contained in the Second Schedule to this Act.

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(3) The provisions of this section shall apply to every board of health and public assistance in the performance of their duties under a county scheme in the same manner as they apply to such board in the performance of their duties under this Act notwithstanding anything to the contrary in such county scheme.

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Appointment of committees of boards of health.

13.—(1) A board of health may from time to time appoint such and so many committees as they think fit for purposes connected with the exercise or performance of any of the powers, duties and functions transferred to the board by or under this Act which in the opinion of the board would be better or more conveniently regulated or managed by or through a committee.

30

(2) A committee appointed under this section may be either a general committee empowered to exercise or perform powers, duties, and functions in relation to the whole of the county health district or a local committee empowered to exercise or perform powers, duties, and functions in relation to a limited portion only of the county health district.

35

(3) Every committee appointed under this section shall consist of not less than three members, and may be composed either wholly of members of the board of health or partly of such members and partly of other persons.

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(4) The acts of every committee appointed under this section shall be subject to confirmation by the board of health, save that the board may with the sanction of the Minister empower any particular committee to do any act (including the institution of legal proceedings) within the authority conferred on the committee by the board which the board itself could lawfully do.

45

(5) The quorum, procedure, and place of meeting of any committee appointed under this section, and the area (if any) within which any such committee is to exercise its functions, shall be such as may be appointed by regulations to be made by the board of health with the approval of the Minister.

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(6) Save as is authorised by this section, it shall not be lawful for a board of health to delegate any of its powers or duties to a committee.

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(7) The provisions of this section shall apply to every board of health and public assistance in the performance of their duties under a county scheme in the same manner as they apply to such board in the performance of their duties under this Act notwithstanding anything to the contrary in such county scheme.

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14.—(1) A board of health shall be subject to such conditions or restrictions in relation to expenditure as the county council may impose with the consent of the Minister. Finance of boards of health.

5 (2) The money required to meet the expenses of a board of health in the exercise and performance of their powers and duties under this Act shall be supplied by the county council to the board of health on an annual estimate and demand by the board of health, and shall be estimated, demanded, and paid in the same manner as the expenses of a rural district council have been
10 heretofore estimated, demanded, and paid, or in such other manner as may be prescribed.

(3) The expenses of a board of health incurred in the performance of the duties of the county council as sanitary authority for a county health district shall be raised by the county council
15 in such county health district by means of the poor rate.

(4) Section 232 of the Public Health (Ireland) Act, 1878, shall be amended by the substitution for the areas situated in a rural sanitary district therein defined as contributory places for the purposes of the said Act, of the following areas:—

- 20 (a) the townland,
(b) the dispensary district,
(c) the area of any rural district as constituted immediately before the appointed day,
25 (d) such portions of any of the above-mentioned areas as may be determined by the Minister.

15.—(1) On and after the appointed day, the committees appointed by county councils and mentioned in the Third Schedule to this Act shall cease to exist, and the powers, duties, property, and liabilities of every such committee shall be transferred to
30 the council of the county by which such committee was appointed, and such powers and duties in so far as they relate to any county health district shall be exercised and performed by and through the board of health for such county health district, and in so far as they relate to any urban district shall be exercised and
35 performed by and through the board of health for the county health district adjoining such urban district, or where there are more than one such county health districts, by the board of health of such of those county health districts as the Minister shall direct.

40 16.—Where immediately before the appointed day the provisions of any statute or portion of a statute are in force in a rural district or part of a rural district by virtue of an order or resolution of the council of that rural district adopting such provisions, such provision shall after the appointed day continue to
45 be in force in the same area but subject and without prejudice to any rescission, alteration or extension of the adoption of those provisions duly made by a competent authority after the appointed day, and the expenses of the administration of such statute or portion of a statute in such area shall be charged on
50 such area.

17.—Notwithstanding any provision in any of the enactments mentioned in the Fourth Schedule to this Act whereby such enactment or any portion thereof only extends to the districts or places to or in which such enactment or portion thereof has
55 been applied or adopted by order or resolution of any authority, the provisions of each of the said enactments shall, from and after the passing of this Act, extend to and be in full force and effect in every part of Saorstát Eireann. Adoptive acts to apply throughout Saorstát Eireann.

18.—It shall be the duty of the Minister in the exercise and
60 performance of his powers and duties, to take all such steps as may be desirable to secure the preparation, effective carrying out, and co-ordination of measures conducive to the health of the people, including measures for (a) the prevention and cure Duties of the Minister in relation to health.

of diseases, including the avoidance of fraud in connection with alleged remedies therefor; (b) the treatment of physical and mental defects, including the treatment and care of the blind; (c) the initiation and direction of research, and the collection, preparation, publication, and dissemination of information and statistics relating thereto; (d) the training of persons for health services. 5

Consultative
councils.

19.—(1) It shall be lawful for the Minister by order to establish consultative councils for giving, in the manner prescribed by the order, advice and assistance to the Minister in connection with such matters affecting or incidental to the health of the people as may be specified in the order. 10

(2) *Payments may be made by the Minister, out of moneys to be voted by the Oireachtas, to members of consultative councils and committees thereof, to such extent as may be sanctioned by the Minister for Finance, in respect of the following matters, that is to say—* 15

- (a) *repayment of travelling expenses,*
- (b) *payment of subsistence allowance,*
- (c) *reasonable compensation for loss of remunerative time.* 20

(3) Every consultative council established under this section shall consist of persons having practical experience or special knowledge of the matters in respect of which they are to give advice or assistance.

Tents and vans
used for
human
habitation.

20.—(1) A tent, van, shed or similar structure used for human habitation, or a barge, lighter, boat or other vessel on any river, canal or other inland water (in this section referred to as "a barge") used for human habitation, which is in such a state as to be a nuisance or injurious to health, or which is so overcrowded as to be injurious to the health of the inmates (whether they are or are not members of the same family), shall be deemed to be a nuisance within the meaning of section 107 of the Public Health (Ireland) Act, 1878, and the provisions of that Act shall apply accordingly. 25 30

(2) A sanitary authority may make bye-laws for promoting cleanliness in, and the habitable condition of, tents, vans, sheds, and similar structures used for human habitation, or of barges used for human habitation, and for preventing the spread of infectious disease by the persons inhabiting the same, and generally for the prevention of nuisances in connection with the same. 35 40

(3) Where any person duly authorised by a sanitary authority has reasonable cause to suppose either that there is in any tent, van, shed, or similar structure used for human habitation, or in any barge used for human habitation any contravention of the provisions of this section or any bye-law made under this section or that there is in any such tent, van, shed, structure or barge, any person suffering from a dangerous infectious disorder, he may, on producing (if demanded) either a copy of his authorisation purporting to be certified by the clerk or a member of the sanitary authority or some other sufficient evidence of his being authorised as aforesaid, enter by day such tent, van, shed, structure or barge, and examine the same and every part thereof in order to ascertain whether in such tent, van, shed, structure or barge, there is any contravention of any such bye-law or a person suffering from a dangerous infectious disorder. 45 50 55

(4) For the purpose of this section "day" means the period between six o'clock in the morning and the succeeding nine o'clock in the evening.

(5) If such person is obstructed in the performance of his duty under this section, the person so obstructing shall be guilty of an offence under this section and shall be liable, on summary conviction, to a fine not exceeding forty shillings. 60

(6) Nothing in this section shall apply to any tent, van, shed, structure or barge erected or used by any portion of the Defence or Police Forces of Saorstát Éireann. 65

- 21.—(1) The council of every county shall appoint, with the approval of the Minister, for every county health district in such county, a medical practitioner duly qualified as such and with such other qualifications as may be prescribed to be the superintendent medical officer of health of such county health district and of every urban district in such county situate in or adjoining such county health district, and such officer shall be known as the County Medical Officer of Health with the addition of the distinguishing name of such county health district.
- (2) Where an urban district adjoins more than one county health district in the same county the Minister shall direct, after consultation with the councils of such urban district and county respectively, which of such county health districts is to have the same county medical officer of health as such urban district.
- (3) The salary of a county medical officer of health shall be paid by the county council and shall be charged on the area for which he acts.
- (4) A county medical officer of health shall be a sanitary officer within the meaning of section 11 of the Public Health (Ireland) Act, 1878.
- (5) Every county medical officer of health in and in respect of the area for which he acts, shall—
- (a) be responsible to the board of health and to the council of every urban district in such area for the effective administration of the sanitary laws and of the various powers and duties of such board and of every such council in relation to the safeguarding of the health of the people, the provision of adequate and sanitary housing accommodation and other similar matters;
 - (b) advise such board or council, or the county council on any matter where expert advice is required on matters affecting the health of his county or district;
 - (c) perform such other duties as may be prescribed and also such other duties as may be assigned to him by such board or council with the consent of the Minister.
- (6) A county medical officer of health shall not engage in private practice and shall devote the whole of his time to the performance of his duties.
- (7) As from the appointed day the office of medical superintendent officer of health of a rural sanitary district or urban district and the office of medical officer of a county council under the Midwives (Ireland) Act, 1918, shall be abolished and the powers and duties of every such officer transferred to the county medical officer of health.

County Medical
Officers of
Health.

- 22.—Sub-section (1) of Section 1 of the Public Health (Regulations as to Food) Act, 1907, shall have effect as though at the end thereof the following paragraph were added:—

Amendment of
the Public Health
(Regulations as
to Food) Act,
1907.

- (d) provide for the manner in which any tin or other receptacle containing dried, condensed, evaporated, skimmed, or separated milk is to be labelled or marked and prescribe the minimum percentages of milk fat and milk solids in dried or condensed milks.

PART III.

ROADS.

- 23.—(1) On and after the 1st day of April, 1925:—
- (a) the maintenance and construction of all county and main roads in a county shall be the duty of the council of such county;
 - (b) the maintenance and construction of all urban roads in an urban district shall be the duty of the council of such urban district.

Maintenance and
construction of
roads.

(2) The council of a county or county borough and the council of an adjoining county or county borough may, with the consent of the Minister, agree that the last-mentioned council shall construct or maintain any portion of any road which it is the duty under this Act of the first-mentioned council to construct or maintain, and where such agreement is so made it shall be the duty of the last-mentioned council during the continuance of the agreement to construct or maintain (as the case may be) such portion of such road in accordance with such agreement, and the cost of such construction or maintenance (as the case may be) shall be paid by the first-mentioned council to the last-mentioned council in accordance with regulations to be made by the Minister.

(3) The council of any county may declare any road a public road provided it is not less than eleven feet wide at any point and connecting two public roads.

(4) On the application of the council of an urban district or of the council of the county in which such urban district is situate, the Minister may by order direct—

(a) that the council of such county is to construct or maintain all or any of the urban roads in such urban district, or

(b) that the council of such urban district is to construct or maintain all or any of the main roads in such urban district,

and, while such order remains in force, it shall, notwithstanding the provisions of sub-section (1) of this section, be the duty of the council of such county or urban district (as the case may be) in accordance with the provisions of such order, to construct or maintain such urban or main roads respectively, but such order shall not affect the area of charge for the expenses of such construction or maintenance, and so much of such expenses as is chargeable on such urban district or on the county, exclusive of such urban district (as the case may be) shall be paid to the council of such county by the council of such urban district or to the council of such urban district by the council of such county respectively in accordance with regulations to be made by the Minister.

(5) The provisions of this section shall not apply to any road or portion of a road which under the provisions of any enactment it is the duty of any person other than a local authority to construct or maintain.

Abandonment of roads.

24.—On and after the 1st day of April, 1925:—

(a) the Minister may, on the application of the council in whom the duty of maintaining any road other than a main road is vested under the provisions of this Act, by order to be published in such manner as he shall direct, declare that such road is to be abandoned, and from and after the date of such order no expenditure shall be incurred by such council in respect of the maintenance of such road, but such order shall not affect the right of way of the public over the surface of such road;

(b) when a council proposes to apply to the Minister for an order under this section, the council shall before making such application, give public notice of their intention so to do by advertisement at least once in each of two successive weeks in one or more of the newspapers circulating in their functional area, the latest of such advertisements being published at least one month before the application is made;

(c) Before making an order under this section in respect of any road the Minister shall, at least one month after the publication of the advertisements required by this

section, hold a local inquiry into the expediency of abandoning such road, and the provisions of Article 32 of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall apply to every such local inquiry.

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25.—(1) On and after the 1st day of April, 1925 :—

Expenses of maintenance, etc., of roads.

- (a) the expenses of maintaining and constructing county and main roads and abandoning county roads shall be raised and defrayed out of the poor rate;
- 10 (b) the expenses of maintaining or constructing any main road in a county shall be raised equally over the whole of such county;
- (c) the expenses of maintaining, constructing, or abandoning any county road in a county shall be raised equally over the whole of such county excluding any urban district;
- 15 (d) the expenses of maintaining, constructing, or abandoning any urban road in an urban district shall be defrayed out of the fund or rate out of which the cost of paving and cleansing the streets in such district are or can be defrayed, but such expenses shall be excluded in ascertaining any limit imposed by law upon any such rate;
- 20 (e) the provisions of this section shall take effect notwithstanding any provision to the contrary in any Local Act or in any Provisional Order confirmed by or having the force of an Act, in force at the date of the passing of this Act save that where under any such Act or Order any person other than a local authority is liable to make any payment to a local authority in respect of the construction or maintenance of any road such person shall still be liable to make such payment to the council charged under this Act with the maintenance of such road.
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35 (2) The provisions of this section shall not apply to any road or portion of a road which under the provisions of any enactment it is the duty of any person other than a local authority to construct or maintain.

40 26.—An order of the Minister declaring any road to be a main road may be revoked by the Minister, and on and after the date when such revocation takes effect such road shall cease to be a main road.

Power to revoke orders declaring main roads.

45 27.—On the application of the council charged with the maintenance of any road, the Minister may by order made after giving such public notice as may be prescribed in that behalf by regulations made under this Act and after holding such (if any) local inquiry as he shall think necessary, authorise such council to close such road or any particular portion thereof to public traffic for such period and subject to such conditions as the Minister shall think proper and shall specify in the Order.

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Closing roads temporarily.

55 28.—(1) Money borrowed by the council of a county, county or other borough, or urban district, for the purpose of the repair of any damage (including total destruction) done to any road at any time prior to the 20th day of March, 1923, shall not be reckoned as part of the total debt of such council for the purpose of any limitation on borrowing imposed by any enactment relating to borrowing by such council.

Provisions as to borrowing.

60 (2) The repayment of so much as is on the 1st day of April, 1925, outstanding of any loan borrowed before the passing of this Act by the council of any county, county or other borough or urban district for the purpose of the construction or maintenance of any road, shall, from and after the passing of this Act, be

charged on the area upon which the expense of such construction and maintenance would be charged under the provisions of this Act.

Power to dig for road materials and make drains.

29.—(1) The council charged with the maintenance of any road, and also every contractor for any work to be executed in pursuance of a resolution of such council shall, subject to the provisions of this section, have power and authority:— 5

(a) to dig for, raise and carry away in or out of any land to which this section applies any gravel, stone, sand, or other material which may be required for the construction or maintenance of such road; 10

(b) to dig for, raise and carry away out of any river or brook at a distance of at least a hundred and fifty feet above or below any bridge, dam, or weir, any gravel, stone, sand, or other material which may be required for the construction or maintenance of such road, where the same can be taken away without diverting or interrupting the course of the river or brook, or prejudicing or damaging any building, highway, ford, or spawning bed; 15 20

(c) to make and repair drains in on to or through any land to which this section applies in order to carry off water which might injure such road;

(d) to use any land to which this section applies for storing, crushing, breaking, screening, mixing, or otherwise preparing materials for the construction or maintenance of such road; 25

(e) to enter, subject to the provisions of this section, on any land to which this section applies in order to do anything which they are empowered to do by this sub-section; 30

(f) subject to the provisions of this section, and for the purpose of obtaining access to and from any land, river, or brook upon or in which any of the powers conferred on them by this sub-section are to be exercised, to enter on and pass through any land to which this section applies, lying between such land and a public road. 35

(2) It shall not be lawful for any such council or contractor to enter on or pass over any land for the purpose of exercising their powers under this section, except with the consent of the occupier thereof or under the authority of an order of a Justice of the District Court, which order any Justice of the District Court is hereby authorised and required to grant on being satisfied that the exercise of the powers proposed is reasonable, having regard to the convenience and cost of any alternative method of obtaining the material, access, or facilities sought or of making or repairing the drain to be made or repaired, the character of the land, and all the circumstances of the case. 40 45

(3) Any powers conferred by this section on the council of a county may be exercised directly by the county surveyor of such county, on behalf of such council. 50

(4) The council or contractor by whom or on whose behalf are exercised any powers conferred by this section in respect of any land shall pay to the owner or occupier of such land compensation for the damage done by breaking the surface of or making a passage through or drain on to the land or for the loss of the use of such land during the exercise of such powers, together with the market value of any gravel, sand or coal or other material taken. 55

(5) The amount of the compensation to be paid under the foregoing sub-section shall in default of agreement be determined, on the application of the owner or occupier of the land, by a Justice of the District Court with a right of appeal by either party to the Circuit Court. 60

(6) This section applies to all land except land *bona fide* used as a garden, orchard, pleasure or recreation ground, or for the amenity or convenience of a dwelling house.

5 **30.**—(1) Where the Minister, on the application of the council charged with the maintenance of any road, is satisfied that the erection of a proposed building or other structure would obstruct the view of persons using such road so as to render such road dangerous to such persons, he may by order prohibit the erection of any portion of such building or structure within thirty yards of such road.

Buildings and
structures ob-
structing
view on roads.

10 (2) Where the Minister, on the application of the council charged with the maintenance of any road, is satisfied that a building or other structure which or any portion of which is situate within thirty yards of a road obstructs the view of persons using such road so as to render such road dangerous to such persons, he may order the removal of any portion of such building or structure situate within thirty yards of such road and may by such order specify a time within which such removal is to be completed.

15 (3) No order shall be made by the Minister under the next preceding sub-section in respect of any occupied dwellinghouse at the passing of this Act unless and until the Minister is satisfied that alternative accommodation, reasonably equivalent as regards rent and suitability in all respects is available for the occupants.

20 (4) Where the Minister makes an order under this section for the removal of a building or other structure or any portion thereof, the council on whose application the order was made shall pay to every person having an interest in the land upon which such building or structure is situate, by way of compensation for such removal, the amount by which such interest is damaged by such removal, and such amount shall, in default of agreement between such council and such person, be determined in accordance with the provisions of the Acquisition of Land (Assessment of Compensation) Act, 1919, by the Reference Committee appointed for the purposes of that Act.

25 (5) No compensation shall be payable under this section by a council in respect of a building or structure the erection of which was begun after the passing of this Act unless not less than one month's notice in writing of the intention to erect such building or structure was given to such council before such erection was begun, nor shall any such compensation be payable in respect of any portion of a building or other structure which was erected in contravention of an order made by the Minister under this section.

30 (6) If an order of the Minister under this section for the removal of a portion of a building or structure is not complied with within the time specified in that behalf therein the council on whose application such order was made may themselves comply with such order and may do all such acts and things (including entering on land) as may be necessary for that purpose and in such case such council shall be entitled to recover from the occupier of the building or structure in the District Court as a civil debt all expenses incurred by them in so complying with the order.

35 (7) Before making an application to the Minister under this section in respect of an existing or proposed building or structure, a council shall give not less than one month's notice in writing of the application to the owner and to the occupier of the building or structure or of the site on which the building or structure is proposed to be erected, as the case may be, and such notice may in any case in which the owner or occupier cannot be found be served by posting a copy thereof in a conspicuous place on such building or structure or on such site, as the case may be.

40 (8) Where the occupier of a building or structure or the site of a proposed building or structure holds the same under a lease or other contract of tenancy the immediate landlord of the occu-

pier shall be deemed to be the owner of the building, structure, or site for the purpose of this section, and in any other case the occupier of the building, structure, or site shall be deemed to be the owner thereof for the purpose aforesaid.

Hedges and trees
prejudicial to
roads.

31.—(1) A hedge or tree shall be deemed to be prejudicial to a road within the meaning of this section if and when the hedge or tree—

- (a) shades the road to such extent that the maintenance of the road is thereby made unduly difficult or expensive, or
- (b) causes an obstruction on the road, or
- (c) obstructs the view of persons using the road so that the road thereby becomes dangerous to persons using it.

(2) When a hedge or tree is prejudicial to a road, the county surveyor or the urban district council (as the case may require) may by request in writing served on the owner and on the occupier of the land on which such hedge or tree is growing request such owner and such occupier within twenty-one days after the service of the notice to trim or cut such hedge or tree so that it will no longer be prejudicial to the road, or, where such course appears to be necessary, to cut down and remove such hedge or tree.

(3) A request under the foregoing sub-section may be served on an occupier of land and, where any difficulty arises in ascertaining the name or address of an owner of land, on such owner by posting such request or a copy thereof in a conspicuous position on the land.

(4) If an occupier of land on whom a notice is served under this section could not but for this section lawfully comply with the request without the consent of the owner of the land or of a superior landlord the following provisions shall apply, that is to say:—

- (a) the owner or any superior landlord of the land may within ten days after the service of the request on the owner apply to a Justice of the District Court for an order annulling such request, and such application, when notice thereof has been served on the occupier of the land and on the county surveyor or urban district council by whom the request was served, shall operate to suspend the request for one month or until the said application is disposed of by the Justice which ever shall be the shorter period;
- (b) on any such application as aforesaid the Justice of the District Court may, if he is satisfied that the request is unreasonable or that compliance with it is unnecessary or unduly prejudicial to the applicant, either annul altogether or amend in such way as he thinks proper the request;
- (c) where a Justice of a District Court on the hearing of such application as aforesaid either refuses the application or amends the request, the request in its original form or as so amended (as the case may require) shall be deemed to have been served on the date of the order of the Justice and shall have effect accordingly;
- (d) if neither the owner nor any superior landlord gives notice, within ten days after the service on the owner of the request under this section, of such application as aforesaid to a Justice of the District Court, the occupier may at the expiration of such ten days comply with the request without the consent of the owner or any superior landlord, and in such case no action shall lie by or on behalf of the owner or any superior landlord for or in respect of anything *bona fide* done by the occupier for the purpose of complying with the request;

(c) the person whose consent is necessary to the cutting down of a tree required by a request to be cut down may by notice in writing served on the occupier at any time before the request is complied with claim such tree, and in such case the property in such tree when cut down in compliance with the request shall vest in the person by whom such notice was served and such tree when cut down may be removed by him.

(5) Where a request under this section is not complied with within twenty-one days after the same has been served on the owner and on the occupier, the county surveyor or urban district council by whom the request was served may apply to a Justice of the District Court for an order that the request be complied with and on the hearing of such application the Justice—

(a) if he is satisfied that the hedge or tree mentioned in the request is prejudicial to the road and that compliance with the request is reasonably necessary, shall order the occupier of the land on which the hedge or tree is growing to comply with the request within fourteen days; and

(b) in any other case may either refuse the application or amend the request in such manner as he thinks proper and order the request as so amended to be complied with by the occupier within fourteen days.

(6) Where an occupier of land fails to comply with an order of a Justice of the District Court under the foregoing sub-section within fourteen days from the date of the order, the county surveyor or urban district council on whose application the order was made may himself or themselves comply with the request or amended request to which the order relates and may do all such acts and things (including entering on land) as may be necessary for that purpose, and in such case the said county surveyor or urban district council shall be entitled to recover from the occupier in the District Court as a civil debt all expenses which the District Justice shall consider reasonable.

(7) Where a Justice of the District Court makes an order under this section requiring an occupier to comply with a request or amended request which requires a hedge to be cut down and removed and the Justice is of opinion that the removal of the hedge will be unduly prejudicial to the owner or occupier of the land unless a suitable fence is erected on the site of the hedge, the Justice may fix a sum as a reasonable contribution to be made by the county council or urban district council towards the cost of the erection of such suitable fence and may order such sum to be paid by the county council or urban district council to the occupier (or, if the Justice so thinks fit, to the owner), and the payment thereof to be treated as part of the expenses of maintaining the road.

(8) Nothing in this section shall authorise a county surveyor or urban district council to trim or cut any hedge or tree at any time between the last day of March and the last day of September nor authorise any person to be requested or ordered to trim or cut a hedge or tree between those days.

(9) Where the time limited by a request or order under this section for trimming or cutting a hedge or tree expires between the last day of March and the last day of September such time shall be deemed to be extended to the following seventh day of October.

(10) Where an occupier of land holds that land under a lease or other contract of tenancy, the immediate landlord of the occupier shall be deemed to be the owner of that land for the purpose of this section, and in any other case the occupier of the land shall be deemed to be the owner thereof for the purpose aforesaid.

(11) So much of the Summary Jurisdiction (Ireland) Act, 1851, as relates to the case of a public road being prejudiced by the shade of any hedge or tree, or to any obstruction being caused in any public road by any hedge or tree shall cease to have effect.

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Petrol pumps on roads.

32.—(1) In this section the expression “ petrol pump ” means and includes any pump, pipe, or other appliance for supplying motor spirit for motive power to motor cars and road locomotives.

(2) The council in whom the duty of maintaining any road is vested under this Act may grant to any person a licence to erect, construct, place, and maintain a petrol pump on, in, or under such road.

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(3) A person applying for a licence under this section shall furnish to the council such plans and other information concerning the position, design, and capacity of the petrol pump as the council may require.

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(4) A licence may be granted by a council under this section for such period and upon such conditions as the council may prescribe, and where by reason of the increase or alteration of traffic on the road or of the widening of the road or of any improvement of or relating to the road, the petrol pump causes an obstruction or becomes dangerous, the council may by notice in writing withdraw the licence and require the licensee to remove such petrol pump at his own expense.

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(5) Any person aggrieved by a decision of a council granting, refusing, withdrawing or continuing a licence under this section or by the conditions prescribed by a council for such a licence may appeal to the Minister who may by order do or direct to be done such acts and things in the matter to which the appeal relates as he shall think proper and the council whose decision is appealed against could lawfully have done, and such order shall thereupon have the same effect as if made by the council under this section and shall be carried into effect by the council accordingly.

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(6) The Minister may make regulations prescribing the amount of the fee to be paid to a council for the grant of a licence under this section, and any such fees received by a council shall be paid into the Road Fund established under section 3 of the Roads Act, 1920, in accordance with the directions of the Minister for Finance.

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(7) Nothing in this section shall be construed—

(a) to affect the application to petrol pumps of the regulations for the time being in force relating to the storage or sale of motor spirit or to authorise the use of a petrol pump otherwise than in accordance with those regulations, or

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(b) to affect or diminish the rights of the owner of the soil of the road on which any petrol pump is erected or of any person claiming under such owner.

(8) Any person who—

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(a) erects, constructs, places, or maintains a petrol pump on any road without having a licence under this section so to do, or

(b) erects, constructs, places, or maintains a petrol pump on any road otherwise than in accordance with a licence under this section, or

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(c) contravenes any condition subject to which a licence has been granted to him under this section,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a penalty not exceeding ten pounds.

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Regulations in regard to roads.

33.—(1) The Minister may make regulations prescribing:—

(a) the standard and quality of the materials which may be used in the maintenance and construction of roads;

- (b) the size, shape, colour, and character of the signs to be erected on roads for the purpose of—
- (i.) indicating the places to which the road leads, and the distances to such places,
 - (ii.) indicating the distances on the road,
 - (iii.) warning persons using the road of dangerous portions thereof,
 - (iv.) guiding traffic on the road with a view to minimising the risk of accidents;
- (c) the places at which the several signs hereinbefore mentioned are to be erected;
- (d) the conditions upon which such signs as aforesaid may be erected or retained on land adjoining any road by the owner or occupier thereof;
- (e) the signals by which persons using roads can indicate their intentions to other such persons.

(2) The Minister shall have power to prescribe, by regulations made under this section, conditions under which any such sign as hereinbefore mentioned may be erected on land adjoining a public road, without the consent of the owner or occupier when erection on such adjoining land, and not on any part of the road itself, is reasonably necessary or desirable for the purposes of any such sign.

(3) Every regulation made under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution is passed by either House of the Oireachtas within the next subsequent twenty-one days on which such House has sat after the regulation is laid before it annulling the regulation, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done under such regulation.

(4) The council entrusted by this Act with the maintenance of any road—

- (a) shall not use in the maintenance of such road any material of a nature or quality contrary to regulations made under this section, and
- (b) shall erect and maintain on such road such and so many of the signs prescribed by the regulations made under this section and in such places as shall be necessary to comply with such regulations, and
- (c) shall not erect on such road any sign in contravention of such regulations.

(5) The expenses of a council in erecting any sign in accordance with such regulations as aforesaid on any road and of maintaining such sign shall be part of the expenses of the maintenance of that road.

(6) If it appears to a Justice of the District Court that any sign such as is referred to in this section is erected or retained on land adjoining any road contrary to any regulation made under this section, he may on the application of any police officer or of any officer of the council to whom the maintenance of such road is entrusted by this Act, order the removal of such sign, and, if he thinks it advisable, by such order authorise such officer to enter on such land for the purpose of removing such sign.

(7) If any person, without lawful authority, removes, defaces, or otherwise injures any such sign as is mentioned in this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds or, at the discretion of the court, to imprisonment for a term not exceeding one month.

34.—Every direct labour scheme under which the roads in a rural district were actually repaired and maintained during the whole or any part of the period beginning on the 1st day of April, 1920, and ending on the 31st day of December, 1923, shall be deemed to have been legally in force during such time as the said roads were repaired and maintained thereunder notwith-

Validation of certain direct labour schemes.

standing any illegality or invalidity in such scheme arising from any of the following causes, that is to say:—

- (a) the approval required by law not having been obtained,
- (b) the period prescribed by law for the duration of the scheme having expired,
- (c) the scheme having been adopted for a less period than that prescribed by law for the duration of a direct labour scheme.

Duration of direct labour schemes.

35.—(1) Every direct labour scheme which was or is deemed by virtue of this Act to have been legally in force in any rural district on the 31st day of December, 1923, shall, subject to the provisions of this section, continue in force up to such date as the Minister shall appoint.

(2) Every direct labour scheme which shall be approved of by the Minister after the passing of this Act, shall, subject to the provisions of this section, continue in force for such period as the Minister shall appoint.

(3) Any period appointed by the Minister under this section for the duration of a direct labour scheme may on the request of the county council at any time and from time to time be extended by the Minister for such further period or periods as he shall think proper, and any period so appointed or any extension thereof under this section may at any time on the like request be curtailed by the Minister by such amount as he shall think proper.

(4) Every such direct labour scheme as is mentioned in this section shall expire at the end of the period or of the extended or curtailed period (as the case may be) appointed by the Minister under this section for the duration thereof.

Recovery of penalties under Roads Act, 1920.

36.—Notwithstanding any provision to the contrary contained in any enactment relating to the recovery or application of excise penalties, any penalty imposed by the Roads Act, 1920, as amended by section 14 of the Finance Act, 1922, may be recovered and enforced upon an information by any member of the Dublin Metropolitan Police or the *Gárda Síochána* before a court of summary jurisdiction, and in any such case the court shall have power to mitigate the penalty to such amount as the court may in its discretion think fit, and the council of the county or county borough shall not have power to mitigate the penalty.

Amendment of Section 8 of the Development and Road Improvement Funds Act, 1909.

37.—Paragraph (b) of sub-section (1) of section 8 of the Development and Road Improvement Funds Act, 1909, shall be construed and have effect as if the word "new" were omitted therefrom.

PART IV.

SUPERANNUATION, ETC.

Definitions.

38.—In this part of this Act,

the expression "local body" means and includes every local authority except a committee of management of a district lunatic asylum;

the expression "pensionable officer" means any permanent officer who either—

(a) devotes the whole of his time to the service of one or more local bodies, or

(b) is required by virtue of his office to be a registered medical practitioner, nurse, or midwife,

and the said expression also includes the following persons, that is to say—

(i) any person who, as an officer, has devoted the whole of his time to the service of one or more committees or joint committees, appointed for the purpose of the Agricultural and Technical Instruction (Ireland) Act,

1899, for a continuous period of not less than ten years upon terms which do not expressly preclude him from receiving a pension and notwithstanding that his appointment was or is renewable periodically, and

5 (ii) any person duly appointed standing solicitor of a local body before the passing of the Local Government (Ireland) Act, 1919, and

(iii) any person permanently appointed before the passing of this Act to be a compounder of medicine for the purposes of any Act relating to the relief of the poor.

10 and the expression "pensionable office" shall be construed accordingly;

the expression "emoluments" includes all fees (except franchise fees), poundage, and other payments made to an officer as such for his own use, and also the money value of any apartments, rations or other allowances in kind appertaining to his office;

the expression "yearly salary and emoluments" means in relation to an officer who has served for not less than three years, the average amount of his salary and emoluments during the three years ending on the quarter day which immediately precedes the day on which he ceases to hold his office, and in relation to an officer who has served for less than three years, the average amount of his salary and emoluments during each completed year of his service.

25 **39.**—(1) If any officer of a local body who is in office at the date of the passing of this Act and at that date has more than ten years service as an officer of such local body signifies in writing within four months after the passing of this Act to such local body or if that body has been abolished then to a local body to which its powers and duties have been transferred his intention not to avail himself of all the provisions of this Part of this Act, this Part of this Act shall not apply with the exception of sections 39, 42, 45, 46, 49, 50, 51 and 52, to such officer.

Rights of existing officer—

30 (2) Any officer of a local body to whom by virtue of this section this Part of this Act does not wholly apply shall remain and be subject to such of the enactments repealed by this Act as relate to the granting of superannuation or compensation for loss of office to officers of local bodies as if this Act with the exception of the sections specified in sub-section (1) of this section had not been passed, save that in the application of section 8 of the Local Government (Ireland) Act, 1919, to the granting of an allowance to such officer by a local body the expression "case of dispute" in that section shall include a dispute of the right to or amount of an allowance granted after the passing of this Act raised by an auditor of the Minister duly appointed to audit the accounts of such local body, which dispute such auditor is hereby authorised to raise on the occasion of the audit of the accounts for the period in which the allowance is first paid but not afterwards.

50 **40.**—(1) A local body shall with the consent of the Minister grant to a pensionable officer in their employment, who either—

Compensation to be granted for loss of office.

(a) has attained the age of sixty-five years and has at least twenty-five years' service, or

55 (b) becomes incapable of discharging the duties of his office with efficiency by reason of permanent infirmity of mind or body, or of old age, and has not less than ten years' service,

upon his resigning or otherwise ceasing to hold his office an annual allowance for his life not greater than two-thirds of his yearly salary and emoluments.

60 (2) A local body shall, with the consent of the Minister, grant to a pensionable officer in their employment who has at least ten years' service, and

(a) who is removed from his office for a cause other than misconduct or incapacity, or

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(b) whose office is abolished, or

(c) whose position has, in the opinion of the Minister, been materially altered to his detriment owing to changes in the conditions of his employment made without reasonable cause, and who resigns his office with the consent of the Minister, 5

an annual allowance for his life not greater than two-thirds of his yearly salary and emoluments.

(3) A local body shall, with the consent of the Minister, grant to a pensionable officer in their employment, whose service is less than ten years and who ceases to hold his office in such circumstances that if his service were not less than ten years an allowance could have been granted to him under the foregoing sub-section, a gratuity not greater than one-sixth of his yearly salary and emoluments for each completed year of his service. 10 15

(4) Where a female pensionable officer in the employment of a local body elects or is compelled by the terms of her appointment to retire on account of her marriage or intended marriage, such local body may with the consent of the Minister, grant to such officer on her retirement or, where her retirement takes place before her marriage, upon her marriage a gratuity not greater than either a sum calculated at the rate of one-twelfth of her yearly salary and emoluments for each completed year of her service or than a sum equal to her yearly salary and emoluments whichever of these sums is the lesser. 20 25

(5) Subject as hereinafter provided, in ascertaining for the purposes of this part of this Act, the service of an officer at the date when he ceases to hold his office, the whole of the period during which on such date such officer has held a pensionable office or offices continuously under any local body or bodies shall be reckoned; 30

Provided that—

(a) no period of service shall be reckoned in respect of which the officer has received an allowance or gratuity under this or any other enactment, and 35

(b) in the case of an officer of a committee or joint committee appointed for the purposes of the Agricultural and Technical Instruction (Ireland) Act, 1899, who has become pensionable by reason of his having devoted the whole of his time to the service of one or more such committees or joint committees for a continuous period of not less than ten years, his service shall be deemed to have commenced at the beginning of such continuous period. 40

(6) If an officer of a local body is aggrieved by the neglect or refusal of the local body to grant him an allowance or gratuity under this section, or with the amount of any allowance or gratuity granted him by the local body, he may within six months of his ceasing to hold his office appeal to the Minister who may thereupon grant to such officer any allowance or gratuity which in his opinion should have been granted to such officer by the local body under this section and such officer shall thereupon be entitled to receive such allowance or gratuity from the local body. 45 50

(7) The provision of a gratuity by a local body under this section shall be a purpose for which such local body may borrow in accordance with the enactments relating to borrowing by such local body. 55

“Existing”
Officers within
the meaning of
the Local
Government
(Ireland) Act,
1898.

41.—(1) A local body may grant to any person who was an existing officer—within the meaning of the Local Government (Ireland) Act, 1898, and ceased to hold office under such local body after the 6th day of December, 1921, and before the passing of this Act and to whom no compensation has been granted by such local body in respect of such cesser, the same compensation as might have been granted to such person if such cesser had taken place after the passing of this Act. 60 65

(2) This part of this Act shall apply to the granting of compensation to any person under this section and to such compensation when granted.

42.—(1) Where the yearly salary and emoluments of an officer of a local body include a temporary increase or addition (in this section called a bonus) which was expressed at the time of granting to be granted to meet the increased cost of living, calculated according to the amount of the remainder of his salary and emoluments and variable from time to time in accordance with the average cost of living in Saorstát Éireann, such bonus shall not be taken into account in fixing the amount of any allowance granted to such officer.

Bonus on cost of living.

(2) Where in a case to which the foregoing sub-section applies an allowance is granted to the officer there shall be added to such allowance an increase or addition calculated on the amount of the allowance and variable in the like manner in all respects as the bonus payable to such officer immediately before he ceased to hold office was then variable.

43.—Whenever an allowance or gratuity is payable by a local body (in this section called "the paying body") to any person under this Act in respect of his ceasing to hold office under them, and in ascertaining the service of such officer at the date of such cesser any service under another local body (in this sub-section called "the contributing body") has been aggregated and reckoned, the contributing body shall refund to the paying body a part of such allowance or gratuity reckoned according to the service and pay of such officer under the contributing body and to the circumstances under which he has ceased to hold office under the paying body, and such part shall be settled by agreement between the two bodies, or in default of agreement by the Minister.

Contributions by local bodies under which an officer has held office other than the local body granting compensation.

44.—The holding by an officer of a local body of the office of Clerk to an Old Age Pensions Committee or a National Insurance Committee, or any office under a School Attendance Committee under the Irish Education Act, 1892, or the office of Superintendent Registrar of Births, Deaths and Marriages or the office of Registrar of Marriages, shall not be deemed, for the purpose of this Part of this Act, to deprive him of the status of a pensionable officer, but the salary or emoluments of such office shall not be taken into account in ascertaining the compensation which may be granted to such officer under this Part of this Act.

Offices not under a local authority, which may be held by pensionable officers.

45.—(1) Whenever a person who is in receipt of an allowance from a local body under this or any other Act on account of his having, whether before or after the passing of this Act, ceased to hold an office (in this section referred to as "the former office") under a local body, or under a committee of a county infirmary or fever hospital, is or has been appointed to any office or employment (in this section referred to as "the later office") by any local body, then—

Employment of pensioners of local bodies by other local bodies.

(a) if the annual amount of the profits of the later office are equal to or greater than the yearly salary and emoluments of the former office, the allowance aforesaid shall cease to be paid so long as such person continues to hold the later office, and

(b) if the annual amount of the profits of the later office are less than the yearly salary and emoluments of the former office, no more of the allowance aforesaid shall be paid to such person while he continues to hold the later office than, with the annual amount of the profits of the later office, will be equal to the salary and emoluments of the former office.

(2) Where an allowance is reduced under this section, the amount (if any) contributed thereto by any local body other than the local body by which the allowance was granted shall be reduced in the same proportion as the total allowance is reduced.

Payment of
allowances
and
gratuities.

46. (1) The amount of any allowance or gratuity granted to an officer of a committee of a county council, an urban district council, or a borough council, or to an officer of a joint committee of any two or more of such councils under this Part of this Act, shall be paid to such officer by such council or councils, and in the case of an officer of a joint committee in such proportions as may be agreed upon or, in default of agreement, as may be determined by the Minister.

(2) Any sum payable under this part of this Act by a local body in respect of an allowance or gratuity granted to a person who was previously an officer or employee of that local body or of a committee thereof or of a joint committee of that and any other local body shall (subject to the provisions of sub-section (3) of Section 73 of this Act) be raised by means of the same rate and be paid out of the same fund and be charged on the same area as the salary or wages of such person would have been raised by means of and paid out of and charged upon if he had continued to hold the same office or employment under the said local body, committee or joint committee as the case may be, and such sum shall not be reckoned for the purpose of any enactment limiting the amount of such rate.

Officers of local
bodies appointed
to Civil Service.

47.—(1) This Part of this Act shall apply to any officer of a local body with not less than ten years' service who is or was after the 6th day of December, 1922, appointed to a permanent situation in the Civil Service of the Government of Saorstát Eireann, the duties of which relate to the same matters as the duties of his office under such local body, and who thereupon resigns or resigned such office, as if such officer had resigned such office after attaining the age of sixty-five years and having at least twenty years' service; but any allowance granted to such an officer by virtue of this section shall not be paid unless and until such officer is removed from the said Civil Service for a cause other than misconduct or incapacity or resigns from the said Civil Service with the consent of the Minister for Finance.

(2) This part of this Act shall apply to any officer of a local body who before the sixth day of December, 1922, resigned his office under such local body for the purpose of taking up any employment under the control of Dáil Eireann, as if such officer had resigned such office after attaining the age of sixty-five years, and having at least 20 years service, but if such officer is or has been appointed to a permanent situation in the Civil Service of the Government of Saorstát Eireann any allowance granted to him by virtue of this section shall not be payable to such officer during the period when he holds such situation.

(3) The powers of a local body to grant an allowance by virtue of this section to an officer who resigned his office before the passing of this Act may be exercised at any time not more than three months from the passing of this Act.

Prohibition of
alienation of
pensions.

48.—(1) Every assignment of and every charge on and every agreement to assign or charge an allowance under this Part of this Act shall be void.

(2) No allowance granted under this Part of this Act shall be capable of being taken in execution or otherwise alienated by process of law for the payment of any debts or liabilities of the person to whom such allowance was granted.

Superannuation
of employees.

49.—Whenever, under the provisions of any public or local Act, a local body is empowered to grant to any of its employees, other than officers, an allowance in respect of the loss of his employment, section 38, sub-sections (1) and (2) of section 40, sections 42, 45, 46 and 48 of this Act shall be substituted for such provisions, and shall apply to the granting of such allowances, and to such allowances when granted with the following modifications, that is to say:—

- (a) in such application the words "office" and "officer" shall include "employment" and "employee" respectively, and the word "salary" shall include "wages;"
- 5 (b) in calculating an employee's service only the continuous service of such employee under such local body at the date of the loss of such employment shall be reckoned;
- 10 (c) no allowance shall be granted to an employee under this section whose service is less than the period of service required by such public or local Act as a condition of his being granted an allowance thereunder.

50.—No superannuation allowance shall be granted without the consent of the Minister to any officer or servant employed in a district of auxiliary asylum who, under the provisions of section twenty of the Asylum Officers Superannuation Act, 1909, signified his intention not to avail himself of the provisions of that Act.

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Consent of minister required to grant of allowances to certain asylum employees.

51.—Every person who at the date of the abolition of a committee of a county infirmary or a county fever hospital (whether before or after the passing of this Act) under or in pursuance of section 7 of the Local Government (Temporary Provisions) Act, 1923, was or shall have been an officer of that committee, and, except in the case of a medical officer, devoted the whole of his time to the service of the committee, if his period of service under such committee was, or shall have been, not less than ten years, shall have the same rights to receive an allowance from the county or county borough council or councils to which or to a committee of which the functions of the committee aforesaid have been transferred on its abolition as he would have under this Act if he were a pensionable officer of a committee or joint committee of the said council or councils and had held office thereunder for a period equal to his period of service under the committee aforesaid, and had been removed from such office for a cause other than misconduct or incapacity.

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Officers of abolished committees of county infirmaries and county fever hospitals.

52.—(1) Whenever an officer of a board of guardians which has before the passing of this Act been abolished, under the provisions of the Local Government (Temporary Provisions) Act, 1923, has continued after such abolition to perform duties previously performed by him by virtue of his office under such board, and in the opinion of the Minister the emoluments received by such officer for the performance of such duties were not taken into account in determining the amount of compensation payable to him in respect of the loss of his office under the said board, such officer shall upon his ceasing (whether before or after this Act) for any reason other than misconduct or incapacity to perform the duties aforesaid, be entitled to receive from the county council by which the compensation aforesaid was payable, and in addition thereto, such amount of compensation for the loss of the emoluments aforesaid as the Minister shall determine.

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Compensation for loss of emoluments on transfer of duties.

(2) Every existing clerk of a board of guardians which was not abolished under a county scheme before the passing of the Electoral Act, 1923 (No. 12 of 1923), who has ceased or shall hereafter cease by virtue of that Act to perform duties in respect of the registration of electors previously performed by him, and every existing clerk of a board of guardians which was not abolished under a county scheme before the passing of the Juries (Amendment) Act, 1924 (No. 18 of 1924), who has ceased or shall hereafter cease by virtue of that Act to perform duties in respect of the preparation or revision of lists of jurors previously performed by him, shall be entitled to receive from the board of guardians or from the body to whom the liabilities of such board have or shall have been transferred (as the case may require) such compensation as the Minister may determine for the loss of the emoluments previously received by him in respect

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of the several duties aforesaid or such of them as he has or shall have so ceased to perform.

In this sub-section the expression "existing clerk" means a clerk who was in office on the last day of March, 1898.

(3) The amount of the compensation payable to any person under this section shall not exceed—

(a) where the compensation is by way of annual allowance, an annual allowance equal to two-thirds of the net loss of emoluments, or

(b) where the compensation is by way of gratuity a sum not greater than one-sixth of his net loss of emoluments.

In this sub-section the expression "net loss of emoluments" means—

(i) where the duties the cesser of which gives rise to the right to compensation have or shall have been performed for three years or more, the average amount of the emoluments received in respect of the performance of those duties during each of the three years next preceding such cesser in which those duties have or shall have been actually performed, and

(ii) where such duties have or shall have been performed for less than three years, the average yearly amount of the emoluments received in respect of the performance of those duties during the period in which those duties have or shall have been performed.

PART V.

MISCELLANEOUS AND GENERAL.

Membership of county councils.

53.—(1) Sub-section (1) of section 3 of the Local Government (Ireland) Act, 1898, shall cease to have effect from and after the election of county councillors held next after the passing of this Act.

(2) At any triennial election of members of a county council held after the passing of this Act, the number of members to be elected to the county council shall be increased by a number equal to twice the number of rural districts in existence in such county on the appointed day.

(3) No person shall be eligible to be nominated for election to a county council or to serve as a member of such body who is not a local government elector or ratepayer in the county electoral area for which he seeks nomination.

Appointment of Committees of county councils.

54.—(1) A county council may from time to time appoint such and so many committees as they think fit for purposes connected with the exercise or performance of any of their powers, duties, and functions which in the opinion of the council would be better or more conveniently regulated or managed by or through a committee.

(2) A committee appointed under this section may be either a general committee empowered to exercise or perform powers, duties, and functions in relation to the whole of the county or a local committee empowered to exercise or perform powers, duties, and functions in relation to a limited portion only of the county.

(3) Every committee appointed under this section shall consist of not less than three members, and may be composed either wholly of members of the council or partly of such members and partly of other persons.

(4) The acts of every committee appointed under this section shall be subject to confirmation by the council save that the council may with the sanction of the Minister empower any particular committee to do any act (including the institution of legal proceedings) within the authority conferred on the committee by the council which the council itself could lawfully do.

(5) The quorum, procedure, and place of meeting of any committee appointed under this section and the area (if any) within which any such committee is to exercise its functions, shall be such as may be appointed by regulations to be made by the council with the approval of the Minister.

(6) Save as is authorised by this section it shall not be lawful for a county council to delegate any of its powers or duties to a committee.

55.—(1) The Public Health and Local Government Conferences Act, 1885, shall be construed and have effect as if the expression "local authority" in that Act had the same meaning as in this Act.

Amendment of the Public Health and Local Government Conferences Act, 1885.

(2) The amount of any expenses incurred under the Public Health and Local Government (Conferences) Act, 1885, by any local authority other than a sanitary authority shall be paid and charged as part of the general expenses of such local authority in the performance of its duties.

56.—(1) If any person knowingly acts as a member of a local authority when disqualified, or knowingly votes when prohibited by or under any enactment, he shall be guilty of an offence under this section and shall be liable on summary conviction to a fine not exceeding twenty pounds for each such offence, without prejudice to any other disqualification or penalty therefor.

Disqualification of members of local authorities.

(2) In a prosecution for an offence under this Act where the fact of the defendant acting as member of a local authority when disqualified or voting when prohibited is proved, the onus of proof shall lie on the defendant that he did not so act or vote knowingly.

(3) An offence under this section may be prosecuted by or at the suit of the Minister.

(4) If any person is, after the passing of this Act, convicted of acting as a member or officer of a local authority when disqualified, he shall be disqualified for a period of ten years from the date of such conviction for being elected or appointed to any paid office under or in the gift of any local authority.

57.—(1) In this section the expression "responsible officer of a local authority" means in relation to any meeting of such local authority, the secretary, clerk, resident medical superintendent, or other chief executive officer of such local authority if he is present at such meeting, or in case such secretary, clerk, superintendent, or chief executive officer is not present at such meeting, any other officer of such local authority acting in his stead at such meeting.

Responsibilities of members and officers of local authorities.

(2) Whenever a proposal is made at a meeting of a local authority to do any act, matter, or thing in consequence of which an illegal payment is to be made out of the funds of the local authority, or a deficiency or loss is likely to result in or to such funds, it shall be the duty of the responsible officer of the local authority to make objection to the doing of such act, matter, or thing, and to state the grounds of such objection; which objection and the grounds thereof, and, if a decision is taken on such proposal, the names of the members present and voting for and against such decision and abstaining from voting on such decision, shall be recorded on the minutes of such meeting.

(3) Sub-section (1) of section 20 of the Local Government (Ireland) Act, 1902, shall be amended by the substitution therein of the words "any member or officer of such public body" for the words "any person accounting."

58.—(1) When any portion of any sum charged or surcharged by an auditor of the accounts of any local authority upon or against any person remains unpaid, such person shall, on and after the date hereinafter prescribed, be disqualified for being elected or chosen or being a member of any local authority until the sum so charged or surcharged is paid.

Non-payment of surcharges.

(2) If no appeal is taken from the charge or surcharge aforesaid, the disqualification under this section shall commence on the expiration of the time limited for such appeal.

(3) If an appeal is taken from the charge or surcharge aforesaid to the Minister or the High Court, and on such appeal the Minister or the High Court decides the charge or surcharge was lawfully made and (in the case of an appeal to the Minister) is to be enforced, the disqualification under this section shall commence on the expiration of one month from the date of the order determining such appeal.

Payment of travelling expense to members of certain local authorities.

59.—(1) In this section the expression "county authority" means a county council, a board of health, or a committee or joint committee of a district lunatic asylum, and the expression "authorised committee" means a committee appointed by a county authority and to the members of which the Minister, on the application of the county authority, authorises contributions to be paid under this section.

(2) Every county authority shall as soon as may be after the 31st day of March and the 30th day of September in each year pay to—

(a) every member of the county authority who has attended at least three-quarters of the meetings of such county authority held during the preceding six months, and

(b) to every member of an authorised committee appointed by the county authority who has attended at least three-quarters of the meetings of that authorised committee held during the preceding six months,

such contribution (if any) as is authorised by the rules contained in the Fifth Schedule to this Act towards the expenses incurred by such member in attending the meetings of such county authority or authorised committee (as the case may be) during such preceding six months.

(3) For the purposes of this section a member shall not be deemed to have attended a meeting unless he shall have been present at such meeting for at least three hours, or where such meeting was held only for a period less than three hours, during the whole of such period.

(4) No contribution shall be paid under this section in respect of any meeting of a county authority or committee thereof which took place before the election of members to such county authority held next after the passing of this Act, nor for attendance at any such meeting aforesaid to any member who proposes or votes for any political resolution.

(5) Any person who knowingly makes or allows to be made a false statement for the purpose of obtaining the payment to himself or another of a sum under or in pursuance of this section, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, or at the discretion of the court to imprisonment with or without hard labour for a term not exceeding one year.

(6) Any person who is convicted of an offence under this section shall thereafter be disqualified from being elected or being a member of any local authority and from being appointed to or holding any office or employment under any local authority.

Meeting of local authorities abandoned for want of quorum.

60.—Whenever a meeting of a local authority is abandoned owing to failure to obtain a quorum, the names of the members attending at the time and place appointed for such meeting shall be recorded forthwith, and for the purposes of any enactment relating to disqualification for membership of a local authority and for the purposes of section 56 of this Act and of the rules contained in the Fifth Schedule to this Act, a meeting of such local authority shall be deemed to have been held at such time and place, and the members whose names are so recorded shall be deemed to have attended such meeting.

61.—(1) The council of any county shall have power by resolution to adopt the Public Libraries (Ireland) Act, 1855, for the whole or any specified parts or part of their county, exclusive of any urban district. Libraries.

5 (2) When a resolution is passed by the council of a county under this section, the Public Libraries (Ireland) Acts, 1855 to 1920, shall, as respects the area for which the said Act is adopted by the resolution, be carried into execution by the council as the library authority of that area.

10 (3) The expenses incurred by the council of a county as library authority in pursuance of a resolution under this section shall be charged on the area for which the said Act is adopted by such resolution.

(4) The council of any urban district may on such terms as
15 may be agreed on between such council and the council of the county in which such district is situate and be approved of by the Minister, relinquish in favour of the council of such county, their powers and duties under the Public Libraries (Ireland) Acts, 1855 to 1920, and in that case the powers and duties so re-
20 linquished shall cease and the provisions of this Part of this Act shall have effect as if the council of the county had passed a resolution under this section adopting the Public Libraries (Ireland) Act, 1855, for the area of such urban district.

(5) Whenever a county council is the library authority for two
25 or more separate areas in their county, and any expenses incurred by such county council as library authority are charged on each such area respectively, the county council may, with the consent of the Minister, amalgamate such areas, and any expenses incurred thereafter by the county council as library authority for
30 such amalgamated area shall be charged on such amalgamated area.

(6) The powers of a library authority under the Public Libraries (Ireland) Acts, 1855 to 1920, shall include power to incur expenditure out of the library rate on the provision of
35 public lectures and exhibitions (whether admission to such lectures or exhibitions is free or subject to such charges and conditions as the library authority may determine) and libraries in schools.

62.—(1) Any provisional order made by the Minister under
40 the provisions of the Public Health (Ireland) Acts, 1878 to 1919, or of section 10 of the Local Government (Ireland) Act, 1898, after the holding of such a local inquiry as is mentioned in subsection (4) of section 203 of the Public Health (Ireland) Act, 1878, empowering a local authority to acquire land or other pro-
45 perty or rights otherwise than by agreement, may be confirmed by the Minister or the Circuit Court in accordance with the rules set out in the Sixth Schedule to this Act. Acquisition of land by local authorities.

(2) Not less than one week before confirming an order under this section the Minister shall cause notice of his intention to
50 confirm such order to be published in a newspaper circulating in the district where the land or property sought to be acquired or over or in relation to which rights are sought to be acquired is situate.

(3) Upon any such confirmation by the Minister or the Circuit
55 Court, the Order, and if amended, as so amended, shall become final, and have the effect of an Act of the Oireachtas, and (subject in the case of a confirmation by the Minister to proof that the notice required by this section was duly published) the confirmation by the Minister or the Circuit Court shall be conclusive
60 evidence that the requirements of this Act have been complied with and that the order has been duly made and is within the powers of the Public Health (Ireland) Acts, 1878 to 1919, or the Local Government (Ireland) Act, 1898, as the case may be.

Member of local authority may not be employed by that or another local authority.

63.—(1) No person shall hold any office of profit under or be employed for remuneration by or under any local authority from and after the holding of the election or appointment of members to such local authority held next after the passing of this Act while he is or within twelve months after he has ceased to be a member of such local authority, or of any other local authority whose functional area is, or is situate in, the same county or county borough as that of or within which is situate the functional area of such local authority or in any county or county borough adjoining to that county or county borough.

(2) Any member of a local authority whose membership is terminated by his resignation or otherwise, at or before the next election or appointment of members to such local authority after the passing of this Act shall, for the purposes of this section, be deemed to have ceased to be a member of such local authority on a date twelve months prior to the date of such election.

Officers of local authorities to make declaration on appointment or increase of remuneration.

64.—(1) Where after the passing of this Act a local authority passes a resolution either appointing a person to be an officer of that local authority or increasing the salary or emoluments of an officer of that local authority, such resolution

(a) shall have no effect until such person or officer shall within one month after the date of such resolution have made and subscribed a declaration in accordance with this section, and

(b) shall be wholly void if such person or officer fails to make and subscribe such declaration within such period of one month.

(2) The declaration to be made as aforesaid by such person or officer as aforesaid shall be made and subscribed by him before a Peace Commissioner and shall be in the following form—

The (Set out the name of the local authority) having on the day of 19 , passed a resolution appointing me A.B. to the office of (or increasing my salary or emoluments as as the case may require), I the said A.B., do hereby solemnly and sincerely declare that I will bear allegiance to the Irish Free State and its constitution as by law established and that, in the event of such appointment being (or whether such increase is or is not as the case may require) confirmed by the Minister for Local Government and Public Health, I will to the best of my judgment and ability duly and faithfully perform the duties of the (or my as the case may require) said office and will observe and obey such orders and directions in relation to such duties as shall lawfully be given to me.

(3) Nothing in this section shall prejudice or effect the operation of any enactment requiring the sanction or confirmation of any such resolution as aforesaid by the Minister for Local Government and Public Health.

Power to dissolve a local authority.

65.—(1) The Minister may at any time if he thinks fit, order a local inquiry into the performance of its duties by any local authority, and Article 32 of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall apply to every such local inquiry.

(2) If and whenever—

(a) the Minister is satisfied, after the holding of such a local inquiry as is mentioned in the foregoing sub-section, that the duties of a local authority are not being duly and effectually discharged by such local authority, or

- (b) a local authority wilfully neglects to comply with any lawful order, direction, or regulation of the Minister, or
(c) a local authority fails to comply with any judgment, order, or decree of any court in Saorstát Éireann, or
5 (d) a local authority refuses after due notice to allow its accounts to be audited by an auditor of the Minister,

the Minister may, by order, dissolve such local authority, and either order (under the power hereinafter conferred on him) a new election of members of such local authority or transfer the
10 property and the several powers and duties of such local authority to any body or persons or person he shall think fit.

(3) Whenever the Minister makes an order under this section dissolving a local authority, he may appoint such and so many persons as he shall think fit to perform the duties of
15 such local authority, and may from time to time remove all or any such persons and appoint others in their place, and may fix the tenure of office, duties, and remuneration of all such persons.

(4) The remuneration of all persons appointed under the foregoing sub-section shall be paid out of the revenue of such local
20 authority as part of its expenses.

(5) Not later than three years after a local authority has been dissolved under this section, the Minister shall by order cause a new election of members of such local authority to be held, and upon the completion of such new election all the property, powers,
25 and duties of the dissolved local authority shall vest in the body so elected, notwithstanding that the same may have been transferred by the Minister under this section to any other body, persons, or person.

(6) The Minister may from time to time by order do all such
30 things and make all such regulations as in his opinion shall be necessary for giving full effect to any order made by him under this section.

(7) Every order made by the Minister or by the Minister for Local Government under section 12 of the Local Government
35 (Temporary Provisions) Act, 1923 (No. 9 of 1923), shall, notwithstanding the repeal of that section by this Act, continue in force as if such order had been made by the Minister under this section, and the provisions of this section shall apply to every such order as if the same had been made under this
40 section.

66.—(1) Subject to the provisions of this section, the Minister may by order add any urban district not being a borough to a county health district adjoining and in the same county as such urban district, and from and after the date on which such order
45 comes into operation such urban district shall be part of such county health district as aforesaid.

Power to add urban districts to county health districts.

(2) Where any urban district is, by an order made under this section, added to a county health district, such urban district shall be deemed to be a town in which the provisions of the Towns Improvement (Ireland) Act, 1854, have been adopted in whole, and
50 until the next election of commissioners of towns the council of such urban district shall be the board of commissioners of such town.

(3) Subject to the provisions of this section the Minister may
55 by order dissolve the board of commissioners of any town and transfer the powers, duties, property, and liabilities of such board to the board of health of the county health district of which such town is a part.

(4) No order shall be made by the Minister under this section
60 adding an urban district to a county health district or dissolving a board of commissioners of a town unless either—

(a) the council of such urban district or the board of commissioners of such town as the case may be applies to the Minister to make such order, or

(b) the Minister is satisfied, after the holding of a local inquiry into the performance of the duties of such council or board, as the case may be, that such duties are not being duly and effectually performed. 5

(5) Any order made under this section shall contain such provisions as may seem necessary or expedient for adapting the provisions relating to public works contained in any enactment, and for making adjustments of property, rights, and liabilities. 10

(6) Any order made under this section in respect of an urban district may declare the whole or any part or parts of the indebtedness of such urban district to be payable by the county health district and the payment thereof to be either general expenses or special expenses of the county health district, and in the latter case may declare that such payment shall be a separate charge on the area upon which such expenses would have been charged if such order had not been made, or on such portion of the county health district including that area as the Minister shall think fit. 15 20

Amendment of section 60 of the Towns Improvement (Ireland) Act, 1854.

67.—In any town in which the Towns Improvement (Ireland) Act, 1854, is in force, the amount of any assessment under section 60 of that Act may, notwithstanding the limitations in that section, amount to but shall not exceed the amount of two shillings and six pence in the pound where the provisions of the said Act with respect to water have been adopted, or the amount of two shillings in the pound where such provisions with respect to water have not been adopted. 25

Amendment of National Insurance Act, 1911.

68.—(1) Paragraphs (a) and (b) of sub-section (1) of section 16 of the National Insurance Act, 1911, shall be amended by the omission in each of the said paragraphs of the words "other than Poor Law Authorities." 30

(2) Sub-section (3) of section 64 of the National Insurance Act, 1911, shall be amended by the omission of the words "not being Poor Law Authorities." 35

(3) Sub-section (4) of section 64 of the National Insurance Act, 1911, shall be amended by the omission of the words "other than a Poor Law Authority."

Amendment of section 9 of the Local Government (Ireland) Act, 1898.

69.—Sub-section 7 of section 9 of the Local Government (Ireland) Act, 1898, shall be amended by the omission of all the words in the sub-section from the words 'and the expenses' to the end and by the substitution therefor of the following words, that is to say: 'and the expenses of each half-year ending on the 30th day of September or the 31st day of March shall be defrayed by the several counties in proportion to the number of lunatics from each county maintained in the lunatic asylum in such half-year, and the committee for the asylum shall be a joint committee of the councils of the counties with a representation of each council (determined in case of dispute by the Minister for Local Government and Public Health) in proportion to the number of lunatics from each county, according to the average of the three local financial years which ended next before the last triennial election of county councillors. 40 45 50

Subscription by county council to funds of general council.

70.—Section 16 of the Local Government (Ireland) Act, 1902 (which empowers a county council to pay a subscription for the association of county councils of Ireland) shall be and is hereby amended by the substitution therein of twenty pounds for ten pounds as the limit to the amount which in any one year may be paid as a subscription to the funds of the association. 55 60

- 71.—It shall not be lawful for the council of any county to resolve that an annual sum be raised off such county and paid as a salary to the surgeon of the infirmary or infirmaries thereof under the provision of section 86 of the Grand Jury (Ireland) Act, 1836, as adapted by the Local Government (Adaptation of Irish Enactments) Order, 1899, without the consent of the Minister, and so much of the said section 86 as imposes a limit on the amount which may be so raised and paid shall cease to have effect.
- 72.—(1) The provisions of any enactment in force at the passing of this Act relating to any of the powers, duties, properties, or liabilities transferred to a county council or a board of health by this Act, shall be construed with such modifications as may be necessary to give effect to this Act.
- (2) If any doubt, dispute, or question shall arise, or, in the opinion of the Minister, be likely to arise, as to whether any power, duty, property, or liability is or is not transferred by or under this Act to a county council or the board of health, such doubt, dispute, or question shall be decided by the Minister, and if such doubt, dispute, or question relates to the construction of any statute, order, or regulation, the Minister may by order specify the modifications which are to be made in such statute, order, or regulation under sub-section (1) of this section.
- 73.—(1) Where the business of any council or committee is transferred by this Act to any county council, the existing officers of that council or committee employed in that business shall, on and after the appointed day, become the officers of such county council in like manner, subject to the provisions of this section, as if they had been appointed by such county council, and any such officer may be transferred by such county council to the board of health of any county health district in such county.
- (2) For the purposes of the enactments relating to superannuation or to compensation for loss of office, the services of any existing officer of any such council or committee before his transfer under this section to a county council or a board of health shall be reckoned as services under that county council or board of health.
- (3) If any existing officer of a rural district council is removed from office in consequence of changes effected by or under this Act, the cost of any compensation granted to such officer for such loss of office shall be charged on the area of the county to the council of which the business of such rural district council is transferred by this Act, exclusive of the area of any urban district in such county.
- (4) In this section the expression "existing officer" means any officer who is in office on the appointed day.
- 74.—If an officer of a rural district council holds more than one office under that council or under that council and another local body, and is removed from the office from which he derives the greater part of his income in consequence of changes effected by or under this Act, he shall be entitled to relinquish all the said offices and to receive compensation on the same terms and conditions as if all his offices had been abolished.
- 75.—(1) This section shall apply to any rate made by the council of a county or urban district before the first day of June, 1925, for the service of the local financial year ending on the thirty-first day of March 1926.
- (2) Every rate to which this section applies shall be raised and collected as if this Act had not been passed.
- (3) The proceeds of every rate to which this section applies, raised for the expenses of any duty of a rural district council,

Salary of
Surgeon to
County
Infirmary.

Provisions in
relation to trans-
ferred powers
and duties.

Transfer of
officers.

Relinquishment
of office.

Collection and
expenditure of
current rates.

may be expended in the performance of such duty by the county council or board of health to which such duty is transferred under this Act.

(4) Where the area upon which before the passing of this Act the expenses of the performance of any duty of a county, urban district or rural district council were charged has been extended by this Act either directly or by reason of the transfer of such duty from such council the proceeds of any rate to which this section applies may be expended under this Act in the performance of such duty in such extended area. 5 10

(5) If the amount of any rate to which this section applies raised and levied upon and in any area exceeds or is less than the amount of the rate which would have been raised and levied upon and in such area under this Act for the service of the said local financial year, such excess or deficit shall be taken into account by way of adjustment in the rate to be raised and levied for the service of the local financial year ending on the thirty-first day of March, 1927. 15

Amendment of
Local Elections
Postponement
Acts, 1922 to
1924.

76.—The Local Elections Postponement (Amendment) Act, 1924 (No. 39 of 1924), is hereby repealed and in lieu thereof is hereby enacted that the Local Elections Postponement Act, 1922 (No. 4 of 1922), shall be construed and have effect as if the expiration of two months from the passing of this Act was substituted therein for the first day of January, 1924, where that date is mentioned in sub-section (1) of section 1 and sub-section (1) of section 2 of that Act. 20 25

Powers of
Minister.

77.—(1) The Minister may by order do any of the matters following, that is to say:—

(a) apply to boards of health any existing enactments relating to county or district councils with such modifications as he shall deem necessary; 30

(b) make such adaptations of any existing enactment (including any Local Act), relating to any matter dealt with or affected by this Act as appear to him necessary or expedient for carrying this Act into effect; 35

(c) make rules for carrying this Act into effect, and in particular for regulating—

(i.) the estimating and raising of the expenses of boards of health,

(ii.) the accounts, audits, and annual estimates of boards of health, and in such rules provision shall be made so that writs of cost for comparative and control purposes can be established, 40

(iii.) the transfer of the property and liabilities of any public body abolished by this Act, 45

(iv.) any adjustment of rights, duties or liabilities required for the purposes of this Act;

(v.) the actions of county councils, rural district councils, urban district councils, boards of health, committees and officers during the period between the passing of this Act and the appointed day. 50

(d) make regulations respecting the procedure of local authorities in connection with the business imposed on or transferred to them by or in pursuance of any enactment (including this Act), and by any such regulations annul or vary the Local Government (Procedure of Councils) Order, 1899 (as amended by any provisional order duly confirmed) or any provision thereof; 55 60

(e) where it appears to him that any Local Act contains any provisions similar to or inconsistent with the provisions of this Act, declare such provisions to be no longer in force.

- 5 (2) Every order made by the Minister under this section shall be laid before each House of the Oireachtas as soon as may be after it is made, and if a resolution is passed by either House of the Oireachtas within the next subsequent twenty-one days on which such House has sat after the order is laid before it
10 annulling such order, such order shall be annulled accordingly, but without prejudice to the validity of anything previously done under such order.

78.—The enactments mentioned in the Seventh Schedule to this Act are hereby repealed to the extent specified in the third column
15 of the said Schedule. Repeals.

79.—(1) This Act may be cited as the Local Government Act, 1924. Short title and construction.

(2) Part II. of this Act shall be construed as one with the Public Health (Ireland) Acts, 1878 to 1919.

20 FIRST SCHEDULE.

RULES FOR DETERMINING THE AREA OF CHARGE FOR LIABILITIES OF A RURAL DISTRICT COUNCIL.

1. Liabilities incurred by the rural district council as sanitary authority for the rural district shall be charged as follows:—

- 25 (a) liabilities which, but for the passing of this Act, would have been general expenses of the rural district council shall be charged on the area of the rural district;

- 30 (b) liabilities which, but for the passing of this Act, would have been special expenses of the rural district council charged on a specified area shall be charged on such specified area.

2. Any liabilities of a rural district council other than those provided for in Rule 1 shall be charged on the area of
35 the rural district.

SECOND SCHEDULE.

RULES REGULATING THE PROCEEDINGS OF BOARDS OF HEALTH.

1. A board of health shall consist of ten persons who shall be
40 elected by the county council from amongst their members at the annual meeting of the council held next after a triennial election, and the election of such persons shall be part of the first business to be transacted at such annual meeting.

2. The members of a board of health shall hold office until
45 the day after the day when their successors are appointed under Rule 1 of this Schedule.

3. The quorum of a board of health shall consist of three members.

4. A member of a board of health who ceases to be, or
50 is disqualified for being, a member of the county council by whom he was appointed, shall also cease to be, or be disqualified for being, a member of the board of health.

5. Any member of the council of a county may with the consent of not less than one-fourth of the members of such council at any time notify the secretary of the council in writing of his intention to propose that the membership of any member of the board of health of a county health district in such county shall be terminated, and the secretary shall thereupon summon a special meeting of the county council for a date not later than one month from the receipt by him of such notification, and shall give to every member of the county council at least fourteen days' notice thereof, and in the event of a resolution being passed at such meeting approving of such proposal by a majority consisting of not less than two-thirds of the councillors present, the membership of such member of the board of health shall be thereupon terminated.

6. The membership of any member of a board of health who, for a consecutive period of three months, has not attended a meeting of such board, shall thereupon be terminated and the county council, at their meeting next after the expiration of such period, shall appoint one of their members to fill the vacancy so created in the membership of the board of health.

7. A member of a board of health may at any time resign his membership by writing signed by him and delivered to the secretary of the county council and to the secretary of the board of health, but such resignation shall not become effective until the meeting of the county council held next after the receipt of such writing.

8. Every board of health shall hold one annual meeting in each year, and shall hold a meeting for the transaction of their business at least once in each month and at such other times as may be necessary for properly exercising their powers and performing their duties.

9. The first meeting of a board of health after its election shall be an annual meeting, and an annual meeting shall be held in each subsequent year within one month after the anniversary of such election.

10. At every annual meeting of a board of health the board shall elect a chairman, and may elect a vice-chairman, from amongst its members, who shall hold office until after the next annual meeting of the board.

11. At every meeting of a board of health the chairman, if present, shall be chairman of the meeting. If the chairman is absent the vice-chairman shall be chairman of the meeting. If the chairman is absent and either no vice-chairman has been elected, or the vice-chairman is absent, such member of the board as the members then present shall choose shall be chairman of the meeting.

12. The chairman at a meeting of a board of health shall have a second or casting vote.

13. Casual vacancies occurring in a board of health shall be filled by the county council within one month after their occurrence, or within such further time as the Minister may allow.

14. The conduct of the business and the order of the proceedings of a board of health shall be in accordance with regulations to be from time to time made by the Minister.

15. The accounts of the receipts and expenditure of every board of health and its committees and officers shall be made up half-yearly to the 30th day of September and 31st day of March in each year, in such form as the Minister may prescribe, and shall be audited by such person as the Minister may appoint for that purpose.

16. A board of health shall present to the county council as soon as practicable after the close of each half-year a summary account of its receipts and expenditure and a report upon the work of the board during the half-year.

COMMITTEES TO BE ABOLISHED UNDER PART II
OF THIS ACT.

Committees appointed for the purposes of the Midwives (Ireland) Act, 1918, under Section 16 of that Act.

Committees appointed under Sub-section (4) of Section 2 of the Blind Persons Act, 1920.

ACTS TO APPLY THROUGHOUT SAORSTÁT EIREANN.

Tuberculosis Prevention (Ireland) Act, 1908. Part I.

RULES FOR PAYMENT OF TRAVELLING EXPENSES TO
MEMBERS OF COUNTY AUTHORITIES AND
COMMITTEES.

40 4. Where the journey from the official residence of a member to the place of meeting of the county authority or authorised committee could be made by more than one route or by different modes of transport, the journey shall, for the purposes of these rules, be deemed to have been made by the route and the mode of transport in respect of which the payment under these rules would be the least.

55 - 6. The sum payable under the preceding rule in respect of each meeting shall be calculated as follows, that is to say, four pence for each mile of the journey from the member's official residence to the place of meeting travelled by railway, and five pence for each mile of such journey travelled otherwise than by railway.

SIXTH SCHEDULE.

RULES FOR CONFIRMING PROVISIONAL ORDERS
EMPOWERING LOCAL AUTHORITIES
TO ACQUIRE LAND.

1. A copy of the Provisional Order shall be served in the prescribed manner, together with a statement that the order will be confirmed and have the effect of an Act of the Oireachtas unless within the prescribed period a petition by some person interested is presented to the Minister or the Circuit Court having jurisdiction where the land to be acquired is situate praying that the order, or any specified part thereof, shall not become law without further enquiry. 5 10

2. A copy of every petition to the Circuit Court under these Rules shall be forwarded by an officer of the Circuit Court to the Minister, and if the petition is withdrawn a notice to that effect shall also be so forwarded. 15

3. If the Minister is satisfied that the prescribed regulations have been in all respects complied with, then after the prescribed period—

(a) if no petition has been presented or if every such petition is withdrawn, the Minister shall, without further inquiry, confirm the Order; 20

(b) if a petition has been presented to the Circuit Court and has not been withdrawn, then at the first sitting of that court held after the expiration of one week from the date of the presentation of the petition or of the prescribed period, whichever shall be the later, or at such later date as the court shall direct, the court shall hear the petition and determine all questions arising thereon, and may either confirm with or without amendment or disallow the order and may award costs to be paid by or to the petitioner or any party opposing the petition; 25 30

(c) if no petition has been presented to the Circuit Court, but a petition has been presented to the Minister and has not been withdrawn, then, unless the local authority notify the Minister of their intention to withdraw their application for the order, or the part thereof, as the case may be, to which the petition relates, the Minister shall, after consideration of a full report of the evidence taken at the original inquiry and after such further local inquiry (if any) as he may deem necessary, either confirm with or without amendment or disallow the Order. 35 40

4. Where a petition has been presented under these rules to the Minister or the Circuit Court, respecting a portion only of a provisional order, the Minister may divide the Provisional Order into two or three orders as follows:— 45

(a) an order containing the portion of the original order to which no such petition relates; 50

(b) an order containing the portion or portions of the original order to which any petition to the Circuit Court relates;

(c) an order containing the portions or portions of the original order to which any petition to the Minister and no petition to the Circuit Court relates; 55

and each of such new orders shall become absolute or be confirmed under these Rules as if such new order were originally made by the Minister as a separate order.

5. Rules of court shall regulate the practice and procedure with respect to the presentation, withdrawal and hearing of petitions to the Circuit Court and for the costs incidental thereto. 60

SEVENTH SCHEDULE
ENACTMENTS REPEALED

Session and Chapter	Short Title	Extent of Repeal
6 & 7 Will. IV. c. 116.	The Grand Jury (Ireland) Act, 1836.	Sections 1, 38, 50, 51, 52, 55 and 56; section 80, from "not exceeding one pound" to the end of the section; section 162.
28 Vic. c. 26	The Union Officers Superannuation (Ireland) Act, 1865.	The whole Act.
32 & 33 Vic. c. 50	The Medical Officers Superannuation Act (Ireland), 1869.	The whole Act.
32 & 33 Vic. c. 79	The Local Officers Superannuation Act (Ireland), 1869.	The whole Act.
35 & 36 Vic. c. 89	The Union Officers (Ireland) Act, 1872.	The whole Act.
38 & 39 Vic. c. 56	The County Surveyors (Superannuation) Act (Ireland), 1875.	The whole Act.
48 & 49 Vic. c. 80	The Union Officers (Ireland) Act, 1885.	The whole Act.
61 & 62 Vic. c. 37	The Local Government (Ireland) Act, 1898.	Sub-section (2) of section 3, sections 8 and 11, save in so far as those sections apply to the City or County of Dublin; sub-section (2) of section 12; sub-sections (2), (6), (7) and (8) of section 27, save in so far as those sub-sections apply to the City or County of Dublin; sub-section (2) of section 82, save in so far as that sub-section applies to the City or County of Dublin; sub-section (11) of section 83; section 87.
—	The Local Government (Application of Enactments) Order, 1898.	Sub-article (11) of article 12 of the Schedule.
63 & 64 Vic. c. 41	The Local Government (Ireland) (No. 2) Act, 1900.	The whole Act.
3 Edw. VII. c. 36	The Motor Car Act, 1903	Sub-section (2) of section 10.
9 Edw. VII. c. 47	The Development and Road Improvement Funds Act, 1909.	Sub-section (2) of section 10.
9 & 10 Geo. V. c. 19.	The Local Government (Ireland) Act, 1919.	Section 8.
9 & 10 Geo. V. c. 21.	The Ministry of Health Act, 1919.	The whole Act.
No. 9 of 1923	The Local Government (Temporary Provisions) Act, 1923.	Sections 12 and 14.

Saorstát Éireann

Saorstát Éireann

BILLE RIALTAIS AITIÚLA, 1924.

LOCAL GOVERNMENT BILL, 1924.

BILLE

(mar do leasúidh ag an Seanad i gCoiste)

dá ngairmtear

Bille chun leasú do dhéanamh ar an dlí a bhaineas le Rialtas Aitiúil i Saorstát Éireann agus chun crícheanna eile a bhaineas leis sin.

BILL

(as amended by the Seanad in Committee)

entitled

A Bill to amend the law relating to Local Government in Saorstát Éireann and for other purposes connected therewith.

*Do hordúidh ag Seanad Éireann, do
chló-bhuala,
6adh Feabra, 1925.*

*Ordered by Seanad Éireann to be printed,
6th February, 1925.*

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