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BILLE NA dTAILTE STAIT (TITHE OIBRE), 1929.
STATE LANDS (WORKHOUSES) BILL, 1929.

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SAORSTÁT EIREANN.

BILLE NA dTAILTE STAIT (TITHE OIBRE), 1929.
STATE LANDS (WORKHOUSES) BILL, 1929.

BILL

entitled

5

AN ACT TO MAKE BETTER PROVISION IN RELATION TO
THE MAKING OF LEASES AND THE GRANTING OF
LICENCES OF CERTAIN LANDS WHICH WERE
FORMERLY VESTED IN THE LOCAL GOVERNMENT
BOARD FOR IRELAND AND NOW BELONG BY VIRTUE
OF ARTICLE 11 OF THE CONSTITUTION TO SAORSTÁT
EIREANN, TO CONFIRM CERTAIN LEASES AND
LICENCES HERETOFORE MADE OR AGREED TO BE
MADE OF PORTIONS OF SUCH LANDS, TO MAKE PRO-
VISION FOR THE MAINTENANCE OF SUCH LANDS
AND FOR THE DISCHARGE OF OUTGOINGS PAYABLE
IN RESPECT THEREOF AND FOR OTHER PURPOSES
CONNECTED WITH THE AFORESAID MATTERS.

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

Definitions.

1.—In this Act—

the expression “the Minister” means the Minister for Local
Government and Public Health;

the expression “the Act of 1924” means the State Lands Act,
1924 (No. 45 of 1924);

the expression “local authority” means and includes a board of
guardians, and a board of health and public assistance or other
body to which is entrusted the administration of the relief of the
poor in a county or county borough under a county scheme under
the Local Government (Temporary Provisions) Act, 1923 (No. 9
of 1923);

the word “rent” includes any periodical payment in the nature
of rent.

Land to which
this Act applies.

2.—This Act applies to all land which immediately before the
6th day of December, 1921 was vested in the Local Government
Board for Ireland under or for the purposes of the Poor Relief
(Ireland) Acts, 1838 to 1914 and now by virtue of Article 11 of
the Constitution belongs to Saorstát Eireann.

Leases and
licences by the
Minister.

3.—(1) If in the opinion of the Minister it is in the public
interest that any land to which this Act applies should be granted
by way of lease or licence to any person, the Minister may under
and in accordance with this Act by deed under his official seal
either—

(a) demise such land to such person by way of lease for
such term not exceeding ninety-nine years as the
Minister shall think proper, or

(b) grant to such person a licence to use and occupy such
land for such term not exceeding ninety-nine years as
the Minister shall think proper.

(2) Every lease or licence made or granted under this section
shall (unless the Minister is of opinion that such lease or licence

should in the public interest be made or granted free of any payment) be made or granted subject to the payment to the Minister of such moneys, whether by way of fine or other preliminary payment or by way of rent or by both such ways, as the Minister shall think proper and shall agree upon with the person to whom such lease or licence is made or granted and all such moneys when received by the Minister shall be applied by him in such manner and for such purposes within the functional area of the local authority in whose functional area the land the subject of such lease or licence is situate as he shall think advisable.

(3) Every such lease or licence as aforesaid shall be made or granted subject to and shall contain such covenants, conditions, and agreements (other than for the renewal of the lease or licence) as the Minister shall consider proper or desirable in the public interest or otherwise and shall agree upon with the person to whom such lease or licence is made or granted.

(4) No lease or licence made or granted under this section shall relate or extend to or include any mines or minerals.

4.—(1) Where the Minister proposes to make or grant a lease or licence under this Act for any term exceeding five years he shall lay before each House of the Oireachtas a statement showing the person to whom such lease or licence is proposed to be made or granted, the property proposed to be included in such lease or licence, the fine or other preliminary payment (if any) and the rent (if any) proposed to be charged for such lease or licence, and the covenants, conditions, and agreements proposed to be inserted in such lease or licence.

Laying of statements of leases or licences before the Oireachtas.

(2) No lease or licence for any term exceeding five years shall be made or granted under this Act until either—

(a) each House of the Oireachtas has by resolution authorised the making or granting of such lease or licence either with or without modification of any of the proposed provisions of such lease or licence, or

(b) the expiration of whichever of the following periods shall be the longer, that is to say:—

(i) twelve days after the first day on which either House of the Oireachtas shall sit next after the statement in accordance with this section shall have been laid before the Houses of the Oireachtas, or

(ii) six days on which either House of the Oireachtas shall have sat after the said statement shall have been so laid before the Houses.

(3) Where a resolution of either House of the Oireachtas authorises the making or granting of a lease or licence under this Act subject to any modification of the proposed provisions of such lease or licence, such lease or licence shall not be granted save with and subject to such modification of its provisions.

5.—(1) Whenever in the opinion of the Minister it is in the public interest that a local authority should make or grant a lease or licence of land to which this Act applies situate within the functional area of such local authority the Minister may authorise such local authority to make or grant such lease or licence and thereupon such local authority may make or grant such lease or licence under and in accordance with this section.

Leases and licences by local authorities.

(2) The following provisions shall apply to the making of a lease or the granting of a licence by a local authority under this section, that is to say:—

(a) every such lease or licence shall be expressed to be made or granted by the local authority as agent for the Minister;

(b) no such lease or licence shall be made or granted for any term exceeding five years;

- (c) no such lease or licence shall relate or extend to or include any mines or minerals.
- (d) every such lease or licence shall reserve such rent as the Minister shall approve.
- (e) every such lease or licence shall contain such covenants, 5 conditions and agreements (other than for the renewal of the lease or licence) as the Minister shall consider proper or desirable in the public interest or otherwise and such local authority shall agree upon 10 with the person to whom such lease or licence is made or granted.

(3) The Minister may by regulations made by him prescribe the circumstances in and the terms and conditions on which leases or licences for terms of less than one year may be made or granted under this section by local authorities and while such 15 regulations are in force any lease made or licence granted by a local authority under and in accordance with this section and in conformity with such regulations for a term of less than one year shall be deemed to have been authorised by the Minister under this section and to have been approved of by the Minister in so 20 far as such approval is required by this section.

(4) The local authority by whom a lease is made or a licence is granted under this section shall receive and collect, as agent for the Minister, the rent reserved by or payable under such lease or licence and in case of non-payment of such rent may sue for 25 the recovery thereof in their own name.

(5) All rent received by a local authority under any lease or licence granted by them under this section shall be applied by such local authority in such manner and for such purposes within the functional area of such local authority as the Minister 30 shall direct.

Cesser of application of Act of 1924.

6.—On the passing of this Act the Act of 1924 shall cease to apply to land to which this Act applies.

Transfer of certain leases and licences made under the Act of 1924.

7.—(1) The benefit of every covenant, condition, and agreement to be performed, observed, or fulfilled on the part of the lessee or the licensee contained in any lease or licence of land to which this Act applies which was made or granted under the Act of 1924 before the passing of this Act is hereby assigned to the Minister and shall henceforth be enforceable at the suit of the Minister. 40

(2) All moneys paid before the passing of this Act to the Minister for Finance for the use of the Central Fund under any such lease or licence as is mentioned in the foregoing sub-section shall be repaid as soon as conveniently may be out of the Central Fund to the Minister. 45

(3) The right to receive and recover any moneys accrued due but not paid before the passing of this Act to the Minister for Finance for the use of the Central Fund under any such lease or licence as aforesaid is hereby assigned to the Minister and shall henceforth be enforceable at the suit of the Minister. 50

(4) All moneys received by the Minister by virtue of this section out of the Central Fund or under any such lease or licence as aforesaid shall be applied by him in such manner and for such purposes within the functional area of the local authority in whose functional area the land the subject of the lease or licence under which such moneys were paid to the Minister for Finance or to the Minister (as the case may be) is situate as he shall think advisable. 55

Validation of certain leases or licences made by local authorities.

8.—(1) Where before the passing of this Act the council of a county has purported either in its own name or in the name of the Minister to make or grant a lease or licence of land to which this Act applies situate within the functional area of such council for a term not exceeding five years such lease or licence 60

shall, subject to the power of termination hereinafter conferred on the Minister, be and be deemed always to have been valid and good in all respects save that any agreement contained in such lease or licence for the renewal thereof and any grant of mines or minerals expressed or implied in such lease or licence shall be void and of no effect.

(2) The Minister may at any time within six months after the passing of this Act, by order terminate as from the date of such order or any subsequent date any lease or licence validated by this section and thereupon such lease or licence shall terminate accordingly

(3) All rent reserved by any lease or payable under any licence validated by this section which is received after the passing of this Act by the council by whom such lease or licence was made or granted shall be applied by such council in such manner and for such purposes within the functional area of the local authority in whose functional area the land the subject of such lease or licence is situate as the Minister shall direct.

9.—(1) The Agreement for a Lease (in this section referred to as the Agreement) dated the 1st day of August, 1923 made between the Minister of Local Government of the one part and Andrew A. Watt and Company, Limited, of the other part, whereby the said Minister agreed to grant and the said Andrew A. Watt and Company, Limited, agreed to take a lease of the premises therein described as "the premises comprising the Infirmary Buildings with the yard and private road thereunto, which premises are hereinafter called the said premises being part of the old Letterkenny Workhouse, and are situate in the town of Letterkenny and county of Tírconnail," for a term of twenty-five years from the 1st day of August, 1923 at the yearly rent of £100 is hereby confirmed, and shall be and be deemed always to have been valid and good.

Confirmation of an Agreement.

(2) The Minister is hereby authorised and empowered to make a lease of the premises the subject of the Agreement in accordance with the terms of the Agreement, and section 4 (which relates to the laying of statements of leases or licences before the Oireachtas) of this Act shall not apply to the making of such lease.

(3) All rent payable under the Agreement or hereafter reserved by a lease made in pursuance of the Agreement and received by the Minister after the passing of this Act shall be applied by the Minister in such manner and for such purposes within the functional area of the local authority in whose functional area the land the subject of the Agreement is situate as he shall think advisable.

10.—(1) It shall be the duty of a local authority to keep and maintain in good tenantable order, repair and condition all land to which this Act applies situate within the functional area of such local authority and to discharge all outgoings payable in respect of such land.

Liability of local authority in respect of land to which this Act applies.

(2) This section shall not operate to relieve a lessee or licensee under a lease or licence made under this Act from any obligation imposed on him by or under such lease or licence.

11.—(1) All expenses incurred by a local authority (other than a board of guardians) under this Act shall be defrayed by means of the poor rate and shall be raised equally over the functional area of such local authority.

Expenses of local authorities.

(2) All expenses incurred by a board of guardians under this Act shall be defrayed as a union charge and shall be raised equally over the whole union of such board of guardians.

12.—This Act may be cited as the State Lands (Workhouses) Act, 1930.

Short title.

Saorstát Éireann.

BILLE NA dTAILTE STAIT (TITHE OIBRE), 1929.

BILLE

*mar do tugadh isteach
dá ngairmtear*

Acht chun soerú níos fearr do dhéanamh i dtaobh léasanna do dhéanamh agus ceadúnaisí do dheona maidir le tailte áirithe do bhí dílisithe i mBord Rialtais Aitiúla na hÉireann tráth agus is le Saorstát Éireann anois de bhua Airtíogal 11 den Bhunreacht, chun daingniú do dhéanamh ar léasanna agus ar cheadúnaisí áirithe do dhéanamh go dtí so no do có-aontúfodh do dhéanamh maidir le páirteanna de sna tailte sin, chun soerú do dhéanamh chun na tailte sin do choinneáil suas agus chun íocaíochtaí is iníochta ina dtaobh do ghlana agus chun éricheanna eile bhaineas leis na nithe roimhráite.

*An tAire Rialtais Aitiúla agus Slainte Púiblí
do thug isteach.*

*Do hordúfodh, ag Dáil Éireann, do chlóbhuála,
5adh Mí na Nodlag, 1929.*

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Saorstát Éireann.

STATE LANDS (WORKHOUSES) BILL,
1929.

BILL

*as introduced
entitled*

An Act to make better provision in relation to the making of leases and the granting of licences of certain lands which were formerly vested in the Local Government Board for Ireland and now belonging by virtue of Article 11 of the Constitution to Saorstát Éireann, to confirm certain leases and licences heretofore made or agreed to be made of portions of such lands, to make provision for the maintenance of such lands and for the discharge of outgoings payable in respect thereof and for other purposes connected with the aforesaid matters.

*Introduced by the Minister for Local Govern-
ment and Public Health.*

*Ordered, by Dáil Éireann, to be printed,
5th December, 1929.*

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