

# SAORSTÁT EIREANN.

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BILLE NA dTITHE (FORALACHA  
ILGHNEITHEACHA), 1931.

HOUSING (MISCELLANEOUS PROVISIONS)  
BILL, 1931.

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*Mar do ritheadh ag Dáil Eireann.*

*As passed by Dáil Eireann.*

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# SAORSTÁT ÉIREANN.

BILLE NA dTITHE (FORALACHA  
ILGHNEITHEACHA), 1931.

HOUSING (MISCELLANEOUS PROVISIONS) BILL, 1931.

## BILL

*entitled*

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AN ACT TO MAKE BETTER PROVISION FOR THE  
CLEARANCE OF UNHEALTHY AREAS AND THE RE-  
PAIR AND DEMOLITION OF INSANTARY HOUSES;  
TO AMEND THE HOUSING OF THE WORKING  
CLASSES (IRELAND) ACTS, 1890 TO 1921; THE  
LABOURERS (IRELAND) ACTS, 1883 TO 1930; THE  
SMALL DWELLINGS ACQUISITION (IRELAND) ACTS,  
1899 AND 1919, AND THE HOUSING ACTS, 1925 TO  
1930; AND TO MAKE FURTHER PROVISION FOR THE  
FINANCIAL ASSISTANCE OF LOCAL AUTHORITIES  
AND OTHERS IN THE PROVISION OF HOUSING AC-  
COMMODATION UNDER THOSE ENACTMENTS AS  
AMENDED BY THIS ACT, AND FOR PURPOSES CON-  
NECTED WITH THE MATTERS AFORESAID.

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

### PART I.

#### PRELIMINARY AND GENERAL.

25 1.—(1) This Act may be cited as the Housing (Miscellaneous  
Provisions) Act, 1931.

Short title,  
construction  
and citation.

(2) This Act in so far as it amends the Housing of the Work-  
ing Classes (Ireland) Acts, 1890 to 1921, the Labourers (Ireland)  
Acts, 1883 to 1930, the Small Dwellings Acquisition (Ireland)  
30 Acts, 1899 and 1919, and the Housing Acts, 1925 to 1930, shall  
be read and construed as one therewith respectively and may be  
cited together therewith as the Housing of the Working Classes  
Acts, 1890 to 1931, the Labourers Acts, 1883 to 1931, the Small  
Dwellings Acquisition Acts, 1899 to 1931, and the Housing Acts,  
35 1925 to 1931, as the case may be.

2.—(1) In this Act—

Definitions.

the expression "the Minister" means the Minister for Local  
Government and Public Health;

the word "prescribed" means prescribed by the Minister;

40 the expression "unhealthy area" means an area the dwelling  
houses in which are by reason of disrepair or sanitary defects un-  
fit for human habitation or are by reason of their bad arrange-  
ment or the narrowness or bad arrangement of the streets,  
dangerous or injurious to the health of the inhabitants of the  
45 area and in which the other buildings, if any, are for a like  
reason dangerous or injurious to the health of such inhabitants;  
the expression "clearance area" means an unhealthy area de-  
clared by a local authority to be a clearance area for the purposes  
of this Act;



the expression "improvement area" means an unhealthy area declared by a local authority to be an improvement area for the purposes of this Act;

the expression "clearance order" means an order made by a local authority under this Act ordering the demolition of buildings in a clearance area;

the expression "compulsory purchase order" means an order made under this Act authorising a local authority to acquire land compulsorily;

the expression "the Act of 1890" means the Housing of the Working Classes Act, 1890;

the expression "the Housing of the Working Classes Acts" means the Housing of the Working Classes (Ireland) Acts, 1890 to 1921, and this Act in so far as it amends those Acts;

the expression "sanitary defects" includes lack of air space or of ventilation, darkness, dampness, absence of adequate and readily accessible water supply or sanitary accommodation or of other conveniences and inadequate paving or drainage of courts, yards or passages;

the expression "building byelaws" has the same meaning as in section 33 of the Housing (Ireland) Act, 1919;

the word "owner" in relation to any building or land means a person, other than a mortgagee not in possession, who is for the time being entitled to dispose of the fee simple of the building or land, whether in possession or reversion and includes also a person holding or entitled to the rents and profits of the building or land under a lease or agreement the unexpired term whereof exceeds three years;

the word "dwelling house" includes any yard, garden, out-houses, and appurtenances belonging thereto or usually enjoyed therewith;

the word "street" includes any court, alley, passage, square or row of houses, whether a thoroughfare or not;

the expression "person having control of the house" has the same meaning as the word "owner" in the Public Health (Ireland) Act, 1878.

Construction of  
Act of 1890.

3. The Act of 1890 shall have effect as if the provisions of this Act with respect to unhealthy areas and unhealthy dwelling houses were inserted in Parts I and II respectively of the Act of 1890 in substitution for the provisions therein contained with respect to unhealthy areas and unhealthy dwelling houses and references in this Act or any Act (including the Act of 1890) passed before this Act, to the Act of 1890, or to any Part of the Act of 1890, or to any enactment therein contained or amending the same shall be respectively construed as references to the Act of 1890 as amended by this Act, or that Part or enactment as amended by this Act.

Repeal of  
enactments.

4. (1) The enactments mentioned in the Fifth Schedule to this Act are hereby repealed to the extent specified in the second column of that Schedule.

(2) Notwithstanding anything contained in the foregoing sub-section where before the commencement of this Act in pursuance of the Act of 1890 any notice requiring the execution of works has been served, or any demand for, or order relating to, the expenses of executing works, or any closing order or demolition order has been made, or any scheme or order has been confirmed or approved by the Minister or any order has been submitted to him for confirmation or approval, the like proceedings (including proceedings for the modification of a confirmed scheme) may be taken thereon and the like consequences shall ensue as might have been taken or would have ensued if this Act had not been passed.



(3) The mention of particular matters in the preceding subsection shall not be held to prejudice or affect the general application of section 13 of the Interpretation Act, 1923 (No. 46 of 1923) with regard to the effect of repeals.

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## PART II.

### HOUSING OF THE WORKING CLASSES.

#### UNHEALTHY AREAS.

5.—(1) Where a local authority are satisfied upon consideration of an official representation or other information in their possession that any area within their district is an unhealthy area and that the conditions in such area can be effectively remedied only by the demolition of all the buildings in such area which are unfit for human habitation or dangerous or injurious to health the local authority shall cause such area to be defined on a map so as to exclude therefrom any building which is not unfit for human habitation or dangerous or injurious to health and shall by resolution declare such area as so defined to be a clearance area, and shall in accordance with the provisions of this Act proceed to secure the demolition of all buildings in that area in one or other of the following ways, or partly in one way and partly in the other according as the local authority shall determine, that is to say:—

(a) by purchasing land comprised in the area and demolishing or otherwise securing the demolition of all buildings thereon; or

(b) by ordering the demolition of buildings in the area.

(2) A local authority shall forthwith transmit to the Minister a copy of any resolution passed by them under this section, together with a statement of the number of persons and the number of separate families of the working classes who on a day specified in the statement were occupying the buildings comprised in the clearance area.

(3) For the purposes of the Cork City Management Act, 1929 (No. 1 of 1929) and the Local Government (Dublin) Act, 1930 (No. 27 of 1930) the declaration of any area under this section to be a clearance area shall be a reserved function.

6.—(1) Where a local authority determines to order any buildings in a clearance area to be demolished the local authority shall make and submit to the Minister for confirmation a clearance order with respect to such buildings.

(2) The provisions contained in the First Schedule to this Act shall apply to the making, submission and confirmation of clearance orders.

7.—Where as respects any area declared by them to be a clearance area a local authority determine to purchase any land comprised in the area, they may purchase also any land which is surrounded by the clearance area and the acquisition of which is reasonably necessary for the purpose of securing a cleared area of convenient shape and dimensions, and any land adjoining the clearance area, the acquisition of which is reasonably necessary for the satisfactory development or user of the cleared area.

8.—(1) When a clearance order has become operative the owner or owners of any building to which the order applies shall demolish that building and clear and level the site thereof before the expiration of six weeks from the date on which the building is required by the order to be vacated or, if it is not vacated until after that date, before the expiration of six weeks from the date on which it is vacated or, in either case, before the expiration of such longer period as in the circumstances the local authority



may deem reasonable; and, if the building is not demolished before the expiration of that period, the local authority shall enter and demolish the building and clear and level the site thereof and sell the materials thereof.

(2) Any expenses incurred by a local authority under the last preceding sub-section, after giving credit for any amount realised by the sale of materials, may be recovered by them, summarily before a court of summary jurisdiction from the owner of the building or, if there is more than one owner, from the owners thereof in such shares as the court may determine to be just and equitable; and any owner who pays to the local authority the full amount of their claim may in the like manner recover from any other owner such contribution, if any, as the court may determine to be just and equitable.

(3) Any surplus in the hands of the local authority shall be paid by them to the owner of the building or if there is more than one owner, shall be paid as those owners may agree, or in default of agreement in such proportions as a court of summary jurisdiction may on the application of any such owner determine to be just and equitable.

(4) A court of summary jurisdiction, in determining for the purposes of this section the shares in which any expenses shall be paid or contributed by, or any surplus shall be divided between, two or more owners of a building, shall have regard to their respective interests in the building, their respective obligations and liabilities in respect of maintenance and repair under any covenant or agreement, whether expressed or implied, and all the other circumstances of the case.

(5) The amount of any expenses due to a local authority under this section shall be a charge on the premises in respect of which the expenses were incurred and the local authority shall for the purpose of enforcing such charge have all the same powers and remedies as if they were mortgagees by deed having powers of sale and lease, accepting surrenders of leases and of appointing a receiver.

Restriction of development of land in a clearance area.

9.—(1) When a clearance order has become operative no land to which the order applies shall be used for building purposes, or otherwise developed, except in accordance with such plans as the local authority may approve and subject to such restrictions and conditions, if any, as the local authority may think fit to impose.

(2) An owner who is aggrieved by a restriction or condition so imposed on the user of his land, or by a subsequent refusal of the local authority to cancel or modify any such restriction or condition, may at any time appeal to the Minister, who shall make such order in the matter as he thinks proper, and the Minister's decision shall be final.

(3) A person who commences, or causes to be commenced, any work in contravention of any plans approved or a restriction or condition imposed under this sub-section shall, on summary conviction, be liable to a penalty not exceeding forty shillings, and to a further penalty not exceeding ten pounds in respect of each day during which the work exists in such a form and state as to contravene such plans, restriction or condition.

Demolition of buildings on and disposal of land acquired by a local authority.

10. (1) A local authority who have under this Part of this Act purchased any land comprised in, or surrounded by, or adjoining a clearance area shall, so soon as may be, cause every building thereon to be vacated and subject to compliance with any provision contained in a compulsory purchase order with respect to the carrying out of re-housing operations shall deal with that land in one or other of the following ways, or partly in one of these ways and partly in the other of them, that is to say:—

(a) they shall demolish every building thereon before the expiration of six weeks from the date on which it is vacated, or before the expiration of such longer period as in the circumstances they deem reasonable, and thereafter may, subject to the approval of the Minister, sell or let the land subject to such restric-



5 tions and conditions, if any, as they think fit, or may, appropriate the land for any purpose for which they are authorised to acquire land subject to the like restrictions as are contained in section ninety-five of the Public Health Acts Amendment Act, 1907, with respect to the appropriation of land by local authorities under that section; or

10 (b) they shall, subject to the approval of the Minister, so soon as may be, sell or let the land subject to a condition that the buildings thereon shall be demolished forthwith and subject to such restrictions and other conditions, if any, as they may think fit to impose.

(2) Land sold or leased under this section shall be sold or leased at the best price or for the best rent that can reasonably be obtained having regard to any restriction or condition imposed, and any capital money received in respect of any transaction under this section shall be applied, with the sanction of the Minister, either in the repayment of debt or for any other purpose for which capital money may be properly applied.

20 (3) For the purposes of this section "sell" includes to sell in consideration of an annual rent charge or fee farm grant.

11.—(1) Where land has been cleared of buildings in accordance with a clearance order made under this Part of this Act, the local authority may, at any time after the expiration of eighteen months from the date on which the clearance order became operative, by resolution determine to purchase any part of that land which at the date of the passing of their resolution has not been, or is not in process of being, used for building purposes, or otherwise developed, by the owner thereof in accordance with plans approved by the local authority and any restrictions or conditions imposed under sub-section (1) of section 9 of this Act.

Power of local authority to purchase cleared land which owners have failed to re-develop.

30 (2) A local authority shall deal with any land purchased by them under this section by sale, letting, or appropriation in accordance with the provisions of the last preceding section.

35 12.—(1) Where a local authority are satisfied upon consideration of an official representation or other information in their possession that any area within their district is an unhealthy area and that the conditions in such area can be effectively remedied without the demolition of all the buildings in such area which are unfit for human habitation or dangerous or injurious to health by—

Improvement areas.

(a) the demolition or repair, as circumstances may require, of those dwelling-houses within the area which are unfit for human habitation; and

45 (b) the purchase by the local authority of any land within the area which it is expedient for them to acquire for the purpose of opening out the area and the demolition of any buildings on such land so far as may be necessary to demolish them for that purpose;

50 the local authority may cause that area to be defined on a map and may pass a resolution declaring the area so defined to be an improvement area.

(2) A local authority who have passed a resolution declaring an area to be an improvement area, shall forthwith—

55 (a) publish, in one or more newspapers circulating within their district, a notice stating the terms of the resolution and the date on which it was passed, and naming a place at which a copy of the resolution and of the map referred to therein may be seen at all reasonable hours; and

60 (b) transmit a copy of the resolution to the Minister, together with an estimate of the number of persons and separate families of the working classes whose displacement will be rendered necessary by any steps which the local authority propose to take for the improvement of the area.

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(3) For the purposes of the Cork City Management Act, 1929 (No. 1 of 1929) and the Local Government (Dublin) Act, 1930 (No. 27 of 1930) the declaration of any area under this section to be an improvement area shall be a reserved function.

Treatment of improvement area

13.—(1) A local authority who have passed a resolution 5 declaring an area to be an improvement area, shall so soon as may be—

(a) in the case of dwelling-houses which are unfit for human habitation, serve notices under Part III of this Act requiring the execution of all necessary works thereon, 10 or the demolition thereof, and enforce compliance with those notices;

(b) in so far as the improvement of the area involves the purchase of land for opening out the area, proceed to purchase that land unless the local authority are satis- 15 fied that the opening out of the area will be adequately carried out by the owner or owners of the land.

(2) A local authority who have purchased any land under this section, shall carry out, or secure the carrying out of such demoli- 20 tions as may be necessary for opening out the area, and, subject thereto, shall deal with that land by sale, letting or appropriation in accordance with the provisions of section 10 of this Act.

(3) Where any action taken by a local authority under this section with respect to a dwelling-house in an improvement area results in the tenant of that house, or any part thereof, removing 25 therefrom, then notwithstanding anything in the Increase of Rent and Mortgage Interest (Restrictions) Acts, 1923 to 1930, those Acts if applicable to that house or part, shall not cease to apply thereto by reason only of the fact that upon such removal the landlord comes into possession of the house or part of the house. 30

(4) The declaration of any area to be an improvement area shall not preclude any local authority from exercising any powers which in the absence of such a declaration would have been exer- cisable by them within that area.

Preliminaries to passing of clearance or improvement resolution.

14.—A local authority shall before passing any resolution 35 declaring an area to be a clearance area or an improvement area satisfy the Minister—

(a) that in so far as suitable accommodation available for the persons of the working classes who will be displaced by the steps to be taken for the clearance or improvement 40 of the area does not already exist, the local authority can provide, or secure the provision of such accommo- dation in advance of the displacements which will from time to time become necessary as the clearance or improvement of the area proceeds; and 45

(b) that the resources of the local authority are sufficient for the purpose of carrying the resolution into effect.

Provisions as to purchase of land.

15.—Where a local authority have determined to purchase land under this Part of this Act, they may purchase that land by agreement or they may be authorised to purchase that land com- 50 pulsorily by means of a compulsory purchase order made and submitted to the Minister and confirmed by him in accordance with the provisions of the Second Schedule to this Act.

Assessment of compensation in respect of land acquired compulsorily.

16. (1) Where land is purchased compulsorily by a local authority under this Part of this Act, the compensation payable in 55 respect thereof shall be assessed:—

(a) in the case of land comprised in a clearance area in accordance with the provisions contained in Part I of the Third Schedule to this Act;

(b) in the case of any other land in accordance with the 60 provisions contained in Part II of the Third Schedule to this Act.

(2) Subject to the provisions of the foregoing sub-section the compensation payable in respect of such land shall be assessed in accordance with the provisions of the Acquisition of Land 65



(Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925 (No. 22 of 1925).

17.—(1) The provisions of this section shall have effect with respect to the validity of clearance orders and compulsory purchase orders made under this Act, and the date on which such an order is to come into operation.

Validity and date of operation of clearance orders and compulsory purchase orders.

(2) So soon as may be after an order has been confirmed by the Minister, the local authority shall publish in a newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed, and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person who, having given notice to the Minister of his objection to the order, appeared at the public local inquiry in support of his objection.

(3) If any person aggrieved by an order desires to question its validity on the ground that it is not within the powers of this Act or that any requirement of this Act has not been complied with, he may, within six weeks after the publication of the notice of confirmation, make an application for the purpose to the High Court, and where any such application is duly made the Court:—

(a) may by interim order suspend the operation of the order either generally or in so far as it affects any property of the applicant until the final determination of the proceedings; and

(b) if satisfied upon the hearing of the application that the order is not within the powers of this Act or that the interests of the applicant have been substantially prejudiced by any requirement of this Act not having been complied with may quash the order either generally or in so far as it affects any property of the applicant.

(4) Subject to the provisions of the last preceding sub-section, an order shall not, either before or after its confirmation, be questioned by prohibition or certiorari or in any legal proceedings whatsoever, and shall become operative at the expiration of six weeks from the date on which notice of its confirmation is published in accordance with the provisions of sub-section (2) of this section.

(5) So soon as may be after an order has become operative, the local authority shall serve a copy thereof on every person on whom a notice was served by them of their intention to submit the order to the Minister for confirmation.

18.—(1) A local authority may, with the approval of the Minister, by order extinguish any public right of way over any land purchased by them under this Part of this Act, but an order made by a local authority under this sub-section shall be published in the prescribed manner, and if any objection thereto is made to the Minister before the expiration of six weeks from the publication thereof, the Minister shall not approve the order until he has caused a public local inquiry to be held into the matter.

Extinguishment of ways, easements, etc.

(2) Upon the completion by a local authority of the purchase by them of any land under this Part of this Act, all private rights of way and all rights of laying down, erecting, continuing or maintaining any pipes, sewers, drains, wires or cables on, under or over that land (together with the property in those pipes, sewers, drains, wires or cables) and all other rights or easements in or relating to that land shall, except so far as may be otherwise agreed by the local authority and the person entitled to the right in question, vest in the local authority, and any person who suffers loss by the vesting of any such right or property as aforesaid, shall be entitled to be paid by the local authority compensation to be determined under and in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925 (No. 22 of 1925.)



## PART III.

### HOUSING OF THE WORKING CLASSES.

#### UNHEALTHY DWELLING HOUSES.

Power of local  
authority to  
require repair of  
insanitary house.

19.—(1) Where a local authority, upon consideration of an official representation or a report from any of their officers, or 5 other information in their possession, are satisfied that any dwelling-house which is occupied or is of a type suitable for occupation by persons of the working classes is in any respect unfit for human habitation they shall, unless they are satisfied that it is not capable at a reasonable expense of being rendered 10 so fit, serve upon the person having control of the house a notice requiring him, within such reasonable time, not being less than twenty-one days, as may be specified in the notice, to execute the works specified in the notice and stating that, in the opinion of the local authority, those works will render the house fit for human 15 habitation.

(2) In addition to serving a notice under this section on the person having control of the house, the local authority may at their discretion serve a copy of the notice on any other person having an interest in the house, whether as owner in fee simple, 20 mortgagee, lessee, or otherwise.

(3) In determining for the purposes of this Part of this Act whether a dwelling-house can be rendered fit for human habitation at a reasonable expense, regard shall be had to the estimated cost of the works necessary to render it so fit and the value which it is 25 estimated that the dwelling-house will have when the works are completed.

Enforcement of  
notice requiring  
execution of  
repairs.

20.—(1) If a notice under the last preceding section requiring the person having control of the house to execute works is not complied with, then, after the expiration of the 30 time specified in the notice or, if an appeal has been made against the notice and upon that appeal the notice has been confirmed with or without variation, after the expiration of twenty-one days from the final determination of the appeal, or of such longer period as the court in determining the appeal may 35 fix, the local authority may enter the house and may themselves do the work required to be done by the notice, or by the notice as varied by the court, as the case may be.

(2) Where the local authority are about to enter upon a dwelling-house under the provisions of the last preceding sub- 40 section for the purpose of doing any work, they may give to the person having control of the house, and, if they think fit, to any other person being an owner of the house, notice in writing of their intention so to do, and if at any time after the expiration of seven days from the service upon him of such notice and 45 whilst any workman or contractor employed by the local authority is carrying out works in the house any person upon whom the notice was served or any workman employed by him, or by any contractor employed by him, is in the house for the purpose of carrying out any works, the person upon whom the 50 notice was served shall be deemed to be obstructing the local authority in the execution of this Act and shall be liable on summary conviction to a fine not exceeding twenty pounds, unless he proves to the satisfaction of the court before which he is charged that there was urgent necessity to carry out the 55 said works in order to obviate danger to occupants of the house.

(3) Any expenses incurred by the local authority under this section, together with interest, at such rate as the Minister may with the approval of the Minister for Finance from time to time by order fix, from the date when a demand for the expenses is 60 served until payment, may, subject as hereinafter provided, be recovered by them, by action or summarily as a civil debt, from the person having control of the house, or, if he receives the rent of the house as agent or trustee for some other person, then either from him or from that other person, or in part from 65 him and as to the remainder from that other person:



Provided that if the person having control of the house proves that he—

(a) is receiving the rent merely as an agent or trustee for some other person; and

5 (b) has not, and since the date of the service on him of the demand has not had, in his hands on behalf of that other person sufficient money to discharge the whole demand of the local authority.

his liability shall be limited to the total amount of the money  
10 which he has, or has had, in his hands as aforesaid.

(4) In all summary proceedings by the local authority for the recovery of any such expenses, the time within which the proceedings may be taken shall be reckoned from the date of the service of the demand or, if an appeal is made against that demand, from the date on which the demand becomes operative.  
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(5) The local authority may by order declare any such expenses to be payable by weekly or other instalments within a period not exceeding thirty years with interest at such rate as the Minister may, with the approval of the Minister for Finance,  
20 from time to time by order fix, from the date of the service of the demand until the whole amount is paid, and any such instalments and interest, or any part thereof, may be recovered summarily as a civil debt from any owner or occupier of the dwelling-house, and, if recovered from an occupier, may be deducted by him from  
25 the rent of the house.

(6) The amount of any expenses and interest thereon due to a local authority under this section shall be a charge on the premises in respect of which the expenses were incurred, and the local authority shall for the purpose of enforcing that charge  
30 have all the same powers and remedies as if they were mortgagees by deed having powers of sale and lease, of accepting surrenders of leases and of appointing a receiver.

(7) No action taken under this, or the last preceding, section shall prejudice or affect any other powers of the local authority  
35 or any remedy available to the tenant of a dwelling-house against his landlord, either at common law or otherwise.

21.—(1) Where a demand for the recovery of expenses incurred by a local authority under the next foregoing section has become operative and such expenses or any part thereof remain unpaid  
40 the local authority may, after giving not less than ten days notice to the person having control of the house in respect of which such expenses were incurred serve a notice in the prescribed form upon the occupier or occupiers of such house, stating the amount of such expenses remaining unpaid and requiring such occupier  
45 or occupiers to pay to the local authority any rent then due or thereafter to become due by him or them until the amount of such expenses with any interest due thereon is fully repaid.

Recovery of expenses of repair from occupier.

(2) The service of any such notice as is referred to in the foregoing sub-section upon an occupier shall operate to transfer to  
50 the local authority the exclusive right to recover, receive and give a discharge for the rent required by such notice to be paid to the local authority.

22.—(1) A local authority, to whom any expenses are due in respect of the execution of works to a house under section 20 of this Act which is or has become vacant, may if satisfied that payment of such expenses cannot be recovered from the person having control of the house and after giving to such person twenty-one days' notice in writing of their intention so to do, make in the name of such person a letting of the house to a suitable person  
60 at such rent and for such period and on such terms and conditions as to the local authority shall seem proper having regard to the circumstances and to the nature of any previous tenancy in the house.

Power of local authority to let a vacant house in respect of which expenses are due.

(2) Every such notice as is referred to in the foregoing sub-section shall state the rent period for which and the terms and conditions on which the local authority propose to make a letting  
65 of the house.



(3) For the purposes of this section and for those purposes only the local authority shall be deemed to be the agent of the person having control of the house with power to make a letting without his consent and the word "house" includes in the case of a house habitually let in separate apartments, a part of a house. 5

(4) Any person aggrieved by a proposal of a local authority to make a letting of a house under this section may, within twenty-one days after the date of the service of the notice referred to in sub-section (1) of this section, appeal to the Circuit Court, who may make such order in the matter as to the Court shall 10 seem just and reasonable but the decision of the Court shall be final and conclusive and not subject to any appeal.

Power of local authority to order demolition of insanitary house.

**23.**—(1) Where a local authority, upon consideration of an official representation, or a report from any of their officers, or other information in their possession, are satisfied that any dwell- 15 ing house which is occupied, or is of a type suitable for occupation by persons of the working classes, is unfit for human habitation and is not capable at a reasonable expense of being rendered so fit, they shall serve upon the person having control of the house, upon any other person who is an owner thereof, and, 20 so far as it is reasonably practicable to ascertain such persons, upon every mortgagee thereof, notice of the time (being some time not less than twenty-one days after the service of the notice) and place at which the condition of the house and any offer with respect to the carrying out of works, or the future use of the 25 house, which he may wish to submit will be considered by them, and every person upon whom such a notice is served shall be entitled to be heard when the matter is so taken into consideration.

(2) The local authority may if, after consultation with any 30 owner or mortgagee, they think fit so to do, accept an undertaking from him, either that he will within a specified period carry out such works as will in the opinion of the local authority render the house fit for human habitation, or that it shall not be used for human habitation until the local authority, on being 35 satisfied that it has been rendered fit for that purpose, cancel the undertaking.

(3) If no such undertaking as is mentioned in the last preceding subsection is accepted by the local authority, or if, in a case where they have accepted such an undertaking, any work to 40 which the undertaking relates is not carried out within the specified period, or the house is at any time used in contravention of the terms of the undertaking, the local authority shall forthwith make a demolition order requiring that the house shall be vacated within a period to be specified in the order, not being 45 less than twenty-eight days from the date on which the order becomes operative, and that it shall be demolished and the site thereof cleared and levelled within six weeks after the expiration of that period, or, if the house is not vacated before the expiration of that period, within six weeks after the date on which it is 50 vacated, or in either case within such longer period as in the circumstances the local authority deem it reasonable to specify and shall serve the order upon every person upon whom they would be required by sub-section (1) of this section to serve a notice issued by them under that subsection. 55

Underground room to be deemed to be a house unfit for human habitation.

**24.**—(1) A room habitually used as a sleeping place the surface of the floor of which is more than three feet below the surface of the part of the street adjoining or nearest to the room, or more than three feet below the surface of any ground within nine feet 60 of the room, shall for the purposes of this Part of this Act be deemed to be a house unfit for human habitation, if the room either—

(a) is not on an average at least eight feet in height from floor to ceiling; or

(b) does not comply with such regulations as the local 65 authority with the consent of the Minister may prescribe for securing the proper ventilation and lighting of such rooms, and the protection thereof against dampness, effluvia, or exhalation.



(2) If the local authority, after being required to do so by the Minister, fail to make such regulations as aforesaid, or such regulations as the Minister approves, the Minister may himself make them, and the regulations so made shall have effect as if they had been made by the local authority with the consent of the Minister.

25.—A local authority may under this Part of this Act take the like proceedings in relation to any part of a building which is let for human habitation as a separate tenement or in relation to any underground room which by virtue of sub-section (1) of section 24 of this Act is to be deemed to be unfit for human habitation, as they are empowered to take in relation to a dwelling-house subject, however, to this qualification that, in circumstances in which, in the case of a dwelling-house, they would have made a demolition order, they shall, in the case of a part of a building, which is let for human habitation as a separate tenement, make a closing order prohibiting the use of that part for human habitation and in the case of any such underground room as aforesaid make a closing order prohibiting the use of the room for the purposes of a sleeping place; but the local authority shall determine a closing order so made by them on being satisfied that the part of the building or the room to which it relates has been rendered fit for human habitation.

Power of local authority to deal with part of building.

26.—(1) When a demolition order under this Part of this Act has become operative, the owner or owners of the house to which it applies shall demolish that house and clear and level the site thereof within the time limited in that behalf by the order; and, if the house is not demolished and the site thereof cleared and levelled within that time, the local authority shall enter and demolish the house and clear and level the site thereof and sell the materials thereof, and the provisions of sub-sections (2) (3) (4) and (5) of section 8 of this Act shall apply in relation to any expenses incurred by the authority under this sub-section and to any surplus remaining in the hands of the local authority as they apply in relation to any expenses or surplus in a case where a building is demolished in pursuance of a clearance order.

Procedure where demolition order or closing order made or undertaking given as to user of house.

(2) Any person who, knowing that a closing order has become operative and applies to any premises, or that an undertaking has been given under this Part of this Act that any premises shall not be used for certain purposes specified in the undertaking, uses those premises in contravention of the terms of the order or undertaking, or permits them to be so used, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day or part of a day, on which he so uses them, or permits them to be so used, after conviction.

(3) Where an undertaking has been given under this Part of this Act that any premises shall not be used for human habitation, nothing in the Increase of Rent and Mortgage Interest (Restrictions) Acts, 1923 to 1930, or in any enactment amending those Acts, shall prevent any owner of those premises from obtaining possession thereof.

27.—(1) Any person aggrieved by—

Appeals.

- (a) a notice under this Part of this Act requiring the execution of works;
- (b) a demand for the recovery of expenses incurred by a local authority in executing works specified in any such notice;
- (c) an order made by a local authority with respect to any such expenses;
- (d) a demolition order made under this Part of this Act;
- (e) a closing order so made or a refusal to determine a closing order;

may, within twenty-one days after the date of the service of the notice, demand or order, or after the refusal, as the case may be,



appeal to the Circuit Court, and no proceedings shall be taken by the local authority to enforce any notice, demand or order against which an appeal is brought before the appeal has been finally determined:

Provided that—

- (i) on an appeal under paragraph (b) or paragraph (c) of this sub-section no question shall be raised which might have been raised on an appeal against the original notice requiring the execution of the works; and
- (ii) no appeal shall lie under paragraph (d) or paragraph (e) of this sub-section at the instance of a person who is in occupation of the premises to which the order relates under a lease or agreement of which the unexpired term does not exceed three years.

(2) In any appeal to the Circuit Court under this section—

- (a) the court may make such order either confirming or quashing or varying the notice, demand or order as it thinks fit, and may, if it thinks fit, accept from an appellant any such undertaking as might have been accepted by the local authority, and any undertaking so accepted by the court shall have the like effect as if such undertaking had been given to and accepted by the local authority under this Part of this Act; and
- (b) where the court allows an appeal against a notice requiring the execution of works to a dwelling-house, it shall, if requested by the local authority so to do, include in its judgment a finding whether the house can or cannot be rendered fit for human habitation at a reasonable expense.

(3) Rules of Court shall regulate the practice and procedure of the Circuit Court under this section, and the rules shall make provision with respect to an inspection by the Circuit Court of the premises to which the appeal relates in any case in which the court considers that such inspection is desirable.

(4) Any notice, demand or order against which an appeal might be brought to the Circuit Court under this section shall, if no such appeal is brought, become operative on the expiration of the period of twenty-one days mentioned in sub-section (1) of this section and shall be final and conclusive as to any matters which could have been raised on such an appeal, and any such notice, demand or order against which an appeal is brought shall, if and so far as it is confirmed by the Circuit Court, become operative as from the date of the final determination of the appeal.

(5) For the purposes of this Part of this Act the withdrawal of an appeal shall be deemed to be the determination thereof, having the like effect as a decision confirming the notice, demand or order, or decision appealed against.

(6) No appeal shall lie under section 61 of the Courts of Justice Act, 1924 (No. 10 of 1924) from a decision of the Circuit Court under this section.

Power of local authority to acquire and repair certain houses.

**28.**—(1) Where any person has appealed against a notice under this Part of this Act requiring the execution of works to a dwelling-house, and the Circuit Court in allowing the appeal has found that the house cannot be rendered fit for human habitation at a reasonable expense, the local authority may purchase that house by agreement, or may be authorised to purchase it compulsorily in accordance with the provisions of this section, and, if they purchase the house compulsorily, they shall forthwith execute all such works as were specified in the notice against which the appeal was brought.

(2) A local authority may for the purposes of this section be authorised to purchase a house by a compulsory purchase order made and submitted to the Minister within six months after the determination of the appeal and confirmed by him in accordance



with the provisions of the Second Schedule to this Act; but if any person being an owner or mortgagee of the house undertakes to carry out to the satisfaction of the Minister and within such period as the Minister may fix, the works specified in the notice  
5 against which the appeal was brought, the Minister shall not confirm the compulsory purchase order unless that person has failed to fulfil his undertaking.

(3) The compensation to be paid for any house purchased compulsorily under this section shall be the value, at the time when  
10 the valuation is made, of the site as a cleared site available for development in accordance with the requirements of the building bye-laws for the time being in force in the district, and subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by  
15 the Acquisition of Land (Reference Committee) Act, 1925 (No. 22 of 1925).

#### PART IV.

##### MISCELLANEOUS AMENDMENTS OF THE LAW RELATING TO THE HOUSING OF THE WORKING CLASSES.

20 **29.**—It shall be the duty of every local authority to cause an inspection of their district to be made from time to time with a view to ascertaining whether any dwelling-house therein is unfit for human habitation, and for that purpose it shall be the duty of the local authority and every officer of the local authority, to  
25 comply with such regulations and to keep such records as the Minister may prescribe.

Duty of local authority to inspect their district.

**30.**—A local authority may, for the purpose of enabling them to serve any notice (including any copy of any notice) which they are by the Housing of the Working Classes Acts authorised or required to serve, require the occupier of any premises and any  
30 person who, either directly or indirectly, receives rent in respect of any premises, to state in writing the nature of his own interest therein and the name and address of any other person known to him as having an interest therein, whether as owner in fee simple, mortgagee, or lessee or otherwise, and any person who, having  
35 been required by a local authority in pursuance of this section to give to them any information, fails to give that information, or knowingly makes any misstatement in respect thereof, shall be liable on summary conviction to a fine not exceeding five pounds.

Power of local authority to require information as to ownership of premises.

40 **31.**—(1) In any contract entered into after the passing of this Act for letting for habitation a dwelling-house at a rent not exceeding—

Conditions to be implied on letting of house for habitation.

(a) in the case of a house situate in the County Borough of Dublin or the Borough of Dun Laoghaire, thirty  
45 pounds per annum;

(b) in the case of a house situate elsewhere, twenty-five pounds per annum;

there shall, notwithstanding any stipulation to the contrary, be implied a condition that the house is at the commencement of  
50 the tenancy, and an undertaking that the house will be kept by the landlord during the tenancy, in all respects reasonably fit for human habitation:

Provided that the condition and undertaking aforesaid shall not be implied when a house is let for a term of not less than  
55 three years upon the terms that it be put by the lessee into a condition reasonably fit for habitation, and the lease is not determinable at the option of either party before the expiration of three years.

(2) The landlord, or any person authorised by him in writing,  
60 may at reasonable times of the day, on giving twenty-four hours' notice in writing to the tenant or occupier, enter any premises to which this section applies for the purpose of viewing the state and condition thereof.



(3) In this section the expression " landlord " means any person who lets for habitation to a tenant any house under any contract referred to in this section, and includes his successors in title, and the expression " dwelling-house " includes part of a house.

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Matters to be considered in determining a house to be unfit for human habitation.

**32.**—Where it is required for the purposes of the Housing of the Working Classes Acts to determine whether a house is fit for human habitation, regard shall be had to the extent, if any, to which by reason of disrepair or sanitary defects the house falls short of the provisions of any bye-laws in operation in the district of the local authority in which such house is situate, or of the general standard of housing accommodation for the working classes in such district.

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Recovery of possession of buildings subject to a clearance or demolition order.

**33.**—(1) Where a clearance order or a demolition order has become operative, the local authority shall serve on the occupier of any building or any part of any building to which the order relates a notice stating the effect of the order and specifying the date by which the order requires the building to be vacated and requiring him to quit the building before the said date or before the expiration of twenty-eight days from the service of the notice, whichever may be the later; and if at any time after the date on which the notice requires the building to be vacated any person is in occupation of the building, or of any part thereof, the local authority or any owner of the building may make complaint to a court of summary jurisdiction and thereupon the court shall by their warrant which shall have the same effect as a warrant under section eighty-six of the Landlord and Tenant Law Amendment Act, Ireland, 1860, order vacant possession of the building or of the part thereof to be given to the complainant within such period not being less than two weeks nor more than four weeks as the court may determine.

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(2) Any expenses incurred by a local authority under this section in obtaining possession of any building or of any part of a building may be recovered by them from the owner, or from any of the owners, of that building summarily as a civil debt.

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(3) Any person who, knowing that a clearance order or a demolition order has become operative and applies to any building, enters into occupation of that building, or of any part thereof, after the date by which the order requires that building to be vacated, or permits any other person to enter into such occupation after that date, shall be liable on summary conviction to a fine not exceeding twenty pounds and to a further penalty of five pounds for every day, or part of a day, on which the occupation continues after such conviction.

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Recovery of possession of houses and buildings for purposes of enactments relating to the housing of the working classes.

**34.**—(1) Nothing in the Increase of Rent and Mortgage Interest (Restrictions) Acts, 1923 to 1930, shall be deemed to affect the provisions of this Act relating to the obtaining possession of a house with respect to which a clearance order or demolition order has been made, or to prevent possession being obtained of any house possession of which is required for the purpose of enabling a local authority to exercise their powers under the Housing of the Working Classes Acts, or for the purpose of securing compliance with any bye-laws made for the prevention of overcrowding.

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(2) Where a local authority, for the purpose of exercising their powers under the Housing of the Working Classes Acts, require possession of any building or any part of a building of which they are the owners, possession thereof may (without prejudice to any other method of recovery) be recovered by them in a summary manner under section fifteen of the Summary Jurisdiction (Ireland) Act, 1851, wherever the building or part of a building may be situated and whatever may be the rent or term of the tenancy.

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Power of Circuit Court to determine lease where premises demolished.

**35.**—(1) Where any premises in respect of which a clearance order or a demolition order made under this Act has become operative form the subject matter of a lease, either the lessor or the lessee may apply to the Circuit Court within the jurisdiction

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of which the premises are situate for an order determining the lease.

(2) Upon any such application as aforesaid the Circuit Court, after giving to any sub-lessee an opportunity of being heard, may, if it thinks fit, order that the lease shall be determined, either unconditionally or subject to such terms and conditions (including conditions with respect to the payment of money by any party to the proceedings to any other party thereto by way of compensation or damages or otherwise) as the court may think just and equitable to impose, regard being had to the respective rights, obligations, and liabilities of the parties under the lease and all the other circumstances of the case.

(3) Rules of Court shall regulate the practice and procedure of the Circuit Court under this section.

(4) In this section the expression "lease" includes an under-lease and any tenancy or agreement for a lease, under-lease, or tenancy, and the expressions "lessor," "lessee," and "sub-lessee" shall be construed accordingly, and as including also a person deriving title under a lessor, lessee or sub-lessee.

**36.**—A local authority may pay to any person displaced from any dwelling-house or other building to which a clearance order, a demolition order, or a closing order applies, or which has been purchased by them under Part II of this Act as being comprised in a clearance area, or under Part III of this Act, as being incapable of being rendered fit for human habitation, such reasonable allowance as they think fit towards his expenses in removing; and to any person carrying on any trade or business in any such dwelling-house or other building they may with the consent of the Minister pay also such reasonable allowance as they think fit towards the loss which, in their opinion, he will sustain by reason of the disturbance of his trade or business consequent on his having to quit the house or building and in estimating that loss they shall have regard to the period for which the premises occupied by him might reasonably have been expected to be available for the purpose of his trade or business and the availability of other premises suitable for that purpose.

Power of local authority to make allowances to certain persons displaced.

**37.**—(1) A local authority may for the purposes of Part III of the Act of 1890 as amended by any subsequent enactment including this Act be authorised to purchase land compulsorily by means of a compulsory purchase order made by the local authority and submitted to and confirmed by the Minister in accordance with the provisions contained in the Second Schedule to this Act.

Acquisition of land for purposes of Part III of the Act of 1890.

(2) The provisions of this Act with respect to the validity and date of operation of compulsory purchase orders shall apply to compulsory purchase orders made under this section.

(3) Section 57 of the Act of 1890 is hereby repealed in so far as it relates to the acquisition of land otherwise than by agreement.

**38.**—A local authority may, with the consent of and subject to any conditions imposed by the Minister, acquire land by agreement (but not otherwise) for the purposes of Part III of the Act of 1890 as amended by any subsequent enactment, including this Act, notwithstanding that the land is not immediately required for the purpose.

Acquisition of land not immediately required for the purposes of Part III of the Act of 1890.

**39.**—(1) A local authority may acquire either by agreement with the consent of the Minister or compulsorily a derelict site for any of the purposes of Part III of the Act of 1890 as amended by any subsequent enactment, including this Act, notwithstanding that such site is not immediately required for such purpose.

Acquisition of and compensation for derelict sites.

(2) A derelict site so acquired by a local authority may with the consent of the Minister, pending its ultimate appropriation for the purpose for which it was acquired, be used temporarily by the local authority as a playground or recreation ground for persons of the working classes and other persons.



(3) Where a local authority acquire compulsorily a derelict site for any of the purposes of the Housing of the Working Classes Acts the compensation to be paid by the local authority in respect of the acquisition of such site shall be assessed in accordance with the provisions contained in Part I of the Third Schedule to this Act and, subject as aforesaid, shall be assessed in accordance with the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925 (No. 22 of 1925).

(4) For the purposes of this section the expression "derelict site" means any land situate in an area inhabited mainly by persons of the working classes or in close proximity to such an area which is:—

- (a) the site of a building that has been demolished or which is in a ruinous and uninhabitable condition; or
- (b) land which has not been and cannot be built upon without clearance and levelling and is or is likely to become in such a state as to be a nuisance or injurious to health by reason of the deposit thereon of filth, rubbish or other insanitary matters or otherwise; and
- (c) which is land which has been lying undeveloped or not re-developed for a period of not less than three years immediately preceding the time at which the local authority determine by resolution to acquire the land.

Powers in connection with provision of houses.

**40.**—(1) Any power of the local authority under the Housing of the Working Classes Acts to provide housing accommodation, shall include a power to provide and maintain with the consent of the Minister and, if desired, jointly with any other person, in connection with any such housing accommodation, any building adapted for use as a shop, any playgrounds or recreation grounds, open spaces or other buildings or land which in the opinion of the Minister will serve a beneficial purpose in connection with the requirements of the persons for whom the housing accommodation is provided.

(2) The Minister may, in giving his consent to the provision of any land or building under this section, by order apply, with any necessary modifications, to such land or building any statutory provisions which would have been applicable thereto if the land or building had been provided under any enactment giving any local authority powers for the purpose.

Power of entry on lands proposed to be acquired.

**41.**—(1) Where a local authority are by a compulsory purchase order made and confirmed under Part II of this Act or Part III of the Act of 1890 as amended by any subsequent enactment including this Act authorised to purchase land compulsorily for the purposes of such Part the local authority may at any time after such order has become operative on giving not less than fourteen days' notice in writing to the owner and occupier of the land enter on and take possession of the land or of such part thereof as may be specified in the notice without previous consent or compliance with the provisions of the Lands Clauses Acts as amended by the Housing of the Working Classes Acts relating to entry on lands and upon the service of any such notice the local authority shall be deemed to have signified their intention of purchasing the land and shall be liable to the payment of the like compensation as if the said provisions of the Lands Clauses Acts had been complied with and to payment of interest upon such compensation as from the time of such entry.

(2) Where a local authority have agreed to purchase land for the purposes of Part II of this Act or Part III of the Act of 1890, as amended by any subsequent enactment, including this Act, or have determined to appropriate land for either of those purposes, subject to the interest of the person in possession thereof, and that interest is not greater than that of a tenant for a year or from year to year then, at any time after such agreement has been made, or such appropriation has been approved by the Minister, the local authority may, after giving to the person so in possession twenty-one days' notice in writing, enter on and



take possession of the land or such part thereof as is specified in the notice without previous consent, but subject to the payment to the person so in possession of the like compensation, with such interest thereon as aforesaid, as if the local authority had been authorised to purchase the land compulsorily and such person had in pursuance of such power been required to quit possession before the expiration of his term or interest in the land, but without the necessity of compliance with the provisions of the Lands Clauses Acts as amended by the Housing of the Working Classes Acts relating to entry on lands.

42.—Any person authorised in writing stating the particular purpose or purposes for which the entry is authorised, by the local authority may at all reasonable times, on giving twenty-four hours' notice to the occupier and to the owner, if the owner is known, of his intention, enter any house, premises, or building—

Power of entry on lands for survey, etc.

(a) for the purpose of survey or valuation, in the case of houses, premises, or buildings which the local authority are authorised to purchase compulsorily under the Housing of the Working Classes Acts; or

(b) for the purpose of survey and examination in the case of any house in respect of which a notice requiring the execution of works has been served or a clearance order, demolition order or closing order has been made; or

(c) for the purpose of survey and examination where it appears to the local authority that survey or examination is necessary in order to determine whether any powers under the Housing of the Working Classes Acts should be exercised in respect of any house, premises or building.

43.—(1) For the purposes of Part I and Part II of the Act of 1890 as amended by any subsequent enactment including this Act, the town commissioners of any town under the Town Improvements (Ireland) Act, 1854, shall be a local authority and shall have for the purposes of the said Parts of the Act of 1890, as so amended the like powers of borrowing and of raising expenses as are conferred on them by the Housing of the Working Classes (Ireland) Acts 1890 to 1921 for the purposes of Part III. of the Act of 1890.

Town Commissioners to be a local authority for purposes of Parts I and II of the Act of 1890.

(2) Such town commissioners shall for the purpose of holding any land acquired by them under Part I or Part II of the Act of 1890 as amended by any subsequent enactment including this Act and of suing and being sued in respect thereof be deemed to be a body corporate with perpetual succession and any instrument relating to any such land shall be duly executed by such town commissioners if executed in manner provided by section 59 of the Commissioners Clauses Act, 1847, with respect to conveyances by commissioners who are not a body corporate.

(3) Section 100 of the Act of 1890 shall in its application to town commissioners have effect as if the reference therein to Part III of the Act of 1890 were construed as a reference to Parts I, II and III of the Act of 1890, as amended by any subsequent enactment including this Act.

44.—If it appears to the Minister that owing to density of population, or any other reason, it is expedient to inquire into the circumstances of any area with a view to determining whether any powers under the Housing of the Working Classes Acts should be put into force in that area or not, the Minister may require the local authority to make a report to him containing such particulars as to the population of the district and other matters as he may direct and the local authority shall comply with the requirement of the Minister, and any expenses incurred by them in so doing shall be paid as expenses incurred

Power of Minister to obtain a report on any crowded area.



in the execution of such part of the Act of 1890 as amended by any subsequent enactment including this Act as the Minister may determine.

Power of Minister to prescribe forms, etc., and to dispense with advertisements and notices.

45.—(1) The Minister may by Order make regulations prescribing anything which by the Housing of the Working Classes Acts is required to be prescribed and also the form of any notice advertisement or other document and the scale of any map which is required or authorised to be used or given under or for the purposes of the said Acts. 5

(2) The Minister may dispense with the publication of advertisements or the service of notices required to be published or served by a local authority under the Housing of the Working Classes Acts, if he is satisfied that there is reasonable cause for dispensing with the publication or service thereof. 10

(3) Any such dispensation may be given by the Minister either before or after the time at which the advertisement is required to be published or the notice is required to be served and either unconditionally or upon such conditions as to the publication of other advertisements or the service of other notices or otherwise as the Minister thinks fit, due care being taken by the Minister to prevent the interests of any persons being prejudiced by the dispensation. 15 20

(4) Every regulation 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 such House within the next subsequent twenty-one days on which that House has sat annulling such regulation, such regulation shall be annulled accordingly, but without prejudice to the validity of anything previously done under such regulation. 25

Penalty for preventing execution of repairs, etc.

46.—(1) If any person, after receiving notice of the intended action:— 30

- (a) being the occupier of any premises prevents the owner thereof or his officers, agents, servants or workmen from carrying into effect with respect to those premises any of the provisions of Part III of this Act; 35
- (b) being the owner or occupier of any premises prevents the medical officer of health or any officers, agents, servants or workmen of such officer or of the local authority from so doing; or
- (c) being the inmate of any premises, prevents the owner thereof or any other person upon whom any obligations with respect to the premises are imposed by bye-laws under section 20 of the Housing (Ireland) Act, 1919, from complying with such obligations 40

a court of summary jurisdiction on proof thereof may order that person to permit to be done on the premises all things requisite for carrying into effect such provisions or the fulfilment of such obligations with respect to the premises. 45

(2) If any such person fails to comply with any such order of a court of summary jurisdiction, he shall for each day during which the failure continues be liable on summary conviction to a fine not exceeding twenty pounds. 50

Provisions with respect to official representations.

47.—(1) For the purposes of this Act or the Act of 1890 the expression "official representation" means, in the case of any local authority, a representation made to that authority by the medical officer thereof. 55

(2) The medical officer of health of a local authority shall make an official representation to the local authority whenever he is of opinion that any dwelling house in their district is unfit for human habitation, or that any area in their district is an area which should be dealt with either as a clearance area or as an improvement area; and if any four or more local government electors of the district complain to the medical officer of health 60



in writing that any dwelling-house is unfit for human habitation, or that any area should be dealt with either as a clearance area or as an improvement area, it shall be his duty forthwith to inspect that house or that area and to make a report to the local authority stating the facts of the case and whether, in his opinion, the house is unfit for human habitation, or whether, in his opinion, the area should be dealt with either as a clearance area or as an improvement area; but the absence of any such complaint shall not excuse him from inspecting any dwelling-house or area and making a representation thereon to the local authority.

(3) A local authority shall so soon as may be take into consideration any official representation which has been made to them.

48.—The provisions of any general order for the time being in force under the Solicitors Remuneration Act, 1881, prescribing and regulating the remuneration of solicitors shall apply for the purpose of prescribing and regulating the remuneration of solicitors in respect of business connected with the acquisition of land by a local authority under the Lands Clauses Acts for the purposes of the Housing of the Working Classes Acts in like manner as such provisions apply as between an ordinary vendor and purchaser, notwithstanding anything contained in any such order excluding from the operation thereof sales under the Lands Clauses Acts.

Remuneration of solicitors for business under the Housing of the Working Classes Acts.

49.—Subject to the provisions of the Housing of the Working Classes Acts as to the service of any notice, summons, writ or other proceeding at law or otherwise on local authorities, any notice, order, or other document required or authorised to be served under those Acts may be served either—

Service of notices, etc.

- (a) by delivering it to the person on whom it is to be served; or
- (b) by leaving it at the usual or last-known place of abode of that person; or
- (c) by forwarding it by post in a pre-paid registered letter addressed to that person at his usual or last-known place of abode, or in the case of an incorporated company or registered society addressed to the secretary of the company or society at the registered or principal office of the company or society; or
- (d) if addressed to the "owner" or "occupier" of premises, by delivering it to some person on the premises, or if there is no person in the premises on whom it can be so served, then by affixing it to some conspicuous part of the premises.

(2) Subject as aforesaid, any notice, order or other document which is by the Housing of the Working Classes Acts required or authorised to be served on the owner or occupier of any premises may be addressed to the "owner" or "occupier" of the premises (naming them) without further name or description.

50 50.—Paragraphs (1) to (8) and paragraph (12) of section 11 of the Labourers (Ireland) Act, 1906, which amend the Lands Clauses Acts with respect to the payment of purchase money, the conveyance of land and other matters shall apply to the taking of land otherwise than by agreement under the Lands Clauses Acts as amended by the Housing of the Working Classes Acts by a local authority for the purposes of those Acts, in like manner as the said paragraphs apply to a district council so taking land for the purposes of the Labourers (Ireland) Acts, 1883 to 1930, with the modification that in paragraph (1) of the said section 11 of the Labourers (Ireland) Act, 1906, the words "Lands Clauses Acts" shall be substituted for the words "Land Purchase Acts."

Application of provisions of section 11 of the Labourers (Ireland) Act, 1906, amending the Lands Clauses Acts.

51.—(1) Paragraph (b) of sub-section (1) of section 8 of the Housing (Ireland) Act, 1919, shall be amended by the addition of the words "are suitable or" after the word "which" in the said paragraph.

Miscellaneous amendments of the Housing (Ireland) Act, 1919.



(2) Sub-section (2) of section 8 of the Housing (Ireland) Act, 1919, shall be amended by the addition of the following paragraph:—

(iii) the lease or sale under the powers conferred by this Act to philanthropic societies or bodies of persons approved of by the Minister of any estate or interest in any houses which are suitable or might be made suitable as houses for the working classes with a view to such houses being maintained or being made suitable and maintained as houses for the working classes by such philanthropic societies or bodies of persons. 5 10

(3) Paragraph (ii) of sub-section (2) of section 8 of the Housing (Ireland) Act, 1919, shall be amended by the addition of the words "factories, workshops, places of worship, playgrounds, places of recreation, open spaces" after the word "gardens" in the said paragraph. 15

(4) Paragraph (b) of sub-section (1) of section 11 of the Housing (Ireland) Act, 1919, shall be amended by the addition of the words "factories, workshops, places of worship, playgrounds, places of recreation, open spaces," after the word "gardens" in the said paragraph. 20

(5) Sub-section (2) of section 11 of the Housing (Ireland) Act, 1919, shall have effect as if the words from "subject to any condition" to "thereon, and" were omitted therefrom. 25

(6) Section 17 of the Housing (Ireland) Act, 1919, which confers powers on the Commissioners of Public Works in Ireland to make loans to private persons shall become a permanent enactment and any provision in any Act in force at the date of the passing of this Act which limits the period for which the said section is to remain in force shall cease to have effect. 30

Execution by local authorities of works under section 20 of the Housing (Ireland) Act, 1919.

52.—Where an owner or other person has failed to execute any work which he has been required to execute under bye-laws made by a local authority in pursuance of section 20 of the Housing (Ireland) Act, 1919, the local authority by whom such bye-laws are enforced may after giving to him not less than twenty-one days' notice in writing themselves execute the works and recover the costs and expenses and for that purpose the provisions of Part III of this Act with respect to the enforcement of notices requiring the execution of repairs and the recovery of expenses by local authorities shall apply with such modifications as are necessary. 35 40

Assessment of compensation in respect of existing houses acquired by a local authority.

53.—Where a local authority acquire compulsorily any house which is suitable or might be made suitable for persons of the working classes for the purposes of Part III of the Act of 1890, as amended by any subsequent enactment including this Act, the compensation payable in respect thereof shall be assessed in accordance with the provisions contained in Part II of the Third Schedule to this Act. 45

Minor and consequential amendments of housing enactments.

54.—The amendments specified in the Second Column of the Fourth Schedule to this Act which relate to minor or consequential details shall be made in the sections and sub-sections of the housing enactments specified in the First Column of that Schedule. 50

## PART V

### LABOURERS COTTAGES.

Increase of rate for purposes of Labourers (Ireland) Acts, 1883 to 1930.

55.—(1) Section 17 of the Labourers (Ireland) Act, 1883, shall be amended by the substitution therein of the words "two shillings" for the words "one shilling" in the proviso to the said section. 55

(2) Section 12 of the Labourers (Ireland) Act, 1906, shall be amended by the substitution of the word "sixpence" for the word "three-pence" in the said section. 60



56.—(1) The operation of section 15 of the Labourers (Ireland) Act, 1883, shall be suspended until the expiration of a period of five years from the passing of this Act and where any provisional order has been confirmed before the passing of this Act or is confirmed after the passing of this Act but before the expiration of the said period, time shall for the purposes of the said section be reckoned as if the order had been confirmed on the last day of the said period and not previously.

Suspension of operation of section 15 of the Labourers (Ireland) Act, 1883.

(2) Nothing in this section shall effect any right, obligation or liability acquired, accrued or incurred under the said section 15 of the Labourers (Ireland) Act, 1883, before the passing of this Act, for the enforcement whereof proceedings have been commenced in any court before the first day of October, 1931, and are pending at the passing of this Act and any such proceedings may be continued as if this Act had not been passed.

57.—A sanitary authority may in the exercise of any power of borrowing conferred upon them by the Labourers (Ireland) Acts, 1883 to 1930, borrow money from the Commissioners of Public Works in Ireland and the said Commissioners may with the consent of the Minister for Finance and on the recommendation of the Minister lend such money to such sanitary authority under the Public Works (Ireland) Acts, 1831 to 1886, as amended by the Public Works Loans Act, 1897, and notwithstanding anything contained in the said Acts such loan may be made by the said Commissioners for such period and at such rate of interest as the Minister for Finance may from time to time prescribe.

Power of Commissioners of Public Works in Ireland to lend money for the purposes of the Labourers (Ireland) Acts, 1883 to 1930.

58.—Notwithstanding anything contained in the Labourers (Ireland) Acts, 1883 to 1930, a sanitary authority acting in the execution of these Acts may with the sanction of the Minister for the purpose of providing accommodation for agricultural labourers acquire any building and may alter, enlarge, improve or repair any such building so acquired by them so as to render such building in all respects fit for habitation by agricultural labourers.

Power to acquire buildings for purposes of Labourers (Ireland) Acts, 1883 to 1930.

## PART VI.

### ACQUISITION OF SMALL DWELLINGS.

59.—(1) The Small Dwellings Acquisition Act, 1899, as amended by the Housing (Ireland) Act, 1919, shall have effect subject to the following amendments—

Advances to persons intending to construct houses under the Small Dwellings Acquisition (Ireland) Acts, 1899 and 1919.

(a) An advance under those Acts may be made to a person intending to construct a house, and in such case the limitation in those Acts requiring that the person to whom the advance is made must be resident in the house, shall be construed as requiring that the person should be a person intending to reside in the house when constructed;

(b) The statutory condition requiring the proprietor of a house in respect of which an advance has been made to reside in the house shall have effect for a period of three years from the date when the advance is made, or from the date on which the house is completed, whichever is the later, but no longer, and compliance with this condition may at any time be dispensed with by the local authority;

(c) Where an advance is made in respect of a house in course of construction, the advance may be made by instalments from time to time as the building of the house progresses, so that the total advance does not at any time before the completion of the house exceed fifty per centum of the value of the work done up to that time on the construction of the house including the value of the interest of the person to whom the advance is made in the site thereof;



- (d) A person shall not, by reason only of the fact that an advance is made to him under those Acts, be disqualified from being elected as or being a member of the local authority by whom the advance is made or any committee of such local authority. 5

(2) Paragraph (c) of sub-section (2) of section 15 of the Small Dwellings Acquisition Act, 1899, is hereby repealed.

Increase of value of houses in respect of which advances may be made.

60.—Sub-section (1) of section 1 of the Small Dwellings Acquisition Act, 1899, as amended by the Housing (Ireland) Act, 1919, shall be amended by the substitution therein of one thousand pounds for eight hundred pounds as the limit of the market value of houses in respect of which advances may be made. 10

## PART VII.

### AMENDMENTS OF THE HOUSING ACTS, 1925 TO 1930.

Increase of aggregate amount of grants under Housing Acts, 1925 to 1930.

61.—Section 4 of the Housing Act, 1930, is hereby repealed 15 and in lieu thereof it is hereby enacted that the aggregate amount of grants made or to be made under section 3 of the Housing Act, 1925 (No. 12 of 1925), as amended by section 3 of the Housing Act, 1928 (No. 31 of 1928), together with the aggregate amount of the grants made or to be made under section 3 of the Housing Act, 1929 (No. 12 of 1929), shall not exceed the sum of one million, two hundred and eighty thousand pounds. 20

Extension of period for erection of houses by private persons.

62.—The First Schedule to the Housing Act, 1929 (No. 12 of 1929), as amended by section 5 of the Housing Act, 1930 (No. 22 of 1930), shall in its application to houses erected by private persons have effect as if there were inserted therein the following rule, and the said schedule and also section 2 of the first-mentioned Act shall be construed and have effect accordingly, that is to say:— 25

4. The erection of a house shall have been begun after the 1st day of April, 1929, and shall have been completed on or before the 29th day of February, 1932. 30

Continuance of assistance to private persons erecting houses.

63.—(1) Notwithstanding anything contained in the Housing Acts, 1925 to 1930, as amended by this Act, the Minister may under section 3 of the Housing Act, 1929 (No. 12 of 1929), as modified by this section, continue to make grants to private persons erecting houses to which that Act as modified by this section applies. 35

(2) For the purposes of this section the aggregate amount of the grants made or to be made under the Housing Acts, 1925 to 1930, as amended by this Act, shall be increased by the sum of twenty-five thousand pounds. 40

(3) The Housing Act, 1929 (No. 12 of 1929) shall for the purposes of this section, have effect subject to the following modifications, that is to say:—

- (a) Paragraph (a) of sub-section (1) of section 3 of the said Act shall have effect as if there were substituted therein “£20” for “£45”; 45

- (b) Paragraphs (b), (c) and (d) of sub-section (1) and sub-section (3) of section 5 and sub-sections (1) and (2) of section 7 of the said Act shall not apply; 50

- (c) No grant shall be made by the Minister under the said Act unless the local authority within whose functional area the house is erected make a grant in respect of the house of an amount equivalent to that made by the Minister; 55

- (d) For rules 2 and 4 of the First Schedule to the said Act there shall be substituted the following rules:—

2. The floor area of a house shall not be less than 500 square feet and not more than—

- (a) 950 square feet if such house is erected in a county borough, borough, urban district or town; or 60



(b) 1,250 square feet if such house is erected elsewhere;

- 5 4. The erection of a house shall have been begun on or after the 1st day of January, 1932, and shall have been completed before the expiration of this section.

(4) This section shall continue in force until the 31st day of December, 1933, and shall then expire.

## PART VIII.

### 10 FINANCIAL PROVISIONS.

64.—(1) The Minister may with the consent of the Minister for Finance out of monies to be provided by the Oireachtas, make contributions not exceeding the amounts and over periods not exceeding the periods hereinafter specified to local authorities and public utility societies towards the expenses incurred by them in the provision of houses for the working classes and agricultural labourers, that is to say:—

State contributions to expenses of provision of houses for the working classes.

20 (a) in the case of houses to which this paragraph applies erected for the purpose of accommodating persons displaced by any operations of a local authority under the Housing of the Working Classes Acts—

25 (i) forty per centum of the annual loan charges in respect of such houses over a period not exceeding fifteen years and thirty-three and one-third per centum of such annual loan charges over a subsequent continuous period not exceeding twenty-two years, if such houses each contain two or more separate tenements and are erected on land acquired under Part II of this Act as being land comprised in or surrounded by or adjoining a clearance area or land included in an improvement scheme made and confirmed under Part I of the Act of 1890 before the passing of this Act or with the consent of the Minister on any other land.

35 (ii) thirty per centum of the annual loan charges in respect of such houses over a period not exceeding fifteen years and twenty per centum of such annual loan charges over a subsequent continuous period not exceeding fifteen years, if such houses each contain only one tenement;

40 (b) in the case of houses to which this paragraph applies which have not been erected for the purpose specified in paragraph (a) hereof twenty per centum of the annual loan charges in respect of such houses over a period not exceeding thirteen years and fifteen per centum of the annual loan charges over a subsequent continuous period not exceeding five years;

45 (c) in the case of houses to which this paragraph applies which have not been erected for the purpose specified in paragraph (a) hereof and are not houses to which paragraph (b) applies, fifteen per centum of the annual loan charges in respect of such houses over a period not exceeding twenty years;

50 (d) in the case of houses erected by a local authority under the Labourers (Ireland) Acts, 1883 to 1930, after the passing of this Act for the accommodation of agricultural labourers, twenty per centum of the annual loan charges in respect of such houses over a period not exceeding thirty five years;

55 (e) in the case of houses erected by a public utility society the erection of which is begun after the passing of this Act, fifteen per centum of the annual loan charges in respect of such houses over a period not exceeding twenty years.



(2) The foregoing sub-section shall subject to the provisions therein contained apply as follows:—

(a) Paragraph (a) thereof shall apply to houses erected by a local authority under Part III of the Act of 1890 as amended by any subsequent Act, including this Act— 5

(i) which are erected under housing schemes the loans in respect of which have been sanctioned by the Minister after the 1st day of April, 1931, and before the passing of this Act; or

(ii) the erection of which is begun and completed 10 after the passing of this Act;

(b) Paragraph (b) thereof shall apply to houses erected by a local authority under Part III of the Act of 1890, as amended as aforesaid under housing schemes the loans in respect of which have been sanctioned by 15 the Minister during the period between the 1st day of April, 1931, and the passing of this Act;

(c) Paragraph (c) thereof shall apply to houses erected by a local authority under Part III of the Act of 1890, as amended as aforesaid, the erection of which is begun 20 and completed after the passing of this Act.

(3) The Minister shall not make any contribution under this section towards the expenses incurred by local authorities or public utility societies in the erection of any houses in respect of which grants have been or undertaken to be paid by him 25 under the Housing Acts, 1925 to 1930.

(4) Where a local authority under section 8 of the Housing (Ireland) Act, 1919, as amended by this Act, acquire any house which is suitable or might be made suitable as a house for the working classes for the purpose of the lease or sale thereof to a 30 philanthropic society or body of persons approved of by the Minister with a view to its being maintained or made suitable by such society or body of persons as a house for the working classes, the Minister may, with the consent of the Minister for Finance, out of monies to be provided by the Oireachtas, subject to a 35 maximum of two hundred pounds, make a grant of a sum not exceeding one half of the expenses incurred by the local authority in the acquisition of such house and one half of any expenses incurred by such local authority or such society or body of persons in altering, enlarging, improving or repairing such 40 houses, if such expenses in so far as they are incurred by a local authority are defrayed otherwise than out of borrowed monies.

(5) Regulations shall be made by the Minister with the approval of the Minister for Finance regulating and imposing conditions and restrictions with respect to the making of contributions and grants 45 under this section and any such regulations may prescribe the maximum rate of interest and the maximum of any loan for the purpose of limiting the amount of contribution based on annual loan charges.

(6) In this section the expression "annual loan charges" means 50 the sums payable by a local authority or public utility society as the case may be in a local financial year in repayment of any loan (including interest charges) borrowed by such authority or society for the purposes of the provision of houses to which this section applies and includes any sums payable to a sinking 55 fund, redemption fund or other like fund established for the repayment of any such loan, and the expression "public utility society" has the same meaning as in the Housing (Ireland) Act, 1919.

Remission of  
rates on small  
dwelling houses.

65.—(1) A local authority having power to levy rates shall in 60 every of the seven local financial years after the valuation for rating of a dwelling house to which this section applies remit two-thirds of the rates leviable in respect of that house in that year by the local authority.

(2) This section applies to any dwelling house the erection of 65 which is begun and completed after the passing of this Act, the floor area of which does not exceed 1,250 square feet but does not



apply to any such house erected by a local authority under the Housing of the Working Classes Acts or the Labourers (Ireland) Acts, 1883 to 1919, as amended by this Act.

(3) Section 12 of the Local Government Act, 1927 (No. 3 of 1927) and section 13 of the Housing (Gaeltacht) Act, 1929 (No. 41 of 1929) shall not apply to any dwelling house to which this section applies.

(4) For the purposes of this section, the floor area of a dwelling house shall be computed in accordance with such rules as may be prescribed by the Minister.

15 **66.**—The sums liable to be paid or set apart by any local authority in respect of moneys borrowed by that authority for the purpose of the erection of houses under the provisions of the Housing of the Working Classes Acts, in respect of the expenses of the provision of which contributions are made by the Minister under this Act shall not be included in the annual housing charge of that authority within the meaning of section 5 of the Housing of the Working Classes (Ireland) Act, 1908.

Allocation of  
Irish Housing  
Fund.

## FIRST SCHEDULE

### CLEARANCE ORDERS.

1. A clearance order shall be in the prescribed form and shall describe by reference to a map the area to which it applies, and shall fix by reference to the date on which it becomes operative the period not being less than twenty-eight days from that date, within which the local authority require the buildings in the area to be vacated for the purposes of demolition, and for that purpose may fix different periods as respects different buildings.

2. Before submitting the order to the Minister the local authority shall—

(a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any building included in the area to which the order relates and so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

3. So soon as may be after the required notices have been given, the local authority shall submit the order to the Minister for confirmation.

4. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, confirm the order with or without modification; but in any other case he shall, before confirming the order, cause a public local inquiry to be held and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order, either with or without modification: provided that the order as confirmed by the Minister shall not apply to any building to which the order would not have applied if it had been confirmed without modification.

5. The Minister may confirm an order notwithstanding that the effect of the modifications made by him in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if those areas formed one clearance area.



## SECOND SCHEDULE.

### COMPULSORY PURCHASE ORDERS.

#### PART I

PROVISIONS APPLICABLE IN THE CASE OF COMPULSORY PURCHASE ORDERS MADE FOR THE PURPOSES OF THIS ACT AND SUBJECT TO THE MODIFICATIONS CONTAINED IN PART II OF THIS SCHEDULE IN THE CASE OF SUCH ORDERS MADE FOR THE PURPOSES OF PART III OF THE ACT OF 1890.

1. A compulsory purchase order shall be in the prescribed form and shall describe by reference to a map the land to which it applies and shall incorporate, subject to the modifications hereinafter mentioned and any necessary adaptations:—

(a) the Lands Clauses Acts (except sections one hundred and twenty-seven to one hundred and thirty-two of the Lands Clauses Consolidation Act, 1845) as amended by the provisions contained in the Second Schedule to the Act of 1890 and the Housing of the Working Classes Acts;

(b) the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended by the Acquisition of Land (Reference Committee) Act, 1925 (No. 22 of 1925).

2. The modifications, subject to which the Lands Clauses Acts and the Acquisition of Land (Assessment of Compensation) Act, 1919, as amended as aforesaid shall be incorporated in the Order are as follows:—

(i) The compensation shall be assessed in accordance with such of the provisions of the Housing of the Working Classes Acts relating to the assessment of compensation in respect of land purchased compulsorily as are applicable to the particular case;

(ii) The arbitrator shall not take into account any building erected or any improvement or alteration made or any interest in land created after the date on which notice of the order having been made is published in accordance with the provisions of this Schedule if, in the opinion of the arbitrator, the erection of the building or the making of the improvement or alteration or the creation of the interest in respect of which a claim is made was not reasonably necessary and was carried out with a view to obtaining or increasing compensation.

3. If the order is made in connection with a clearance area it shall—

(a) show in the prescribed manner what parts, if any, of the land to be purchased compulsorily are outside the clearance area; and

(b) declare whether the land or any, and if so, what proportion of the land to be purchased compulsorily within the clearance area is to be appropriated for the rehousing of persons of the working classes.

4. Before submitting the order to the Minister the local authority shall—

(a) publish in one or more newspapers circulating within their district a notice in the prescribed form stating the fact of such an order having been made and describing the area comprised therein and naming a place where a copy of the order and of the map referred to therein may be seen at all reasonable hours; and

(b) serve on every owner, lessee and occupier (except tenants for a month or a less period than a month) of any land to which the order relates, and, so far as it is reasonably practicable to ascertain such persons, on every mortgagee thereof, a notice in the prescribed form stating the effect of the order and that it is about to



be submitted to the Minister for confirmation, and specifying the time within and the manner in which objections thereto can be made.

5. If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn the Minister may, if he thinks fit, confirm the order with or without modification, but in any other case he shall before confirming the order, cause a public local inquiry to be held, and shall consider any objection not withdrawn and the report of the person who held the inquiry, and may then confirm the order either with or without modification:

Provided that—

- (a) the Minister may require any person who has made an objection to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed;
- (b) the order as confirmed by the Minister shall not—
  - (i) authorise the local authority to purchase compulsorily any land which the order would not have authorised them so to purchase if it had been confirmed without modification;
  - (ii) authorise the authority to purchase as being land comprised in a clearance area any land shown in the original order as being outside that area;
- (c) if the Minister is of opinion that any land included by the local authority in a clearance area ought not to have been so included, he shall in confirming the order so modify it as to exclude that land for all purposes from the clearance area; but if in any such case he is of opinion that the land may properly be purchased by the authority under section seven of this Act, he shall further modify the order so as to authorise the local authority to purchase that land under the said section seven and not as being land comprised in the clearance area.

6. The Minister may confirm an order made in connection with a clearance area notwithstanding that the effect of the modifications made by him in excluding any buildings from the clearance area is to sever that area into two or more separate and distinct areas, and in any such case the provisions of this Act relating to the effect of an order when confirmed and to the proceedings to be taken subsequent to the confirmation thereof shall apply as if these areas formed one clearance area.

7. In construing for the purpose of this schedule or any order made thereunder any enactment incorporated in the order, this Act, together with the order, shall be deemed to be the special Act and the local authority shall be deemed to be the promoters of the undertaking.

## PART II.

MODIFICATIONS OF PART I OF THIS SCHEDULE IN THE APPLICATION THEREOF TO COMPULSORY PURCHASE ORDERS MADE FOR THE PURPOSES OF PART III OF THE ACT OF 1890.

The provisions contained in Part I of this Schedule shall apply to the making, submission and confirmation of compulsory purchase orders made for the purposes of Part III of the Act of 1890 subject to the following modifications, that is to say: paragraph 3, so much of paragraph 4 as requires the service of notices on mortgagees and the provisos (b) (ii) and (c) to paragraph 5 shall not apply.



### THIRD SCHEDULE.

#### PART I.

RULES AS TO ASSESSMENT OF COMPENSATION APPLICABLE IN THE CASE OF LAND COMPRISED IN A CLEARANCE AREA.

The arbitrator shall assess the compensation to be paid for the land, including any buildings thereon, as the value at the time the valuation is made of the land as a site cleared of buildings and available for development in accordance with the requirements of the building bye-laws for the time being in force in the district less such sum as shall be estimated to be the cost of clearing and levelling such land.

#### PART II.

RULES AS TO ASSESSMENT OF COMPENSATION APPLICABLE IN THE CASE OF LAND PURCHASED UNDER PART II OF THIS ACT, NOT BEING LAND COMPRISED IN A CLEARANCE AREA.

1. If the arbitrator is satisfied with respect to any premises that the rental thereof was enhanced by reason of their being used for illegal purposes, or being so overcrowded as to be dangerous or injurious to the health of the inmates, the compensation shall so far as it is based on rental, be based on the rental which would have been obtainable if the premises were occupied for legal purposes and only by the number of persons whom the premises were, under all the circumstances of the case, fitted to accommodate without such overcrowding.

2. If the arbitrator is satisfied that any premises are in a state of defective sanitation or are not in reasonably good repair the compensation shall be the estimated value of the premises if put into a sanitary condition, or reasonably good repair, less the estimated expense of putting them into such condition or repair.

3. The local authority may tender evidence as to the matters aforesaid, notwithstanding that they have not taken any steps with a view to remedying the defects or evils disclosed by the evidence.

4. The arbitrator shall have regard to and make an allowance in respect of any increased value which, in his opinion, will be given to other premises of the same owner by the demolition by the local authority of any buildings.

### FOURTH SCHEDULE.

#### MINOR AND CONSEQUENTIAL AMENDMENTS OF HOUSING ENACTMENTS.

Enactment	Manner and Extent of Amendment
The Housing of the Working Classes Act, 1890.	<p>1. In sub-section (7) of section 8 for the words "they think fit" there shall be substituted the words "the Minister thinks fit," and for the words from "any person" to "compulsorily" the words "any owner of any lands included in a clearance order or compulsory purchase order made under this Part of this Act," and for the word "scheme" at the end of the said sub-section the word "order."</p> <p>2. In sub-section (8) of section 8 for the words "any provisional order under this Part of this Act," there shall be substituted the words "such order as aforesaid."</p> <p>3. In sub-sections (7), (8) and (9) of section 8 for the words "the confirming authority" there shall be substituted the words "the Minister."</p>



FOURTH SCHEDULE—(continued).  
MINOR AND CONSEQUENTIAL AMENDMENTS OF HOUSING  
ENACTMENTS.

Enactment amended	Manner and Extent of Amendment
The Housing of the Working Classes Act, 1890—(continued).	<p>4. The following sub-section shall be added to section 36 :—</p> <p>(5) Any person aggrieved by a charging order made under this section may appeal against the same to the Circuit Court whose decision shall be final and not subject to any appeal.</p> <p>5. In sub-section (2) of section 47 for the words from "the dwelling house" to "Act, and that" there shall be substituted the words "a dwelling house in respect of which a notice requiring the execution of works has been served or a clearance order or demolition order has been made, that owing to the default of any other owner of the house in executing any works required to be executed on the house or in the demolition of the house"; and for the word "building" where the same lastly occurs, the word "house"; and the words "or to claim to retain the site" shall be omitted.</p> <p>6. In sub-section (3) of section 47 the words from "or the time" to the end of the sub-section shall be omitted.</p> <p>7. In section 48 there shall be added after the word "made," the words "or a notice requiring the execution of works is served," and after the words "any such order," the words "or notice."</p> <p>8. In section 43 the words "raising sums required for purchase money or compensation payable under" shall be omitted.</p> <p>9. In section 89 for the words "the confirming authority mentioned in Part I of this Act" there shall be substituted the words "the Minister or any person authorised to enter houses, premises or buildings in pursuance of this Act," and there shall be added after the word "authority" where the same lastly occurs, the words "or person."</p> <p>10. In article 6 of the Second Schedule for the word "three" there shall be substituted the word "two."</p>
The Housing of the Working Classes (Ireland) Act, 1908.	<p>11. In the definition of the expression working classes in section 16, for the words "thirty shillings" there shall be substituted the words "three pounds."</p>

FIFTH SCHEDULE.  
ENACTMENTS REPEALED.

Session and Chapter	Short Title	Extent of Repeal
53 & 54 Vic. Ch. 70.	The Housing of the Working Classes Act, 1890.	Part I with the exception of section 3; sub-sections (7) to (9) of section 8; and sections 24, 25 and 26 thereof; Part II with the exceptions of sections 36 and 37; sections 42 to 44; sub-sections (1), (2) and (4) of section 47; and section 48 thereof; and sections 77 and 78 in Part IV.
57 & 58 Vic. Ch. 55.	The Housing of the Working Classes Act, 1894.	The whole Act.
8 Ed. VII, Ch. 61.	The Housing of the Working Classes (Ireland) Act, 1908	Sub-section (2) of section 3; section 6; sections 9 and 10; section 13.
9 & 10 Geo. V. Ch. 45.	The Housing (Ireland) Act, 1919.	Sections 5, 6 and 7, sub-section (3) of section 8; section 10; the proviso to sub-section (1) of section 11; section 15; sub-section (3) of section 20 from the words "and section 51" to the end of that sub-section; sub-section (4) of section 20; section 23; section 27; section 29; the proviso to section 32; and the First Schedule.
9 & 10 Geo. V. Ch. 99.	The Housing (Additional Powers) Act, 1919.	Section 4.
11 & 12 Geo. V. Ch. 19.	The Housing Act, 1921.	Sub-section (4) of section 10.



# Saorstát Éireann

BILLE NA dTITHE (FORALACHA  
ILGHNEITHEACHA) 1931.

## BILLE

*dá ngairmtear*

Acht chun socrú níos fearr do dhéanamh chun líomataístí nea-shláintiúla do ghlanadh agus chun tithe nea-shláintiúla do dheisiú no do leagadh; chun na *Housing of the Working Classes (Ireland) Acts, 1890 to 1921*, Achtanna na Seilbhaithe (Éirinn), 1883 go 1930, na *Small Dwellings Acquisition (Ireland) Acts, 1899 and 1919*; agus Achtanna na dTithe, 1925 go 1930, do leasú, agus chun tuilleadh socrúithe do dhéanamh chun congnamh airgid do thabhairt d'údarais áitiúla agus do dhaoine eile chun tithe do sholáthar fé sna hachtacháin sin mar a leasúitear leis an Acht so iad, agus chun crícheanna bhaineas leis na nithe roimhraithe.

*Rithe ag Dáil Éireann, 27adh Mí na Samhna,  
1931.*

BAILE ATHA CLIATH:  
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# Saorstát Éireann.

HOUSING (MISCELLANEOUS PRO-  
VISIONS) BILL, 1931.

## BILL

*entitled*

An Act to make better provision for the clearance of unhealthy areas and the repair and demolition of insanitary houses; to amend the Housing of the Working Classes (Ireland) Acts, 1890 to 1921; the Labourers (Ireland) Acts, 1883 to 1930; the Small Dwellings Acquisition (Ireland) Acts, 1899 and 1919; and the Housing Acts, 1925 to 1930; and to make further provision for the financial assistance of local authorities and others in the provision of housing accommodation under those enactments as amended by this Act; and for purposes connected with the matters aforesaid.

*Passed by Dáil Éireann, 27th November,  
1931.*

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