

# SAORSTÁT EIREANN.

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## BILLE NA SCLABHAI THE, 1935. LABOURERS BILL, 1935.

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*Mar do ritheadh ag Dáil Eireann.  
As passed by Dáil Eireann.*

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# SAORSTÁT EIREANN.

BILLE NA SCLABHAIHTE, 1935.

LABOURERS BILL, 1935.

## BILL

*entitled*

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AN ACT TO MAKE PROVISION FOR THE PURCHASE BY THE TENANTS THEREOF OF COTTAGES AND PLOTS PROVIDED UNDER THE LABOURERS ACTS, 1883 TO 1931, TO AMEND THE SAID ACTS, AND TO MAKE PROVISION FOR DIVERS MATTERS CONNECTED WITH THE MATTERS AFORESAID. 10

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

### Definitions.

1.—In this Act—

the expression “the Minister” means the Minister for Local Government and Public Health; 15

the expression “the Principal Acts” means the Labourers Acts, 1883 to 1931, as amended by the Housing (Financial and Miscellaneous Provisions) Act, 1932 (Number 19 of 1932);

the expression “the Act of 1891” means the Local Registration of Title (Ireland) Act, 1891; 20

the word “cottage” means a cottage provided under the Principal Acts, and includes the plot (if any) provided in connection with such cottage;

the word “holding” includes a parcel of untenanted land within the meaning of the Land Purchase Acts, and also includes, where the context so admits, part of a holding; 25

the expression “state land” means any land which belongs to Saorstát Eireann by virtue of Article 11 of the Constitution;

the expression “board of health” has the same meaning as in the Local Government Acts, 1925 to 1934; 30

the word “owner” when used in relation to a cottage purchased from a board of health under this Act, shall, where the context so admits, be construed as including the legal personal representatives of an owner; 35

the word “prescribed” means prescribed by regulations made by the Minister under this Act.

“The appointed day.”

2.—(1) The Minister may by order appoint a day to be the appointed day for the purposes of this Act.

(2) In this Act the expression “the appointed day” means the day appointed by the Minister to be the appointed day for the purposes of this Act. 40

Extension of definition of agricultural labourer.

3.—(1) Notwithstanding the provisions of section 93 of the Irish Land Act, 1903, and of proviso (iii) to sub-section (1) of section 1 of the Labourers (Ireland) Act, 1919, a person shall not be prevented from being an agricultural labourer within the meaning of the Principal Acts solely by reason of the fact that he is in occupation of more than one quarter of an acre of land. 45

(2) In this Act (other than this section) the expression " agricultural labourer " means an agricultural labourer within the meaning of the Principal Acts as amended by this section.

4.—Proviso (i) (being the proviso commencing with the words " the rents " and ending with the words " Local Government Board " ; and) to section 1 of the Labourers (Ireland) Act, 1919, is hereby repealed.

Partial repeal of section 1 of the Labourers (Ireland) Act, 1919.

5.—Where a cottage, the ownership of which was, by virtue of section 3 of the Local Government Act, 1925, (No. 5 of 1925), transferred from a rural district council to a county council, has not, before the date of the passing of this Act, been transferred, under sub-section (3) of section 10 of the said Act, to the board of health in whose county health district such cottage is situate, such cottage shall on the said date and without any conveyance or assignment become and be vested in such board of health for all the estate and term or interest for which the same immediately before the said date was vested in such county council, and such board of health shall as soon as may be take all steps necessary to have their title to such cottage registered under the Act of 1891.

Transfer of cottages from county councils to boards of health.

6.—(1) Section 34 of the Land Act, 1927 (No. 19 of 1927) shall cease to have effect in relation to any parcel of land to which this section applies except where particulars in respect of such parcel have, before the date of the passing of this Act, been lodged with the Irish Land Commission in pursuance of section 40 of the Land Act, 1923 (No. 42 of 1923).

Cesser of application of section 34 of the Land Act, 1927, to certain cottages

(2) This section applies to every parcel of land which—

(a) was taken on lease under the Principal Acts, and

(b) was, at the time it was so taken, agricultural or pastoral or partly agricultural and partly pastoral within the meaning of the Land Purchase Acts, and

(c) was, immediately before the date of the passing of this Act, held under such lease.

7.—Where immediately before the appointed day any land (not being state land or land to which section 34 of the Land Act, 1927 (No. 19 of 1927), as amended by the immediately preceding section, applies) is held by a board of health for the purposes of the Principal Acts on lease, the following provisions shall have effect, that is to say :—

Vesting in boards of health of fee simple reversion in certain lands held under lease.

(a) the interest (in this section referred to as the lessor's interest) of the lessor under such lease and any other interest in such land superior to the lessor's interest shall, on the appointed day and without any conveyance or assignment, become and be vested in such board of health, to the intent that such land shall on the appointed day become and be vested absolutely in such board of health in fee simple, free from incumbrances, but subject to any tenancies therein of persons occupying such land as tenants to such board of health ;

(b) the board of health shall pay to the person, who was immediately before the appointed day entitled to the lessor's interest and also to any person who immediately before the appointed day was entitled to any interest in such land superior to the lessor's interest, compensation in respect of the vesting of such interests under this section in like manner as if such interests were land which had been acquired for the purposes of the Principal Acts by such board of health by means of a compulsory purchase order made under section 20 of the Housing (Financial and Miscellaneous Provisions) Act,

1932 (No. 19 of 1932), and coming into operation on the appointed day, and the provisions of every enactment relating to land so acquired (including provisions relating to moneys lodged in Court) shall apply accordingly;

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(c) such board of health shall be liable to pay to the person entitled to the lessor's interest immediately before the appointed day any rent accrued due under such lease before the appointed day;

(d) such board of health shall on every day (being a day which falls on or after the appointed day and before the date of assessment of compensation and which would have been a gale day under such lease but for the vesting of the lessor's interest in such board of health) pay to the person who was entitled to the lessor's interest immediately before the appointed day a sum equal to the rent which would have been payable on such day but for such vesting, and in calculating the amount of compensation in respect of the lessor's interest regard shall be had to any payments made under this paragraph;

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(e) such board of health shall as soon as may be after the appointed day send to the registering authority under the Act of 1891 the said lease and a map showing the situation of such land, and on receipt thereof the title of such board of health to the ownership of such land in fee simple shall be registered under the Act of 1891.

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Future acquisition of land for purposes of the Principal Acts.

8.—Where any land, which is neither state land, nor a holding under the Land Purchase Acts, nor land vested in the Irish Land Commission under the said Acts, is acquired for the purposes of the Principal Acts by a board of health on or after the date of the passing of this Act, such land shall be acquired by such board of health in fee simple freed and discharged from all superior interests.

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Lands held under the Land Purchase Acts.

9.—(1) Where on the date of the passing of this Act any land is held by a board of health for the purposes of the Principal Acts or after the said date any land is acquired by a board of health for the said purposes and such land is a holding under the Land Purchase Acts or is vested in the Irish Land Commission under the said Acts, such board of health shall with all convenient speed take such steps as may be requisite to have such land vested in such board in fee simple freed and discharged from all liability for any purchase annuity or other payment to the Irish Land Commission.

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(2) Notwithstanding anything contained in this Act, a board of health shall not make under this Act an order vesting in the tenant thereof a cottage situate on land which is a holding under the Land Purchase Acts or vested in the Irish Land Commission under the said Acts until such land is vested in such board of health in accordance with this section.

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Registration of title of boards of health in certain cases.

10.—Where the title to any land vested in a board of health for the purposes of the Principal Acts and acquired before the passing of the Labourers (Ireland) Act, 1906, has not been registered under the Act of 1891, such board of health shall take all necessary steps to have their title to such lands so registered.

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Purchase schemes generally.

11.—(1) For the purposes of this Act the expression "purchase scheme" when used in relation to a cottage or cottages situate in a county health district means a scheme setting out terms of purchase (by means of the payment of a terminable annuity) under this Act for such cottage or cottages.

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(2) Every purchase scheme—

- (a) shall be in the prescribed form, and
- (b) shall, in relation to each cottage to which it applies, specify—
- 5 (i) the amount of the terminable annuity to be paid in respect of such cottage as the consideration for the purchase thereof,
- (ii) the number of years during which such annuity is to be paid,
- 10 (iii) whether such annuity is to be paid in weekly, monthly, quarterly or half-yearly instalments of equal amount or is to be paid in one sum annually,
- (iv) such other particulars (if any) as may be prescribed.

15 (3) In this Act the following expressions when used in relation to a cottage to which a purchase scheme for the time being in force applies shall have the following meanings, that is to say:—

- (a) the expression “the annuity” means the terminable annuity specified in such scheme in relation to such
- 20 cottage;
- (b) the expression “the appointed number of years” means the number of years, specified in such scheme, during which the annuity is to be payable;
- (c) the expression “instalment of the annuity” means in the
- 25 case of an annuity payable in one sum annually, such annuity or, in any other case such fraction of the annuity as is appropriate according as the annuity is, by the terms of such scheme, to be paid in weekly, monthly, quarterly or half-yearly instalments.

30 12.—(1) Not later than six months after the appointed day the board of health of every county health district shall, in relation to every cottage in such county health district which is not situate on state land, prepare and submit to the Minister in accordance with this Act a purchase scheme.

Preparation and submission of purchase schemes.

35 (2) Where—

- (a) a purchase scheme for a county health district has come into force, and
- (b) either—
- 40 (i) the board of health for such county health district has provided an additional cottage (not being a cottage situate on state land) under the Principal Acts, or
- (ii) such scheme has ceased to apply to a cottage which was vested in a purchasing tenant under this Act
- 45 by reason of possession of such cottage having been recovered by such board under this Act,

such board of health shall within twelve months prepare and submit to the Minister a purchase scheme in relation to such cottage.

(3) Where—

- 50 (a) a purchase scheme which applies to a cottage in a county health district has come into force, and
- (b) a person, who is the tenant of such cottage and who has not purchased such cottage under this Act, ceases to be such tenant,

55 the board of health of such county health district shall, if the Minister so directs, forthwith prepare and submit to the Minister a new purchase scheme in relation to such cottage.

(4) Where—

- (a) a purchase scheme for a county health district has come into force, and
- (b) any cottage to which such scheme applies has not been purchased under this Act,

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the board of health for such county health district may, with the consent of the Minister, prepare and submit to the Minister a new purchase scheme in relation to such cottage.

(5) Where a purchase scheme in relation to any cottages has been prepared and submitted to the Minister by a board of health and the Minister has, in exercise of the powers conferred on him by the next following section, required such board of health to prepare and submit to him a new purchase scheme in relation to such cottages, such board of health shall with all convenient speed comply with such requirement.

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(6) Where the board of health for a county health district makes a purchase scheme under this section the following provisions shall have effect, that is to say:—

- (a) such board of health shall, before submitting such scheme to the Minister, publish once at least in each of two successive weeks in a newspaper circulating in such county health district a notice in the prescribed form of the making of such scheme;
- (b) before the first publication of such notice such board of health shall cause copies of such purchase scheme to be made available for public inspection at the prescribed times and places;
- (c) any person interested in such purchase scheme may at any time within three weeks after the date of the second publication of such notice send to the Minister objections to such purchase scheme.

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Approval, etc.,  
of purchase  
schemes.

13.—(1) Where a purchase scheme in relation to any cottages is submitted by a board of health to the Minister under the immediately preceding section the Minister may, after consideration of any objection which may have been sent to him before the expiration of three weeks from the publication of the second of the notices relating to such scheme referred to in the said section, do any one of the following things, that is to say:—

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- (a) make an order approving of such purchase scheme without modification,
- (b) make an order modifying such purchase scheme in such manner (whether by addition, omission or variation) as he thinks fit and approving of such purchase scheme as so modified,
- (c) require a new purchase scheme in relation to such cottages to be prepared and submitted to him by such board of health.

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(2) Where a purchase scheme in relation to any cottages is deemed under sub-section (4) of this section to have been submitted to the Minister by a board of health, the Minister may either—

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- (a) make an order modifying such purchase scheme in such manner (whether by addition, omission or variation) as he thinks fit and approving of such purchase scheme as so modified, or
- (b) require a new purchase scheme to be prepared and submitted to him by such board of health.

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(3) Every order made by the Minister under this section approving of a purchase scheme shall be laid (together with the purchase scheme) before Dáil Eireann as soon as may be after it is made and if a resolution annulling such order is passed by Dáil Eireann within the next three weeks (omitting from the reckoning any week in which Dáil Eireann has not sat at all) after the week in which such order is laid before Dáil Eireann such order shall be annulled accordingly.

(4) Where an order approving of a purchase scheme is annulled under the immediately preceding sub-section, a purchase scheme in the same terms as the terms of such first-mentioned purchase scheme as so approved shall be deemed to have been submitted to the Minister by the board of health by whom such first-mentioned purchase scheme was prepared.

14.—(1) Whenever the Minister has made an order approving of a purchase scheme the Minister shall, in case such order has not been annulled by a resolution passed by Dáil Eireann under the immediately preceding section, make an order declaring the day on which such scheme shall come into force, and such scheme shall come into force on the day so appointed.

Coming into force of purchase schemes.

(2) Whenever the Minister makes an order under this section declaring the day on which a purchase scheme comes into force, the board of health by whom such purchase scheme was prepared shall cause copies of such order and such purchase scheme to be made available for public inspection at the prescribed times and places and shall within the prescribed time cause to be published at least once in each of two successive weeks in a newspaper circulating in the county health district of such board of health notice of the making of such order and of the times and places at which copies of such order and such purchase scheme are available for public inspection.

15.—Where a new purchase scheme which applies to a cottage comes into force, any previous purchase scheme, which applied to such cottage and which was in force immediately before such new purchase scheme comes into force, shall cease to apply to such cottage.

Cesser of application of purchase scheme on coming into force of new purchase scheme.

16.—(1) Where:—

(a) a purchase scheme which applies to a cottage in a county health district is in force, and

(b) such cottage is occupied by a person who is a qualified person, and

(c) no rent is due in respect of such cottage, such person may send an application to the board of health for such county health district for the transfer to him of the interest of such board of health by means of a vesting order made under this Act.

Applications for purchase of cottages.

(2) Each of the following persons shall, for the purposes of this section, be a qualified person in relation to a cottage, that is to say:—

(a) a person—

(i) who is the tenant of such cottage, and

(ii) who either is an agricultural labourer or was, when he first became tenant, an agricultural labourer;

(b) a person—

(i) who is the widow, child or other relative of a person who, at the date of his death, was tenant of such cottage and who either was, at the date of his death, an agricultural labourer or was, when he first became tenant, an agricultural labourer, and

(ii) who was at the date of the death resident in such cottage, and

(iii) who is declared by the board of health, in whose

county health district such cottage is situate, to be a qualified person.

(3) Every application under this section shall be in the prescribed form and shall contain the prescribed particulars.

Vesting orders and statutory conditions applicable to cottages.

17.—(1) Where:—

(a) a purchase scheme in relation to a cottage in a county health district is in force, and

(b) an application is made to the board of health for such county health district by a person, who claims to be entitled under the immediately preceding section to make such application, for the transfer to such person of the interest of such board of health in such cottage, and

(c) such board of health is satisfied that such person is so entitled,

such board of health shall, subject to the provisions of this Act, make an order (in this act referred to as a vesting order) in relation to such cottage.

(2) Every vesting order made by a board of health in relation to a cottage to which a purchase scheme for the time being in force applies shall:—

(a) be in the prescribed form,

(b) specify the days (in this section referred to as the gale days) on which each instalment (whether payable weekly, monthly, quarterly, half-yearly or yearly, as may be provided by such purchase scheme) of the annuity is to be paid,

(c) be expressed and operate to vest such cottage, on the gale day (in this Act referred to as the vesting day) next following the date of such order, in the purchaser thereof in fee simple, free from incumbrances and all estates, rights, titles and interests of whatsoever kind, but subject to and charged with the payment to such board of health of the annuity during a number of years (in this Act referred to as the payment period) equal to the appointed number of years and commencing on the day next following the vesting day,

(d) be also expressed and operate to apply in respect of such cottage during the payment period the following conditions (in this Act referred to as the statutory conditions), that is to say:—

(i) that on each gale day during the payment period an instalment of the annuity shall be punctually paid to such board of health,

(ii) that, subject to the provisions of this Act, such cottage shall not be used for any purpose except one and one only of the following purposes, that is to say:—

(I) for the purpose of the accommodation of the purchaser or the purchaser and members of his family,

(II) on the death of the purchaser, for the purpose of the accommodation of a person, who is the widow, child or other relative of the purchaser and was resident in such cottage at such death, or such person and members of such person's family,

(III) the purpose of the accommodation of an agricultural labourer or an agricultural labourer and members of his family,

(iii) that such cottage shall not be alienated otherwise than by operation of law or by sale with the consent of such board of health,

(iv) that such cottage shall be kept in good sanitary condition and repair,

(v) that such cottage shall not be subdivided,

(vi) that the plot (if any) held with such cottage shall not be let in conacre,

(vii) that no soil, sand, gravel or similar material shall be removed from the plot (if any) held with such cottage except so far as may be necessary for the proper cultivation of such plot or the erection of necessary buildings.

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18.—(1) Whenever a board of health proposes to make a vesting order in respect of any cottage which is not in good repair and sanitary condition, such board of health, before making such vesting order, shall carry out on or in such cottage all works which shall be necessary to put such cottage into good repair and sanitary condition.

Repair of cottage before vesting.

(2) Any doubt, dispute, or question which may arise as to whether or not any cottage is in good repair or sanitary condition for the purposes of this section or as to what works are necessary to put any cottage into good repair or sanitary condition for the purposes of this section, shall be determined by the Minister whose decision thereon shall be final.

19.—(1) Where by a vesting order under this Act a cottage is vested in the tenant thereof and the registration of the ownership of such cottage is not on the vesting day compulsory by virtue of any provision either of the Act of 1891 or of the Land Purchase Acts, on and after the vesting day the registration of the ownership of such cottage shall be compulsory and such cottage shall be deemed to be registered land within the meaning of the said Acts.

Registration under the Local Registration of Title (Ireland) Act, 1891, of ownership of cottages the subject of vesting orders.

(2) Whenever a board of health makes under this Act a vesting order vesting a cottage in the tenant thereof, such board of health shall forthwith, in order that such tenant may be registered under the Act of 1891 as owner of such cottage, transmit to the registering authority under the Act of 1891—

- (a) a copy of such vesting order, and
- (b) a map showing the situation of such cottage, and
- (c) the fee prescribed for such registration.

(3) When the registering authority under the Act of 1891 receives from a board of health a copy of a vesting order made in relation to any cottage together with the map and fee mentioned in the next preceding sub-section the said authority shall, subject to the provisions of the Act of 1891, register the tenant of such cottage as owner thereof either on the vesting day or as soon thereafter as shall be possible.

(4) The provisions of Part IV of the Act of 1891 shall have effect in relation to any cottage which is purchased by the tenant thereof under this Act as if such cottage were freehold registered land to which the said Part IV applies.

(5) Section 47 of the Act of 1891 shall have effect as if the purchase annuity payable in respect of a cottage registered under the said Act and the statutory conditions were added to and included in the burdens mentioned in paragraphs (a) to (i) of that section.

(6) Every regulation prescribing the fees to be paid in respect of the registration under this section of the tenants of cottages as owners of such cottages shall be made with the consent of the Minister for Finance.

20.—(1) Where the Minister is satisfied, on the application of any person interested and after notice to all such persons as he shall direct and upon hearing such evidence as he shall think proper to receive, that a vesting order contains an error or mistake, whether clerical or substantial, and whether occasioned by the board of health by whom such vesting order was made or otherwise, the Minister may amend such vesting order as justice may require.

Amendment of vesting order.

(2) Where the Minister makes an order under this section amending a vesting order, the registering authority under the

Act of 1891 shall, on the lodgment with him of a copy of such amending order sealed with the seal of the Minister, rectify the register under the Act of 1891 in such manner as may be necessary to make such register conformable with such vesting order as so amended.

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Restrictions on mortgaging and charging cottages.

**21.**—(1) A cottage which has been purchased under this Act shall not, during the payment period in relation to such cottage, be mortgaged or charged.

(2) Any instrument of mortgage or charge on a cottage made in in contravention of this section shall be null and void.

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(3) It shall be the duty of the registering authority under the Act of 1891 to note upon the register the provisions of sub-sections (1) and (2) of this section, and the said provisions shall, for the purposes of the Act of 1891, be deemed to be a burden to which, though not registered, all registered land is by the Act of 1891 declared to be subject.

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Recovery of instalments of annuity.

**22.**—Where—

(a) a vesting order is made by a board of health in relation to a cottage, and

(b) any instalment of the annuity is not paid on the date on which the same is payable under the statutory conditions,

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such instalment shall forthwith become due to such board by the owner of such cottage and may be recovered as a simple contract debt in a court of competent jurisdiction.

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Enforcement of statutory conditions.

**23.**—(1) Whenever a board of health is satisfied that, in relation to any cottage purchased from such board of health under this Act, full compliance with any of the statutory conditions which restricts the purposes for which such cottage might be used would be unreasonable or would cause undue hardship, such board may, with the consent of the Minister, suspend the operation of such statutory conditions for a specified period subject to any limitation on such suspension that such board may consider desirable.

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(2) Subject to the provisions of the immediately preceding sub-section of this section, it shall be the duty of every board of health from whom any cottage has been purchased under this Act to enforce compliance with the statutory conditions in relation to such cottage and for that purpose to exercise all powers and make use of all remedies given to such board by this or any other Act.

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(3) At any time during the payment period in respect of a cottage purchased from a board of health under this Act any person duly authorised in writing in that behalf by such board may at all reasonable times enter such cottage for the purpose of inspecting such cottage and ascertaining whether the statutory conditions are being complied with in relation thereto.

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(4) If any person wilfully obstructs or impedes any person in the exercise of a power conferred on such last-mentioned person by the immediately preceding sub-section of this section, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding two pounds.

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Recovery of possession of cottages by boards of health on breach of statutory conditions.

**24.**—(1) If, at any time during the payment period in respect of any cottage purchased under this Act from a board of health, any of the statutory conditions is not complied with in relation to such cottage, such board of health may, subject to the provisions of this section, apply to the Justice of the District Court having jurisdiction in the district in which such cottage is situate for the issue of a warrant giving possession of such cottage to such board of health.

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(2) The following provisions shall have effect in relation to any application by a board of health in relation to a cottage under this section:—

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(a) such board of health shall before making such application give notice to the owner of such cottage of their intention to make such application, and such notice shall state the grounds on which the application is to be based;

(b) such notice shall be:—

(i) in case it is to be based on failure to comply with the statutory condition relating to payment of an instalment of the annuity payable in respect of such cottage, not less than one week's notice;

(ii) in case it is to be based on failure to comply with any other statutory condition, not less than six weeks' notice.

(3) Whenever an application is made by a board of health under this section for the issue of a warrant giving possession of a cottage to such board and notice of such application has been duly given in accordance with this section, the Justice of the District Court hearing such application may, if satisfied that any statutory condition mentioned in such notice has not been complied with, issue such warrant.

(4) The provisions of section 86 of the Landlord and Tenant Law Amendment Act, Ireland, 1860, shall apply to the issue of a warrant under this section, and such a warrant when so issued shall have the same effect as a warrant under the said section 86.

(5) Where a board of health recovers possession of a cottage under this section by virtue of a warrant issued under this section, the following provisions shall have effect, that is to say:—

(a) all the estate and interest in such cottage of the person in whom such cottage was vested and any other person claiming through or under him shall cease and determine,

(b) such cottages shall revest in such board of health in fee simple,

(c) the registering authority under the Act of 1891 shall, on the application of such board of health, register such board of health as the owner in fee simple of such cottage under the Act of 1891,

(d) the purchase scheme which applied to such cottage shall cease to apply to such cottage,

(e) the provisions of the Principal Acts, as amended by this Act, shall apply to such cottage in the same manner as they apply to a cottage provided under the said Acts, as so amended, which has become unoccupied.

**25.**—(1) Whenever during the payment period in respect of a cottage purchased under this Act from a board of health the statutory condition requiring such cottage to be kept in good repair and sanitary condition has not been complied with, such board of health may, without prejudice to any other remedy but subject to the provisions of this section, enter on such cottage and there do all such works as may be necessary for the purpose of putting such cottage into good repair and sanitary condition.

(2) The following provisions shall have effect in relation to the exercise, in respect of a cottage purchased under this Act from a board of health, of the power conferred on such board of health by the immediately preceding sub-section, that is to say:—

(a) such board of health shall, before exercising such power, serve on the owner of such cottage a notice stating—

(i) the intention of such board of health to exercise in relation to such cottage such power, and

(ii) the general nature of the works intended to be done in the exercise of such power, and

- (iii) the date (which shall not be less than one month from the service of such notice) on or after which it is intended to exercise such power;
- (b) such board of health shall not exercise such power before the said date; 5
- (c) where any such notice is served on such owner, such owner may before the said date—
  - (i) make an application to the Minister for an order cancelling such notice, and
  - (ii) serve on such board of health a copy of such application; 10
- (d) where such owner does not before the said date comply with the provisions of paragraph (c) of this section, such board of health may on or after the said date exercise such power; 15
- (e) where such owner before the said date complies with the provisions of the said paragraph (c), the following provisions shall have effect, that is to say:—
  - (i) the Minister shall consider such application and after such consideration shall by order either affirm or cancel such notice, 20
  - (ii) such board of health shall not in any event exercise such power until the Minister has made an order either affirming or cancelling such notice,
  - (iii) if the Minister makes an order cancelling such notice, such notice shall be deemed never to have been served on such owner, 25
  - (iv) if the Minister makes an order affirming such notice, such board of health may proceed forthwith to exercise such power. 30

(3) Every person who obstructs or interferes with the lawful exercise by a board of health of the power conferred on such board of health by sub-section (1) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds. 35

(4) Whenever a board of health in exercise of the power conferred by sub-section (1) of this section has done any works on or in a cottage, such board of health shall be entitled to be paid by and to recover (as a simple contract debt in any court of competent jurisdiction) from the owner of such cottage the amount of the cost and the expenses, reasonably incurred by the board in the doing of such works, and failure by the owner of such cottage to pay on demand such amount to such board of health shall be deemed to be a failure to comply with the statutory condition relating to payment of an instalment of the purchase annuity payable in respect of such cottage and the provisions of this Act shall apply accordingly. 40 45

Reinstatement  
of cottage  
destroyed by fire,  
etc.

**26.**—(1) Where, during the payment period in respect of a cottage purchased from a board of health under this Act, such cottage is destroyed, becomes ruinous and uninhabitable, or incapable of beneficial occupation or enjoyment, by accidental fire or other inevitable accident, and without the default or neglect of the owner or occupier of such cottage, such board of health shall within a reasonable time reinstate such cottage. 50

(2) A board of health may, if it thinks fit, insure against the liability imposed on it by this section. 55

Consolidation  
of cottage and  
holding subject  
to the Land  
Purchase Acts.

**27.**—(1) If the owner of any cottage which has been purchased from a board of health under this Act is or becomes also the registered owner under the Land Purchase Acts of a holding which is subject to a purchase annuity payable to the Irish Land Commission, the Irish Land Commission may make an order (in 60

this section referred to as a consolidating order) declaring such cottage and such holding to be one holding for the purposes of the said Acts as on and from the date (in this section referred to as the date of consolidation) specified in that behalf in such order.

5 (2) Where a consolidating order has been made in relation to a cottage which is subject to an annuity (in this sub-section referred to as the cottage purchase annuity) payable to a board of health under this Act and a holding which is subject to a  
10 purchase annuity (in this sub-section referred to as the land purchase annuity) payable to the Irish Land Commission, then as on and from the date of consolidation specified in such order, the following provisions shall have effect, that is to say:—

15 (a) such cottage and such holding shall be deemed for the purposes of the Land Purchase Acts to be one holding (in this sub-section referred to as the consolidated holding), and the owner of such cottage and such holding shall for the said purposes be deemed to be the proprietor of the consolidated holding, and the conditions imposed by the said Acts on the proprietor of a  
20 holding for the purchase of which the Irish Land Commission have made an advance under the said Acts shall apply to such proprietor accordingly;

25 (b) the cottage purchase annuity and the land purchase annuity shall each continue to be payable as a separate annuity;

30 (c) the land purchase annuity and any unpaid arrears thereof accrued due before the said date of consolidation shall be charged on and recoverable out of the consolidated holding in the same manner and in the same priority as the land purchase annuity was immediately before the said date of consolidation charged on and recoverable out of the original holding;

35 (d) the following provisions shall apply in respect of the cottage purchase annuity, that is to say:—

40 (i) the cottage purchase annuity shall, in lieu of being paid to such board of health, be paid to the Irish Land Commission, and shall, unless previously redeemed under this paragraph, continue to be so paid until the expiration of the payment period in respect of such cottage,

45 (ii) the cottage purchase annuity shall be payable to the Irish Land Commission by equal half-yearly instalments on the gale days on which the land purchase annuity is or, in the case of the cesser of the land purchase annuity before the cottage purchase annuity, was payable, and the first instalment shall be payable on the first gale day after the said date of consolidation, subject however as follows:—

50 (I) if the period commencing on the said date of consolidation and ending immediately before the said first gale day is less than six months, the instalment payable on foot of the cottage purchase annuity on the said first gale day shall be reduced proportionately,

55 (II) if the payment period in respect of such cottage expires on a day other than a gale day, there shall be payable to the Irish Land Commission on foot of the cottage purchase annuity on the expiration of the said payment period an instalment which bears to the cottage purchase annuity the same proportion as the period commencing on the last gale day in the said payment period and ending at the expiration of the said payment period bears to one year,

60 (iii) the cottage purchase annuity shall be charged on  
65 the consolidated holding,

- (iv) the cottage purchase annuity shall rank as a charge on the consolidated holding next in priority to the land purchase annuity,
  - (v) the cottage purchase annuity shall be deemed to be an annuity for the repayment of moneys advanced under the Land Purchase Acts for the purchase of a holding, and the Irish Land Commission shall have for the recovery of any unpaid instalments thereof the like remedies as they have for the recovery of unpaid instalments of a land purchase annuity,
  - (vi) all arrears of the cottage purchase annuity accrued due after the said date of consolidation shall be a charge on and made good out of the Guarantee Fund under the Land Purchase Acts under like arrangements as are applicable to arrears of land purchase annuities,
  - (vii) the cottage purchase annuity may be redeemed at any time by payment to the Irish Land Commission of such sum as, in the opinion of the Minister for Finance, represents the value of all the instalments thereof which have not then accrued due,
  - (viii) the cottage purchase annuity may be reduced by redemption of part thereof by payment to the Irish Land Commission of such sum as, in the opinion of the Minister for Finance, represents the value of that part of all the instalments thereof which have not then accrued due,
  - (ix) all moneys received by the Irish Land Commission in respect of instalments of the cottage purchase annuity shall be disposed of in such manner as the Minister for Finance shall direct,
  - (x) all moneys received by the Irish Land Commission in respect of the redemption of the cottage purchase annuity or any part thereof shall be paid by the Irish Land Commission to such board of health and applied by them in such manner as the Minister may direct;
- (e) notwithstanding anything contained in the Land Purchase Acts, no part of the land purchase annuity shall be redeemable until the whole of the cottage purchase annuity is either redeemed or ceases to be payable;
- (f) so long as both the cottage purchase annuity and the land purchase annuity continue to be payable, such annuities shall, for the purposes of the collection and recovery thereof, be deemed to be a consolidated annuity of an amount equal to the sum of the said two annuities;
- (g) unless and until the cottage purchase annuity has been wholly redeemed, the Irish Land Commission shall, on every date subsequent to the said date of consolidation when, if such consolidating order had not been made, the owner of such cottage would have been liable to pay to such board of health an instalment of the cottage purchase annuity, be liable either to pay to such board of health or, if any debt is due to the Irish Land Commission by such board of health, to place to the credit of such board of health, the following amount, that is to say:—
- (i) in case the cottage purchase annuity has not been reduced by redemption, an amount equal to the amount of such instalment,
  - (ii) in case the cottage purchase annuity has been reduced by redemption, an amount which bears to the amount of such instalment the same proportion as the cottage purchase annuity after such

reduction bore to the cottage purchase annuity before such reduction;

(h) the following provisions shall have effect in relation to any arrears of the cottage purchase annuity which accrued due before the said date of consolidation—

(i) the Irish Land Commission shall not be liable to collect or pay to such board of health such arrears,

(ii) such arrears shall be recoverable by such board of health as a simple contract debt in a court of competent jurisdiction;

(i) every provision of this Act which—

(i) imposes on the owner of such cottage an obligation to pay to such board of health any instalment of the cottage purchase annuity, or

(ii) imposes on the owner of such cottage an obligation to comply with any statutory condition, or

(iii) confers any power or imposes any duty on such board of health in relation to cottages purchased under this Act, or

(iv) relates to restrictions on mortgaging and charging cottages,

shall, subject to the provisions of the immediately preceding paragraph, cease to have effect in relation to such owner or cottage, but without prejudice to the application of any provision of the Land Purchase Acts;

(j) no provision of this Act shall be construed as imposing any duty on the Irish Land Commission in relation to such cottage which is not imposed by the Land Purchase Acts as applied by this sub-section to the consolidated holding.

**28.**—All moneys received by a board of health in payment of annuities under this Act shall be applied by such board in the repayment of any moneys borrowed under the Principal Acts or for such other purposes as the Minister may direct. Application of annuities.

**29.**—A notice which is required by this Act to be given to the owner of a cottage may be given in any one of the following ways, that is to say:— Giving of notices.

(a) by delivering it to such owner;

(b) by leaving it at the address where such owner ordinarily resides;

(c) by sending it by post in a prepaid registered letter addressed to such owner at the address where he ordinarily resides;

(d) where it is not possible by reasonable enquiry to ascertain who is such owner or where such owner ordinarily resides, by delivering it to some person over sixteen years of age resident or employed in the cottage or by affixing it in some conspicuous position on the cottage.

**30.**—(1) The Minister may by order make regulations prescribing any matter or thing which is referred to in this Act as prescribed or to be prescribed. Regulations.

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

Expenses of the Minister.

**31.**—All expenses incurred by the Minister under this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas.

Expenses of boards of health.

**32.**—All expenses incurred by a board of health under this Act shall be defrayed in the manner in which expenses of a board of health under the Principal Acts are to be defrayed.

Short title and citation.

**33.**—(1) This Act may be cited as the Labourers Act, 1936.  
(2) The Principal Acts and this Act may be cited together as the Labourers Acts, 1883 to 1936.



Saorstát Éireann.

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BILLE NA SCLABHAI THE, 1935.

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BILLE

*dá ngairmtear*

Acht chun soeruithe do dhéanamh chun tionóntaithe iostán agus plásán do cuireadh ar fáil fé Achtanna na Selábhaithe, 1883 go 1931, do cheannach na n-iostán agus na bplásán san, chun na nAchtanna san do leasú, agus chun soeruithe do dhéanamh i dtaobh nithe iomdha bhréneas leis na nithe ríimhráite.

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*Rithte ag Dáil Éireann, 25adh Meitheamh, 1936.*

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FOILLSITHE AG OIFIG AN T SOLATHAIR.

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Saorstát Éireann.

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LABOURERS BILL, 1935.

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BILL

*entitled*

An Act to make provision for the purchase by the tenants thereof of cottages and plots provided under the Labourers Acts, 1883 to 1931, to amend the said Acts, and to make provision for divers matters connected with the matters aforesaid.

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*Passed by Dáil Éireann, 25th June, 1936.*

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