

# ÉIRE.

## BILLE UM CHONGNAMH PHUIBLI, 1939. PUBLIC ASSISTANCE BILL, 1939.

*Mar do leasúidh i gCoiste.  
As amended in Committee.*

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# ÉIRE.

BILLE UM CHONGNAMH PHUIBLI, 1939.

PUBLIC ASSISTANCE BILL, 1939.

## BILL

*entitled*

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AN ACT TO MAKE FURTHER AND BETTER PROVISION IN  
RELATION TO THE RELIEF OF THE POOR AND FOR  
THAT PURPOSE TO AMEND GENERALLY THE LAW  
RELATING THERETO.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :— 10

### PART I.

#### PRELIMINARY AND GENERAL.

- Short title. 1.—This Act may be cited as the Public Assistance Act, 1939.
- Non-application  
to Dublin City  
and County. 2.—This Act shall not apply to the county borough of Dublin  
or to the county of Dublin. 15
- Commencement. 3.—Subject to the next preceding section, this Act shall come  
into operation on such day as the Minister shall by order appoint  
for that purpose.
- Definitions. 4.—In this Act—  
the expression “ the Minister ” means the Minister for Local 20  
Government and Public Health;  
the word “ prescribed ” means prescribed by regulations made  
by the Minister under this Act;  
the expression “ county scheme ” means a scheme for the relief  
of the poor confirmed by the Local Government (Temporary Pro- 25  
visions) Act, 1923 (No. 9 of 1923), or prepared and confirmed  
under that Act;  
the expression “ county scheme authority ” means an authority  
entrusted by virtue of a county scheme with the administration  
of the relief of the poor in a particular area; 30  
the expression “ joint district ” has the same meaning as it has  
in the Local Government Act, 1927 (No. 3 of 1927);  
the expression “ medical assistance ” means the provision of all  
or any of the following things, that is to say, medical, surgical,  
or dental treatment, medicines, and medical, surgical, or dental 35  
appliances;  
the expression “ general assistance ” means the provision of the  
necessaries of life, other than medical assistance;  
the expression “ public assistance ” and also the word “ assist-  
ance ” when used without qualification include both medical 40  
assistance and general assistance, and all cognate expressions and  
words shall be construed accordingly;



the expression "home assistance" means general assistance given otherwise than by admission to a district or other institution;

the word "acquire" when used in relation to land includes purchase in fee simple or for any less estate or interest and taking a  
5 lease of such land for any term.

5.—(1) The enactments mentioned in the First Schedule to this Act shall, to the extent specified in the third column of the said Schedule, cease to have effect outside the county borough of Dublin and the county of Dublin. Repeals.

10 (2) Without prejudice to the application of section 21 of the Interpretation Act, 1937 (No. 38 of 1937), it is hereby declared that the cesser by virtue of this section of certain sections of the Local Government (Temporary Provisions) Act, 1923 (No. 9 of 1923), shall not operate to cancel or otherwise affect the abolition of any  
15 board, committee, or other body which was, before the passing of this Act, abolished by or under any of the said sections.

## PART II.

### CENTRAL AND LOCAL ADMINISTRATION.

20 6.—(1) The administration of public assistance in pursuance of the law (including this Act) for the time being in force in relation to such administration shall be subject to the general direction and control of the Minister. Central authority.

(2) Nothing in this Act nor in any order, regulation, or instrument made under or preserved by this Act shall be construed or  
25 operate to enable the Minister to direct the giving of public assistance to any individual person.

7.—(1) For the purposes of the administration of public assistance the area to which this Act applies shall be divided into public assistance districts. Administration of public assistance.

30 (2) In every public assistance district, public assistance shall be administered by the public assistance authority specified in that behalf by this Act in respect of such district.

8.—(1) Wherever, immediately before the commencement of this Act, a county borough and a joint district in a county adjoining such county borough are, for the purposes of the relief of the poor, administered as one area by one authority the area consisting of such county borough and such joint district shall be a public assistance district. Public assistance districts.

40 (2) Every county borough to which the next preceding subsection of this section does not apply shall be a public assistance district.

(3) Every joint district to which the first subsection of this section does not apply shall be a public assistance district.

45 (4) The Minister shall, by regulations made under this Act, prescribe the names by which the several public assistance districts shall respectively be known, and every public assistance district shall be styled and known by the name so prescribed in respect of it.

50 9.—(1) The public assistance authority for a public assistance district consisting of a county borough shall be the corporation of such county borough. Public assistance authorities.



(2) The public assistance authority for a public assistance district consisting only of a joint district shall be the council of the county with which such joint district is co-terminous or in which such joint district is situate.

(3) The public assistance authority for a public assistance district 5 which consists of a county borough and a joint district in a county adjoining such county borough shall be the board of public assistance established for such public assistance district in pursuance of the next following section of this Act.

Boards of  
public assistance.

10.—(1) In every public assistance district which consists of a 10 county borough and a joint district in a county adjoining such county borough, a board of public assistance shall be established to be the public assistance authority for such public assistance district.

(2) The following provisions shall apply and have effect in relation to every board of public assistance established in pursuance of 15 this section, that is to say :—

(a) the board shall be styled and known as “ the Board of Public Assistance for ” with the name of the public assistance district for which such board is the public assistance authority; 20

(b) the board shall be a body corporate with perpetual succession and shall provide itself with and shall have a common seal;

(c) the board shall consist of such number of persons as the Minister shall from time to time appoint and such 25 persons shall be elected in such proportions as the Minister shall similarly appoint by the corporation of the county borough included in such public assistance district and by the council of the county in which the joint district included in such public assistance district 30 is situate;

(d) those members of the board who are elected by the corporation of a county borough shall be members of the city council for such county borough;

(e) those members of the board who are elected by a council 35 of a county shall be members of such council;

(f) the Rules set forth in the Second Schedule to this Act shall apply and have effect in relation to the board;

(g) subject and without prejudice to the Rules set forth in the Second Schedule to this Act, the Minister may by 40 order make regulations in relation to the conduct of the business and the order of the proceedings at meetings of the board, and every such regulation shall have effect according to the tenor thereof;

(h) whenever any difficulty arises in regard to an election of 45 members of the board or the first meeting of the board after an election (other than an election to fill a casual vacancy) of all or any of the members of the board, or by reason of a defect in the constitution of the board arising in consequence of an election of all or some of 50 the members of the board not being held or being defective or in consequence of any other matter or thing, the Minister may by order do any thing which appears to



5 him to be necessary or proper to meet or remove such difficulty and in particular, may by such order, if he so thinks proper, provide for the holding of an election of all or some of the members of the board or for the holding of a meeting of the Board.

10 11.—(1) A public assistance authority may from time to time appoint such and so many committees as they think fit for purposes connected with the exercise or performance of any of their powers, duties, and functions under this Act which in the opinion of such authority would be better or more conveniently regulated or managed by or through a committee. Committees of public assistance authorities.

15 (2) A committee appointed under this section may be either a general committee empowered to exercise or perform powers, duties, and functions in relation to the whole of the public assistance district of the public assistance authority by which it is appointed or a local committee empowered to exercise or perform powers, duties, and functions in relation to a limited portion only of such public assistance district.

20 (3) Every committee appointed under this section shall consist of not less than three members and may be composed either wholly of members of the public assistance authority by which it is appointed or partly of such members and partly of other persons.

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

30 (5) The quorum, procedure, and place of meeting of a committee appointed under this section, and the area (if any) within which such committee is to exercise its functions, shall be such as may be appointed by regulations to be made by the public assistance authority by which it is appointed.

40 12.—(1) Where it appears to the Minister, after consultation with the public assistance authorities of two or more public assistance districts, that the joint management and administration of such public assistance districts for all or for any particular purposes of or connected with the administration of public assistance would tend to reduce expense or would otherwise be of public or local advantage, the Minister may by order direct that the administration of public assistance in such public assistance districts shall, for the purposes specified in such order, be managed and conducted jointly by the respective public assistance authorities of such public assistance districts through and by a joint committee to be set up under and in accordance with such order. Joint administration of public assistance districts.

50 (2) Every order made by the Minister under the next preceding subsection of this section shall—

(a) provide for the setting up of a joint committee for the purposes of such order and the constitution, member-



ship, procedure, finance, and officers of such committee, and

(b) define the functions of such joint committee and, where appropriate, delimit the respective functions of such joint committee and of the public assistance authorities of the public assistance districts forming the functional area of such joint committee, and 5

(c) make such provision as the Minister shall think proper for the allocation to such joint committee of appropriate portions of the assets and property of such public assistance authorities and for the defrayal by such public assistance authorities of the liabilities of such joint committee and generally for the adjustment between such public assistance authorities respectively and such joint committee of present and future property and liabilities, and 10 15

(d) provide for the vesting of all property acquired by such joint committee in such public assistance authorities in such proportions and manner as the Minister shall think proper and shall specify in such order, and 20

(e) generally make such provisions as shall appear to the Minister to be necessary or proper for securing the due execution by such joint committee of the purposes for which it is constituted.

(3) When a joint committee is set up by an order made by the Minister under this section, the respective public assistance authorities of the several public assistance districts forming the functional area of such joint committee shall cease to exercise or perform such of their respective powers and duties as are included by such order in the functions of such joint committee and the said powers and duties shall be exercised and performed by such joint committee. 25 30

(4) The Minister may at any time at his discretion revoke or amend any order previously made by him under this section and, in particular, may at any time by order dissolve a joint committee set up under this section and make all such provisions as appear to him to be necessary or proper for the restoration of the functions of such joint committee to the several public assistance authorities to which such functions originally belonged or for any other purpose consequential on the dissolution of such joint committee. 35

Abolition of  
county scheme  
authorities.

13.—(1) Every county scheme authority which is in existence 40 immediately before the commencement of this Act and is not the corporation of a county borough shall, on such commencement, be dissolved and cease to exist.

(2) On the dissolution under this section of a county scheme authority, the public assistance authority whose public assistance district is co-terminous with the functional area of such county scheme authority shall become and be the successor of such county scheme authority within the meaning and for the purposes of this Act. 45

Transfer of  
property, etc.,  
from county  
scheme authorities  
to public  
assistance  
authorities.

14.—Wherever a county scheme authority is dissolved by this Act, the following provisions shall apply and have effect in relation to such county scheme authority and the public assistance authority which is the successor of such county scheme authority, that is to say :— 50

(a) all property and assets (including choses-in-action) 55 vested in or belonging to such county scheme authority



5 immediately before the commencement of this Act shall, upon such commencement, become and be the property and assets of such public assistance authority by virtue of this section without any conveyance, assignment, or act other than transfer (where appropriate) in the books of a bank, company, or other body;

10 (b) all debts and liabilities (present or future) incurred by such county scheme authority and owing immediately before the commencement of this Act (whether then presently due or to become due certainly or contingently in the future) shall upon such commencement become and be the debts and liabilities of such public assistance authority and shall be discharged in due course by such authority;

15 (c) every bond, guarantee, or other security of a continuing character made or given by such county scheme authority to another person or by any person to such county scheme authority and in force immediately before the commencement of this Act, and every contract or agreement in writing made between such  
20 county scheme authority and another person not fully executed and completed before the commencement of this Act, shall continue in force after such commencement but shall be construed and have effect as if such public assistance authority were substituted therein for such county scheme authority, and such security, contract, or agreement shall be enforceable by or against such public assistance authority accordingly;

30 (d) in every action, suit, prosecution, or other proceeding which is pending at the commencement of this Act and to which such county scheme authority is a party, such public assistance authority shall, on the commencement of this Act, become and be a party in the place of such county scheme authority and such proceeding shall be continued between such public assistance authority and  
35 the other parties thereto accordingly;

(e) every person who immediately before the commencement of this Act is an officer or a servant of such county scheme authority shall upon such commencement become and  
40 be an officer or a servant (as the case may require) of such public assistance authority upon the same terms and conditions as those upon which he held office under or employment by such county scheme authority immediately before such commencement, and every such  
45 person shall, for the purposes of any enactment relating to superannuation or compensation for loss of office or employment which may be applicable to him in respect of his service under such public assistance authority, be entitled to reckon his period of service under such county scheme authority as service under such public assistance authority and to reckon his period of service under such  
50 county scheme authority and his period of service under such public assistance authority as one continuous period of service under such public assistance authority;

55 (f) any moneys raised for the purposes of such county scheme authority before the commencement of this Act may be levied after such commencement as if this Act had not been passed and shall be paid to such public assistance authority for the purposes of their functions under this  
60 Act.



Secretary and treasurer of board of public assistance.

15.—(1) Every board of public assistance shall appoint an officer to be the secretary of such board.

(2) Every board of public assistance shall appoint a bank or a banking company to be the treasurer of such board.

Contracts of public assistance authorities.

16.—(1) The Minister may by order make regulations in relation to the entering into and making of contracts by public assistance authorities. 5

(2) All contracts made by a public assistance authority shall be entered into and made in accordance with regulations made under this section and for the time being in force, and every contract entered into or made by a public assistance authority otherwise than in accordance with such regulations shall, if the Minister so directs, be wholly void, and, unless or until the Minister gives such direction, shall be voidable at the option of any party thereto. 10 15

(3) Where a contract made or entered into by a public assistance authority is avoided under this section, whether by the Minister or a party thereto, all payments made by such authority or any officer thereof in purported pursuance of such contract after such contract has been so avoided shall, in the accounts of such authority or officer (as the case may be), be disallowed as being contrary to law. 20

(4) Nothing in this section or any regulation made thereunder shall prejudice or affect the application of the Local Authorities (Combined Purchasing) Act, 1925 (No. 20 of 1925), to public assistance authorities or the operation of that Act in relation to such authorities. 25

### PART III.

#### PUBLIC ASSISTANCE.

Persons eligible for public assistance.

17.—(1) A poor person who is unable to provide by his own industry or other lawful means the necessities of life (other than medical, surgical or dental treatment, medicines, and medical, surgical or dental appliances) for himself or any persons whom he is liable under this Act to maintain shall be eligible for general assistance. 30

(2) A poor person who is unable to provide by his own industry or other lawful means the medical, surgical or dental treatment, or medicines, or medical, surgical or dental appliances necessary for himself or any persons whom he is liable under this Act to maintain shall be eligible for medical assistance. 35

(3) References in this Act to persons who are eligible for public assistance shall be construed as including persons who are eligible for general assistance, persons who are eligible for medical assistance, and persons who are eligible for both general assistance and medical assistance. 40

Duty of public assistance authority to provide public assistance.

18.—Subject to the provisions of this Act, it shall be the duty of every public assistance authority to give, in accordance with this Act, to every person in their public assistance district who is eligible for public assistance such public assistance as shall appear to them to be necessary or proper in each particular case and to make, in accordance with this Act, due provision for that purpose. 45 50

Giving of public assistance.

19.—(1) The Minister may by order from time to time determine the officers of public assistance authorities who shall be authorised officers for the purpose of this section, and accordingly



in this section the expression "authorised officer" means an officer of a public assistance authority who is, by virtue of an order made by the Minister under this subsection, for the time being an authorised officer for the purposes of this section.

- 5 (2) It shall be lawful for an authorised officer, in any case in which it appears to him that the immediate giving of medical assistance or of general assistance to a person who is eligible for medical assistance or general assistance (as the case may be) is a matter of urgent necessity, to give such assistance to such  
10 person by an order of admission to a district institution and conveyance to such institution or by affording to such person immediate and temporary assistance in any other manner which may be appropriate to the circumstances of the case.

- (3) The Minister may by order make regulations governing  
15 the giving of assistance under this section and, in particular, regulating either generally or in respect of any particular class of person the nature of the assistance to be so given and prescribing the times and places at which and the conditions subject to which such assistance may be granted, and where any such regulations are for  
20 the time being in force, assistance given under this section shall be given in accordance with such regulations.

- (4) Save as is authorised by this section, it shall not be lawful for public assistance to be given to any person save on and in accordance with an order of the appropriate public assistance  
25 authority.

20.—(1) A public assistance authority may, with the consent of the Minister, pay such annual contribution as they shall, with the said consent, think proper to the funds of any society for the prevention of cruelty to children. Contributions to certain societies.

- 30 (2) Whenever a public assistance authority is satisfied that a society for relieving poor persons affords or proposes to afford relief to poor persons by providing food and lodging for such persons in premises under the control of such society in the functional area of such public assistance authority and that such society by so doing  
35 renders or will render useful aid in the administration of public assistance in such functional area, such public assistance authority may, with the consent of the Minister and subject to such limitations and conditions as he shall impose, give assistance to such society in any one or more of the following ways, that is to say:—

- 40 (a) by contributing to the expenses incurred by such society in affording relief to poor persons in the manner aforesaid, or  
(b) by supplying to such society fuel, light, food, water, or other commodity for use by such society in so affording  
45 relief to poor persons, or  
(c) by permitting the use by such society, for the purpose of so affording relief to poor persons, of premises in the occupation of such public assistance authority and, where requisite, executing alterations and repairs to and supplying furniture and fittings for such premises in order  
50 to make them suitable for use for such purpose, or  
(d) by providing premises (with all requisite furniture and fittings) for use by such society for the purpose of so affording relief to poor persons.

- 55 21.—(1) Whenever a public assistance authority is satisfied that useful aid is being or will be rendered to the administration of public assistance in their public assistance district by the treatment given in a public hospital or infirmary in such district to persons eligible for medical assistance such public assistance  
60 authority may, on the request of the governing body of such hospital or infirmary and with the consent of the Minister, provide for such hospital or infirmary any land which is shown by such governing body, to the satisfaction of the said public assistance authority, to be required for the efficient performance of the functions of such hospital or infirmary. Power to provide land for a public hospital.



(2) Where a public assistance authority determines to provide under this section any land for a public hospital or infirmary, such public assistance authority may acquire such land either by agreement with the consent of the Minister or compulsorily under this Act and (in either case) may convey such land to or for the benefit of such public hospital or infirmary. 5

(3) Where a public assistance authority is requested by the governing body of a public hospital or infirmary to provide under this section any land for such hospital or infirmary, such public assistance authority shall, as a condition precedent to their so providing such land, require such governing body to undertake to defray the whole of the cost of so providing such land. 10

Payment of  
expenses of  
removal of  
destitute persons.

22.—A public assistance authority may, on the application of a person eligible for general assistance, pay the reasonable expenses of the removal of such person (with or without his dependants) from the public assistance district of such authority to some other place if such authority is satisfied that the removal of such person from such district to the said other place is likely to enable such person to support himself and his dependants by his own industry or other lawful means and is generally for the benefit of such person and his dependants. 15 20

Burial of  
deceased persons.

23.—(1) A public assistance authority or, in case of urgency, an officer of a public assistance authority administering home assistance may provide for the burial of any of the following persons, at any place within the public assistance district of such authority which appears to such authority or officer (as the case may be) to be proper, that is to say:— 25

(a) a deceased person who died whilst in receipt of general assistance from such public assistance authority;

(b) a deceased person who died within the public assistance district of such public assistance authority and whose relatives either are not known or are, owing to absence or poverty or for some other good and sufficient reason, unable to provide for his burial; 30

(c) a deceased person who has been drowned and cast ashore within such public assistance district or who has otherwise perished and been found dead within the said district and (in either case) whose body has not been claimed for burial. 35

(2) Where a person eligible for general assistance from a public assistance authority dies outside the public assistance district of such authority, such authority may either bury such person outside the said district or bring the body of such person into and bury it in the said district. 40

(3) A public assistance authority may defray all expenses necessarily incurred in the burial under this section of a deceased person or in the bringing of the body of a deceased person into their public assistance district for burial. 45

(4) Where a public assistance authority incurs under this section expenses in relation to the body of a deceased person, such public assistance authority may obtain repayment of such expenses from the property of such deceased person or from any person who was liable to maintain such person immediately before his death as if such expenses were the cost of public assistance given to such person before his death. 50 55



24.—(1) A public assistance authority may, as a condition of the granting of general assistance to a person, require such person, either before or after or during receipt of such general assistance, to perform such work as such authority shall consider suitable to the sex, age, strength, and capacity of such person and shall direct such person so to perform.

Work as a condition for receiving general assistance.

(2) For the purpose of the provision of work under this section, a public assistance authority may do all or any of the following things, that is to say:—

10 (a) subject to the consent of the Minister, acquire, and dispose of, any land;

(b) subject to any regulations made by the Minister under this Act, purchase or hire, and dispose of, any plant, tools, equipment, or materials.

15 25.—(1) The Minister may by order make regulations prescribing the method of determining for the purpose of this Act the cost of public assistance and may by such regulations prescribe different such methods in respect of different kinds of public assistance.

Determination of the cost of public assistance.

20 (2) Reference in this Act to the cost of public assistance or to the cost of any particular kind of public assistance shall be construed and have effect as references to the cost of such public assistance as determined in accordance with regulations made under this section.

25 26.—(1) For the purposes of this Act and without prejudice to any obligations for the time being imposed by law otherwise than by or for the purposes of this Act the following provisions shall have effect that is to say:—

Liability to maintain relations.

(a) every legitimate person shall be liable to maintain his or her father and mother;

30 (b) every illegitimate person shall be liable to maintain his or her mother;

(c) every man shall be liable to maintain such of his legitimate children as are for the time being under the age of sixteen years;

35 (d) every woman shall be liable to maintain such of her children, whether legitimate or illegitimate as are for the time being under the age of sixteen years;

40 (e) every married man shall be liable to maintain his wife and shall also be liable to maintain every child, whether legitimate or illegitimate, of his wife who was born before her marriage to him and is for the time being under the age of sixteen years;

(f) every married woman shall be liable to maintain her husband.

45 (2) Every reference in this Act to a person who is liable to maintain another person shall be construed as meaning a person who is by virtue of this section liable for the purposes of this Act to maintain such other person.



Liability to repay  
cost of public  
assistance.

27.—Where public assistance has been given by a public assistance authority (in this section referred to as the said authority) to any person (in this section referred to as the assisted person) the following provisions shall apply and have effect, that is to say:—

5

- (a) it shall be the duty of the assisted person or, on his default, whether complete or partial, of every person liable to maintain him, to repay to the said authority according to their respective abilities the cost of the public assistance so given to the assisted person; 10
- (b) where the whole or any portion of the public assistance so given has not been repaid to the said authority in pursuance of this section and the said authority is at any time of opinion that the assisted person is able to repay to the said authority the whole or portion 15 of such public assistance so unrepaid, the said authority may apply to the District Court on notice to the assisted person for an order for such repayment as aforesaid by the assisted person;
- (c) where the whole or any portion of the public assistance 20 so given has not been repaid to the said authority in pursuance of this section and the said authority is at any time of opinion that the assisted person is unable to repay to the said authority the public assistance so unrepaid and that some person who was, at the time 25 when such public assistance was so given, liable to maintain the assisted person is able to repay to the said authority the whole or a portion of the public assistance so unrepaid, the said authority may apply to the District Court on notice to the said other person 30 for an order for such repayment as aforesaid by the said other person;
- (d) where, on an application under this section to the District Court for the repayment of public assistance, the Court is satisfied that the person from whom repayment is 35 sought is, at the time of the hearing of such application, able to repay the sum or a portion of the sum repayment of which is sought, the Court shall fix the sum to be repaid by such person and shall order the repayment thereof by such person to the said 40 authority either in one sum or by such weekly or monthly instalments as the Court shall think proper;
- (e) an order by the District Court under this section for the repayment of a sum to the said authority shall be enforceable in the like manner and by the like means 45 as an Order by the District Court for the payment of a sum of money in a civil case is enforceable;
- (f) the said authority shall not recover by means of applications under this section to the District Court a greater amount than the cost of the public assistance so given 50 or, where portion of such public assistance has been repaid in pursuance of this section without any such application, a greater amount than the difference between the amount so repaid and the said cost.

Liability to con-  
tribute to cost of  
general  
assistance.

28.—Where a public assistance authority (in this section 55 referred to as the said authority) grants general assistance to any person (in this section referred to as the assisted person) the following provisions shall have effect, that is to say:—

- (a) every person (in this section referred to as the person liable) who is liable to maintain the assisted person 60 shall be liable to contribute according to his ability to the general assistance so granted;



- (b) the said authority may apply to the District Court, on notice to the person liable, for an order for the contribution by that person to the general assistance so granted;
- 5 (c) where, on an application to the District Court under this section, the Court is satisfied that the person liable is, at the time of the hearing of such application, able to contribute to the general assistance so given, the Court shall fix the amount of the contribution to be made by the person liable and shall order the payment of the amount so fixed to the said authority by the person liable either in one sum or by such weekly or monthly instalments as the Court shall think proper;
- 10
- 15 (d) an order by the District Court under this section for the payment of a sum to the said authority shall be enforceable in the like manner and by the like means as an order by the District Court for the payment of a sum of money in a civil case is enforceable;
- 20 (e) the said authority shall not recover by means of applications under this section to the District Court a greater amount than the cost of the general assistance so granted or, where a contribution has been made in pursuance of this section without any such application, a greater amount than the difference between such contribution and such cost.
- 25

**29.**—(1) Where a person in receipt of public assistance in a district institution owns any money or security for money, the public assistance authority from whom such person receives such public assistance may—

- 30 (a) if such person has such money in his physical possession, take and appropriate such money and thereout reimburse themselves the cost of the public assistance given by such authority to such person at any time before such taking, and return to such person the balance (if any) of such money, or
- 35
- (b) if such person has such security in his physical possession, take and realise such security or a sufficient portion thereof and out of the proceeds of such realisation reimburse themselves the cost of the public assistance given by such authority to such person at any time before such taking, and pay to such person the balance (if any) of such proceeds, or
- 40
- (c) in any case, by appropriate legal proceedings make such money or security available for the reimbursement of such authority in respect of the cost of the public assistance given by such authority to such person at any time before the institution of such proceedings and reimburse themselves in respect of such cost accordingly.
- 45

50 (2) Where a person in receipt of public assistance dies and at his death owns any money or other property, the public assistance authority from whom such person received such public assistance may—

- 55 (a) where the circumstances so permit, take and appropriate out of such money a sum sufficient to reimburse themselves in respect of the expenses (if any) incurred by such authority in or about the burial of such person and the cost of the public assistance given by such authority to such person at any time before his death,
- 60 or



- (b) where the circumstances so permit, take and realise such property or a sufficient portion thereof and out of the proceeds of such realisation reimburse themselves in respect of the said expenses (if any) of burial and the said cost of public assistance, or 5
- (c) in any case, by appropriate legal proceedings make such money and property available for the reimbursement of such authority in respect of the said expenses (if any) of burial and the said cost of public assistance and reimburse themselves in respect thereof accordingly. 10

Provision of district institutions.

30.—(1) Every public assistance authority shall provide and maintain within their district such and so many homes, hospitals, and other institutions (in this Act referred to as district institutions) and at such places as the Minister shall from time to time by order direct and shall not provide nor (save as is otherwise provided by this section) maintain any other home, hospital, or other institution. 15

(2) Every public assistance authority shall, as and when the Minister by order so directs— 20

- (a) restore, alter, or enlarge in accordance with such order any district institution maintained by such authority,
- (b) provide in accordance with such order new, improved, or additional drainage or ventilation for any district institution so maintained. 25
- (c) provide and maintain in any district institution so maintained all such fixtures, fittings, furniture, surgical and medical appliances, and other conveniences as shall be directed by such order.

(3) Unless and until the Minister otherwise orders, every home, hospital, or other institution which is, at the commencement of this Act, maintained by a county scheme authority under a county scheme shall be deemed to have been provided under this section by the public assistance authority which is under this Act the successor of such county scheme authority and shall be a district institution within the meaning of this Act and shall be maintained by such public assistance authority accordingly. 30 35

(4) A public assistance authority shall not erect or restore, enlarge, or otherwise alter any district institution except with the prior consent of the Minister and in accordance with the directions (if any) given by the Minister with his said consent. 40

(5) Save as is required or authorised by this section, no public assistance authority shall provide or maintain any home, hospital, or other institution.

Discontinuance of a district institution.

31.—(1) The Minister, whenever he so thinks proper, after the holding of a public enquiry may by order direct any particular public assistance authority to discontinue, as from such date as is specified in that behalf in such order, a specified district institution for the time being maintained by that authority under this Act. 50

(2) Whenever the Minister makes an order under the foregoing sub-section of this section, the following provisions shall have effect, that is to say:—

- (a) the Minister shall by such order make such (if any) provisions as appear to him to be necessary and proper in relation to matters incidental to or consequential on the discontinuance in pursuance of such order of the district institution to which such order relates; 55
- (b) the Minister, if he so thinks proper, may by such order or a subsequent order direct the public assistance authority to which such order under the said foregoing sub-section applies to provide and maintain a 60



- district institution in substitution for the district institution discontinued in pursuance of such order;
- (c) a direction given under the next preceding paragraph of this sub-section shall be deemed to be given under the next preceding section of this Act and that section shall apply accordingly;
- (d) the public assistance authority to which such order under the said foregoing sub-section relates shall comply in all respects with such order.
- 32.—(1) Every district institution shall be available for the assistance of such class or classes of persons eligible for public assistance as the Minister shall from time to time by order direct and (except in cases of sudden or urgent necessity) for the assistance of no other persons.
- (2) Whenever the Minister by order directs that any particular class of persons for whose assistance a district institution is available shall not be assisted by a public assistance authority otherwise than in a district institution, it shall not be lawful for any public assistance authority to assist (except in cases of sudden or urgent necessity) any person of the said particular class in contravention of such order.
- (3) Unless and until the Minister otherwise orders, the several classes of persons who are, immediately before the commencement of this Act, authorised by a county scheme to be assisted in a home, hospital, or other institution maintained under such county scheme shall be deemed to be classes of persons for whose assistance such institution is available by virtue of an order made by the Minister under this section.
- 33.—(1) The Minister may by order make regulations in respect of district institutions, either generally or in respect of one or more classes of district institutions or in respect of one or more particular district institutions, for the government, management, and administration of the district institutions to which the regulations relate and for the preservation of order in such district institutions and for the classification of the inmates thereof.
- (2) The Minister may by regulations made under this section provide for the keeping of the inmates of a district institution employed according to their capacity and ability.
- (3) Where an inmate of a district institution is required in pursuance of regulations made under this section to perform work, such inmate shall, if he does such work, be deemed, in relation to the doing thereof, to be for the purposes of the Workmen's Compensation Act, 1934 (No. 9 of 1934), a workman in the employment of the public assistance authority maintaining such district institution, but, save as aforesaid, neither such requisition nor the performance of such work by such inmate shall operate to create or imply the relation of master and servant or a contract of service between such authority and such inmate.
- 34.—Subject to the consent of the Minister, a public assistance authority may, if they so think proper, make provision for the assistance in a home, hospital, or other institution not provided or maintained by such authority of persons, or particular classes of persons, eligible for public assistance, and where a public assistance authority makes such provision, such authority may defray the expenses of the conveyance of the persons for whose assistance such provision is made to and from such institution and the expenses of their maintenance, treatment, instruction, or training therein.
- 35.—(1) A public assistance authority may, if they so think proper, make regulations authorising the admission of persons not eligible for public assistance to any particular district institution maintained by such public assistance authority and regulating the
- Persons admissible to district institutions.
- Regulations in respect of district institutions.
- Assistance in institutions not maintained by a board of public assistance.
- Admission to district institutions of persons not eligible for public assistance.



admission of such persons to such institution and the accommodation and treatment of such persons therein.

(2) Regulations made by a public assistance authority under the foregoing sub-section of this section shall be submitted by such authority to the Minister for his approval and may be approved 5  
of by the Minister (if he thinks proper so to do) either with or without modification and shall come into operation if and when and as so approved of.

(3) The Minister may at any time require a public assistance authority to make and submit regulations (including amend- 10  
ing regulations) under the foregoing provisions of this section in respect of any particular district institution maintained by such authority, and, if such authority does not so make and submit such regulations within three months after being required by the Minister so to do or if such authority makes 15  
and submits in pursuance of such requisition regulations which the Minister refuses to approve of, the Minister, if he so thinks proper, may himself make the regulations mentioned in such requisition and may by such regulations appoint the day on which such regulations shall come into operation. 20

(4) Regulations made under this section—

(a) shall contain provisions requiring persons admitted under such regulations to the district institution to which such regulations relate to make payments to the public assistance authority maintaining such district institution 25  
for the accommodation and treatment received by them in such district institution, and regulating the amount of such payments, and

(b) may contain provisions authorising persons so admitted to make payments to registered medical practitioners 30  
in the service of such public assistance authority in respect of treatment afforded to such persons in such district institution by such practitioners and controlling the amount of such payments, and

(c) shall provide that no person shall be admitted to such district institution under such regulations unless there is available for him in such district institution at the time of his admission thereto accommodation not required for persons eligible for public assistance and admissible to such district institution. 40

(5) No person who is not eligible for public assistance shall be admitted to or accommodated or treated in a district institution unless regulations made under this section are in operation in respect of such district institution, and no such person shall be admitted to or accommodated or treated in such district institution 45  
otherwise than in accordance with such regulations.

(6) A registered medical practitioner in the service of a public assistance authority maintaining a district institution shall not demand or take from any person admitted to such district institution under regulations made under this section any payment in 50  
respect of treatment afforded by such practitioner to such person in such district institution unless the taking of such payment by such practitioner is expressly authorised by such regulations, and no such registered medical practitioner shall demand or take from any such person any such payment of an amount not so authorised. 55

(7) All money payable by a person admitted to a district institution under regulations made under this section to the public assistance authority maintaining such district institution in respect of accommodation or treatment in such district institution shall be a simple contract debt due by such person to such public assistance authority and shall be recoverable by such authority 60  
accordingly.

Religious services  
and chaplains in  
district  
institutions.

36.—(1) The Minister shall by order make provision for the due performance of religious services in every district institution and for that purpose shall appoint in relation to every district 65  
institution fit persons to be chaplains to such district institution.



(2) Every person appointed under this section to be a chaplain to a district institution shall hold office at the pleasure of the Minister and shall be paid by the public assistance authority by whom such district institution is maintained such remuneration as the Minister shall from time to time direct.

(3) No inmate of a district institution shall be obliged to attend any religious service contrary to his religious principles.

37.—(1) Every public assistance authority shall grant, in accordance with regulations made by the Minister under this Act, home assistance to every person in the public assistance district of such authority who is eligible for general assistance and is not granted assistance in an institution. Obligation to grant home assistance.

(2) The Minister may by order make regulations governing the granting of home assistance and, in particular, regulating the nature of home assistance either generally or in respect of any particular class of person, and prescribing the times and places at which and the conditions subject to which home assistance may be granted.

38.—(1) Every dispensary district existing in any public assistance district immediately before the commencement of this Act shall be a dispensary district for the purposes of medical assistance under this Act. Dispensary districts.

(2) The Minister may, whenever he so thinks proper, by order vary in such way as he shall think proper the division of any public assistance district into dispensary districts and, in particular, may increase or reduce the number of dispensary districts in a public assistance district.

(3) Whenever the Minister makes under this section an order varying the division of a public assistance district into dispensary districts, he may, by the same order, make provision for such (if any) transfer of officers as is in his opinion rendered necessary or expedient by such variation.

(4) The Minister may by order make regulations for the government of dispensary districts and for the administration of medical assistance in such districts, and it shall be the duty of every public assistance authority to manage every dispensary district in their public assistance district and to administer medical assistance in every such dispensary district in accordance with such regulations.

39.—Every public assistance authority shall appoint, for the service of each dispensary district within their public assistance district, such number of medical and other officers as the Minister shall from time to time direct. Appointment of medical officers of dispensary districts.

40.—(1) In this section the expression "separate dispensary" means a dispensary for the exclusive use of the medical officer or officers of one particular dispensary district. Provision of dispensaries, medicines, etc.

(2) Every public assistance authority shall provide and maintain dispensaries for the use of the medical officers of the several dispensary districts in their public assistance district.

(3) The following provisions shall apply and have effect in relation to the provision and maintenance of dispensaries in pursuance of the next preceding sub-section of this section, that is to say:—

(a) there shall be at least one dispensary in every dispensary district;

(b) in addition to such one dispensary, there shall be in every dispensary district such and so many (if any) other dispensaries as the Minister shall direct;

(c) at least one of the dispensaries in every dispensary district shall, unless the Minister otherwise directs, be a separate dispensary;



(d) a public assistance authority shall not provide or maintain, without the consent of the Minister, any dispensary which is not a separate dispensary.

(4) Every public assistance authority shall keep in proper condition and repair to the satisfaction of the Minister every dispensary maintained by them in pursuance of this section. 5

(5) Every public assistance authority shall, in accordance with regulations made by the Minister under this section, provide and supply for the use of every dispensary maintained by them under this section all such furniture, fittings, medical and surgical appliances, medicines, and other requisites as shall, in the opinion of the Minister, be necessary or proper for the due working of such dispensary in accordance with this Act. 10

(6) Where the medical officer of a dispensary district (in this sub-section referred to as the first-mentioned dispensary district) in a public assistance district is also the medical officer of an adjoining dispensary district (in this sub-section referred to as the adjoining dispensary district) which is situate in another public assistance district, the public assistance authority for such first-mentioned public assistance district (in this sub-section referred to as the contributing authority) may, with the consent of the Minister, perform the duties imposed on them by this section in respect of the first-mentioned dispensary district by agreeing with the public assistance authority for such other public assistance district (in this sub-section referred to as the providing authority)— 15 20 25

(a) that one or more dispensaries provided and maintained for the adjoining dispensary district by the providing authority together with the furniture, fittings, medical and surgical appliances, medicines, and other requisites supplied by the providing authority to such dispensary or dispensaries shall be available and used for the first-mentioned dispensary district, and 30

(b) that, as soon as may be after the end of every local financial year, the contributing authority shall pay to the providing authority such proportion of the expenses incurred in such year by the providing authority in the maintenance of such dispensary or dispensaries and the supply of requisites thereto as shall be agreed upon by the contributing authority and the providing authority or shall, in default of such agreement, be determined by the Minister. 35 40

Provision of residence for dispensary officer.

41.—(1) A public assistance authority may, with the approval of the Minister, and shall, if the Minister so directs, provide in any dispensary district in their public assistance district for any medical officer of such dispensary district a residence which is, in the opinion of the Minister, sufficient. 45

(2) A public assistance authority may, with the consent of the Minister, and shall, if the Minister so directs, provide and maintain, in connection with or as part of any dispensary maintained by them under this Act, a residence for a midwife or other officer (not being a medical officer) of the dispensary district in which such dispensary is situate. 50

Vesting of parental authority in public assistance authorities.

42.—(1) This section applies to a legitimate child both of whose parents are dead or who is deserted by both of its parents or (where one of its parents is dead) by its surviving parent, and to an illegitimate child whose mother is dead or who is deserted by its mother. 55

(2) Every public assistance authority shall have, in relation to every child to whom this section applies who has not attained the age of sixteen years and is maintained by such authority, all the rights and powers of the parents of such child. 60

(3) In the case of a legitimate child who has been deserted by both its parents or its surviving parent, nothing in this section shall authorise a public assistance authority to detain such child 65



if both or either of its parents claims the child for the purposes of maintaining it.

- (4) In the case of an illegitimate child who has been deserted by its mother, nothing in this section shall authorise a public assistance authority to detain such child if its mother claims it for the purpose of maintaining it.

43.—(1) Where a child is maintained by a public assistance authority and—

Transfer of  
parental  
authority to  
public assistance  
authority.

- 10 (a) such authority is of opinion that a parent of such child is, by reason of mental deficiency or vicious habits or mode of life, unfit to have the control of such child, or
- 15 (b) a parent of such child is, by reason of his serving a sentence of penal servitude or suffering detention under the Inebriates Act, 1898, unable to perform his parental duties, or
- (c) a parent of such child has been sentenced to imprisonment for an offence against such child or any other of his children, or
- 20 (d) a parent of such child is permanently bedridden and is maintained under this Act by such authority in a district or other institution and consents to the resolution hereinafter mentioned,

such public assistance authority may resolve that all the rights and powers of such parent in respect of such child shall vest in  
25 such authority until such child attains the age of sixteen years.

- (2) Whenever a public assistance authority passes any such resolution as is mentioned in the next preceding sub-section of this section, all the rights and powers of the parent mentioned in such resolution of the child which is the subject of such resolution  
30 shall vest in such authority immediately upon the passing of such resolution and shall continue to be so vested until such resolution is rescinded or terminated under this section or such child attains the age of sixteen years, whichever first happens.

(3) Whenever a public assistance authority has passed any  
35 such resolution as is mentioned in the first sub-section of this section, the following provisions shall have effect, that is to say:—

- 40 (a) if such authority is of opinion that the rescinding of such resolution would be for the benefit of the child which is the subject of such resolution, such authority may rescind such resolution;
- 45 (b) such authority may permit such child to be, either permanently or temporarily, under the control of a parent or other relative, a guardian, or a friend of such child or the control of a society or institution for the care of children;
- 50 (c) if the District Court is satisfied, on the complaint of a parent or other relative or of a guardian of such child or of any other person who is liable under this Act to maintain such child, that no circumstances authorising the passing of such resolution existed when such resolution was passed or that it would be for the benefit of such child that such resolution should be  
55 terminated, the District Court may make an order terminating such resolution, and thereupon such authority shall cease to have under this section any rights or powers in respect of such child;
- 60 (d) if the District Court is satisfied, on the complaint of a parent or other relative or a guardian of such child, that it should be under the control either permanently or temporarily, of such parent, relative, or guardian, the District Court may make an order accordingly and thereupon it shall be the duty of such authority to comply with such order.



Preservation of  
liability to  
contribute to  
maintenance.

44.—(1) The vesting of the rights and powers of the parents or a parent in respect of a child in a public assistance authority under or by virtue of this Act shall not relieve such parents or parent or any other person from any liability (whether imposed by this Act or otherwise by law) to defray all or any part of the maintenance of such child. 5

(2) Where the rights and powers of the parents or a parent in respect of a child are vested by or under this Act in a public assistance authority, the making by such parents or parent or any other person of a payment towards the maintenance of such child shall not operate to deprive such authority of any of such rights or powers or prejudice or affect the rights and powers of such authority in respect of such child. 10

Certification of  
schools.

45.—(1) Upon the application in writing of the managers of any school, other than a national school or a reformatory school, the Minister— 15

(a) may, if he so thinks fit, appoint a fit person to examine into the condition of such school and report to him thereon, and

(b) may, if on the consideration of such report he so thinks proper, certify in writing that such school is fit for the reception of children sent to a certified school under this Act and also certify the total number of children or the total number of children of each sex for the reception of which such school is so fit. 20 25

(2) Where the Minister has given a certificate under the next preceding sub-section of this section in respect of a school, the Minister, if at any time thereafter he is dissatisfied with the condition or management of such school, may by notice in writing given or sent to the managers of such school cancel such certificate as from a day specified in that behalf in such notice and not less than two months after such notice is given or sent to such managers. 30

(3) The following provisions shall have effect in relation to every school in respect of which a certificate given by the Minister under this section is for the time being in force, that is to say:— 35

(a) an inspector appointed by the Minister may at any time visit and inspect such school and make such examination of the condition and management of such school and the state and treatment of the children therein as he shall consider requisite; 40

(b) whenever an inspector visits and inspects such school under the next preceding paragraph of this sub-section, he shall report to the Minister the result of such visit and inspection and of any examination made by him in the course thereof; 45

(c) any public assistance authority which has sent a child to such school may, at any time while such child is in such school, appoint a suitable person to visit such school, and such person may visit and inspect such school accordingly; 50

(d) the managers of such school shall permit and give facilities for every such visitation, inspection, and examination as is authorised by any of the foregoing paragraphs of this sub-section. 55

(4) A school in respect of which a certificate given by the Minister under this section is for the time being in force is in this Act referred to as a certified school, and the expression "certified school" shall, in this Act, be construed accordingly.



46.—(1) A public assistance authority may provide, in accordance with regulations made by the Minister under this section, for the assistance in any of the following ways (whether in or outside their public assistance district) of a legitimate child who is eligible for general assistance and in respect of which the rights and powers of both of its parents or its sole surviving parent are vested in such authority or of an illegitimate child in respect of which the rights and powers of its mother are vested in such authority, that is to say, by placing such child out at nurse, or by boarding it out, or by sending it to a certified school, or by placing it out at service, or by placing it in any suitable trade, calling, or business.

Boarding out, etc.  
of children.

(2) A public assistance authority may, with the approval of the Minister, assist any person eligible for general assistance by doing, with the consent of such person and in accordance with regulations made by the Minister under this section, any of the following things in respect of any child which such person is liable under this Act to maintain and in respect of which the rights and powers of, in the case of a legitimate child, both or the survivor of its parents or, in the case of an illegitimate child, of its mother are not vested in such authority, that is to say, placing such child out at nurse, or boarding it out, or sending it to a certified school or placing it in any suitable trade, calling or business.

(3) Whenever a public assistance authority places under this section a child in a suitable trade, calling, or business, such authority may pay such fee or sum as may be requisite for that purpose and may support or contribute to the support of such child while it is engaged in learning such trade, calling, or business.

(4) The Minister may make regulations for all or any of the following purposes, that is to say:—

(a) in relation to the placing by a public assistance authority of children out at nurse,—

- (i) fixing the minimum age at which children may be so placed out at nurse and the maximum age up to which children may remain so placed,
- (ii) fixing the conditions under which children may be so placed out at nurse,
- (iii) prescribing the form of contract to be entered into by such authority with persons with whom children are so placed out at nurse,
- (iv) providing for the supervision and visiting on behalf of the Minister or such authority, of children so placed out at nurse,
- (v) securing generally the welfare of children so placed out at nurse;

(b) in relation to the boarding out of children by a public assistance authority,—

- (i) fixing the minimum age at which children may be so boarded out and the maximum age up to which children may remain so boarded out,
- (ii) fixing the conditions under which children may be so boarded out,
- (iii) prescribing the form of contract to be entered into by such authority with persons with whom children are so boarded out,



- (iv) providing for the supervision and visiting, on behalf of the Minister or of such authority, of children so boarded out,
- (v) securing generally the welfare of children so boarded out; 5
- (c) in relation to the sending of children by a public assistance authority to a certified school and the keeping of children so sent at such school,
  - (i) fixing the minimum age at which children may be so sent to a certified school and the maximum age up to which children may be so kept at a certified school, 10
  - (ii) fixing the conditions under which children may be so sent to or so kept at a certified school;
- (d) in relation to the placing by a public assistance authority of children at service or in a trade, calling, or business— 15
  - (i) fixing the age at which children may be so placed,
  - (ii) fixing the conditions under which children may be so placed,
  - (iii) prescribing the form of contract to be entered into by such authority with persons with whom children are so placed, 20
  - (iv) providing for the supervision and visiting, on behalf of the Minister or of such authority, of children so placed, 25
  - (v) securing generally the welfare of children so placed.

Removal of child placed out at nurse, etc.

47.—(1) Whenever a public assistance authority has placed a child out at nurse, or boarded out a child, or placed a child at service or in a trade, calling, or business, such authority, at any time before such child has attained the age of sixteen years, may at their discretion and shall, if so required by the Minister, remove such child from the custody of the person with whom it was so placed out, boarded out, or placed at service or in a trade, calling, or business. 30

(2) Whenever a public assistance authority has sent a child to a certified school, such authority— 35

- (a) may at any time, at their discretion, remove such child from such school, and
- (b) shall remove such child from such school if and when required so to do by the Minister or by the managers of such school, or upon such school ceasing to be a certified school. 40

(3) Whenever a child is removed by a public assistance authority from the custody of a person with whom such child has been placed out at nurse, boarded out, or placed at service or in a trade, calling, or business, any contract between such authority and such person in respect of such child shall terminate immediately upon such removal. 45

(4) Whenever a public assistance authority is empowered or required by or under this section to remove a child from the custody of a person, such person shall deliver up the custody of such child to the said public assistance authority on demand. 50



- 48.—Where the parents or the surviving parent or the guardian of a child who is deaf, dumb, blind, imbecile, idiot, epileptic or crippled are or is unable, by reason of poverty, to provide adequately for the training of such child and a public assistance authority is of opinion that it would be for the benefit of such child that it should be sent to such institution as is hereinafter mentioned, such authority may, with the approval of the Minister and the consent of such parents, parent, or guardian, provide for or contribute to the support, maintenance, and education of such child in an institution established and maintained for the care of such children and approved of by the Minister.

Assistance of defective children.

49.—(1) A public assistance authority shall not—

Protection of the religious creed of children.

- (a) place a child out at nurse or board a child out with a person who does not profess the creed of the religious denomination to which such child belongs, or
- (b) place a child in an institution which is conducted on the principles of a religious denomination which is not the denomination to which such child belongs, or
- (c) where the parental rights and duties in respect of a child are vested in such authority, educate such child or allow such child to be educated in a religious creed which is not the religious creed in which such child would have been educated if such parental rights had not become vested in such authority.
- (2) A child maintained by a public assistance authority shall not be instructed in any religious creed—
- (a) in the case of a legitimate child one at least of whose parents is living and has not deserted it, to which its parents or its surviving parent object or objects, or
- (b) in the case of an illegitimate child whose mother is living and has not deserted it, to which its mother objects, or
- (c) in the case of a legitimate child having no living parent or deserted by both or the survivor of its parents or in the case of an illegitimate child of which the mother is dead or which has been deserted by its mother, to which the guardian or the next-of-kin of such child objects.

- 50.—Whenever the age of a child is required to be ascertained for any of the purposes of this Act, any person shall, on presenting to the proper registrar or superintendent registrar of births and deaths a requisition in writing in the prescribed form and containing the prescribed particulars, be entitled to obtain from such registrar or superintendent registrar (free of charge) a certified copy of the entry in the register of births maintained under the Births and Deaths Registration Acts, 1863 to 1936, of the birth of such child.

Right to obtain birth certificate of child.

## PART IV.

### FINANCE.

- 51.—(1) Where a public assistance district consists of a county borough and a county or part of a county, the money required to meet the expenses of the public assistance authority for such public assistance district shall be supplied to such authority by

Provision of money for certain public assistance authorities.



the corporation of such county borough and the council of such county rateably in proportion to the totals of the valuations appearing in the valuation lists for the time being in force under the Valuation Acts of the rateable property in the respective portions of such public assistance district situate in such county borough and such county respectively. 5

(2) All moneys required by this section to be supplied by the council of a county or the corporation of a county borough to a public assistance authority shall be so supplied on demand made by such authority in the prescribed form and manner and at the prescribed time. 10

Raising of moneys for certain public assistance authorities.

52.—(1) Where a public assistance district is situate wholly within one county, the expenses incurred by the council of such county acting as the public assistance authority for such public assistance district shall be raised by such council by means of the poor rate equally over the whole of such public assistance district. 15

(2) Where a public assistance district consists of a county borough and a county or part of a county, all moneys required by this Part of this Act to be supplied by the council of such county to the public assistance authority for such public assistance district shall be raised by such council by means of the poor rate equally over the whole of such county or part of a county (as the case may be). 20

(3) All moneys required by this Part of this Act to be raised by the corporation of the county borough of Cork shall be raised by means of the poor rate. 25

Receipt of money by public assistance authorities.

53.—(1) All moneys payable to a public assistance authority shall be paid to and received by the treasurer of such authority and shall be carried by such treasurer to the credit of such authority. 30

(2) Only the receipt of the treasurer of a public assistance authority shall be a good discharge to a person paying money to such authority, save that the receipt of an officer of such authority duly authorised by such authority or by a regulation made under this Act to receive payments of a particular class shall be a good discharge to a person making a payment of that class to such officer. 35

(3) Whenever an officer of a public assistance authority receives for such authority any money which he is authorised by such authority or by a regulation made under this Act so to receive, it shall be the duty of such officer forthwith to pay such money to the treasurer of such authority. 40

Payments by public assistance authorities

54.—(1) All moneys payable by a public assistance authority shall be paid by the treasurer of such authority out of the funds of such authority.

(2) The treasurer of a public assistance authority shall not make any payment out of the funds of such authority except either— 45

(a) in pursuance of an order of a competent court, or

(b) in pursuance of an order of such authority duly signed (except where such authority is the corporation of a county borough) by three members of such authority present at the meeting at which such order was made and countersigned by the secretary of such authority. 50



55.—No sum of money borrowed by a public assistance authority shall be of an amount which itself exceeds or which makes the total debt of such authority exceed one-fourth of the total amount of the valuations appearing in the valuation lists for the time being in force under the Valuation Acts of the rateable property in the public assistance district of such authority.

Limitation on borrowing.

56.—(1) This section applies to every debt or liability (other than the liability for the payment of any superannuation allowance or gratuity) of a board of guardians or the committee of a county infirmary or fever hospital the liability for the payment of which was, on the abolition of such board or committee by a county scheme, transferred by or under the Local Government (Temporary Provisions) Act, 1923 (No. 9 of 1923), to the council of a county or a county borough and was not paid or discharged by such council before the commencement of this Act.

Transfer of certain debts and liabilities.

(2) The Minister may by order, if he so thinks proper, transfer, as from the commencement of this Act or any later date, the liability for the payment of any debt or liability to which this section applies to such public assistance authority or to such two or more public assistance authorities as he shall think fit and, where such transfer is so made to two or more such authorities, in such proportions as he shall think proper and shall specify in such order,

(3) Whenever the liability for the payment of a debt or liability or of a proportion of a debt or liability is transferred under this section to a public assistance authority, such debt or liability or such proportion thereof shall be paid and discharged by such authority as part of its expenses under this Act.

57.—Nothing in this Act shall apply to or affect the liability of the council of a county or of the corporation of a county borough under any Act which ceases by virtue of this Act to have effect in the area of application of this Act for the payment or for the making of a contribution towards the payment of any superannuation allowance.

Saving for liability of councils in respect of superannuation.

58.—Section 12 and sections 14, 15, 17 and 18 of the Local Government (Ireland) Act, 1871, sub-section (2) of section 63 of the Local Government (Ireland) Act, 1898, sections 19 to 22 of the Local Government (Ireland) Act, 1902, and paragraph (3) of Article 19 of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall apply to the audit of the accounts of the receipts and payments of a public assistance authority and to the auditor appointed to audit such accounts.

Accounts and audits.

45

## PART V.

### ACQUISITION AND DISPOSAL OF PROPERTY.

59.—In this Part of this Act the word "land" includes water and any estate or interest in land or water and any easement or right in, to, or over land or water.

Definition of "land".

60.—A public assistance authority may, for the purposes of its powers and duties, acquire land either by agreement with the consent of the Minister or compulsorily under this Part of this Act and the Acts incorporated therewith.

Power of public assistance authority to acquire land.



**61.**—For the purpose of the acquisition of land under this Part of this Act by a public assistance authority, the Lands Clauses Acts as amended by the Second Schedule to the Housing of the Working Classes Act, 1890, shall be and are hereby incorporated with this Part of this Act, but with and subject to the following 5 modifications, that is to say:—

- (a) the provisions relating to the sale of superfluous land and access to the special Act, and section 133 (which relates to land tax and poor's rate) of the Lands Clauses Consolidation Act, 1845, shall not be so 10 incorporated;
- (b) in the construction of the Lands Clauses Acts when so incorporated, this Act and the relevant compulsory acquisition order (if any) shall be deemed to be the special Act and the public assistance authority shall 15 be deemed to be the promoters of the undertaking;
- (c) in the construction of the Second Schedule to the Housing of the Working Classes Act, 1890, when so incorporated—

the expression "local authority" shall mean a public 20 assistance authority within the meaning of this Act,

the expression "confirming Act" shall mean this Part of this Act and the compulsory acquisition order as made and confirmed under this Part of this Act,

the expression "confirming authority" shall mean the 25 Minister, and references to the Housing of the Working Classes Act, 1890, or to Part I thereof shall be construed as references to this Act;

- (d) the arbitrator when assessing compensation shall not take into account any building erected or any improvement 30 or alteration made or any interest in land created after the date on which notice of the making of the compulsory acquisition order was published in pursuance of this Part of this Act if, in the opinion of the arbitrator, the erection of such building or the making 35 of such improvement or alteration or the creation of such interest was not reasonably necessary and was effected with a view to obtaining or increasing such compensation.

**62.**—(1) Any officer or agent of a public assistance authority 40 who is duly authorised in that behalf by such public assistance authority may, subject to the provisions of this section, enter on any land at all reasonable times between the hours of nine o'clock in the forenoon and six o'clock in the afternoon for the purpose of ascertaining whether such land is or is not suitable for acqui- 45 sition by such public assistance authority.

(2) A person entering on land under the foregoing sub-section of this section may do on such land all such things as are reasonably necessary for the purpose mentioned in the said sub-section and, in particular, may survey, make plans, take 50 levels, make excavations, and examine the depth and nature of the subsoil.

(3) Before any person enters on any land under this section, the public assistance authority on whose authority such entry is proposed to be made shall either obtain the consent (in the case 55 of occupied land) of the occupier or (in the case of unoccupied land) the owner or shall cause not less than fourteen days notice in writing of the intention to make such entry to be given to such occupier or such owner (as the case may be).



(4) Any person to whom a notice of intention to enter on land has been given under the next preceding sub-section of this section may, not later than fourteen days after the giving of such notice, apply to the justice of the District Court having  
5 jurisdiction in the district in which such land is situate, on notice to the public assistance authority by whom or on whose behalf such notice was given, for an order prohibiting the said entry on such land, and, upon the hearing of such application, such justice may, if he so thinks proper, either wholly prohibit such  
10 entry on such land or specify conditions to be observed by the person making such entry.

(5) Where a justice of the District Court prohibits under the next preceding subsection of this section a proposed entry on land, it shall not be lawful for any person to enter on such land  
15 under this section, and where a justice of the District Court specifies under the said next preceding sub-section of this section conditions to be observed by persons entering on land under this section, every person who so enters on such land shall observe the conditions so specified.

(6) Any person who suffers damage by anything done on any land under this section and, within one month after such thing is done, makes to the public assistance authority on whose authority such land was entered under this section a claim for compensation in respect of such damage, shall be entitled to be  
25 paid by such public assistance authority reasonable compensation for such damage and to recover such compensation (when the amount thereof has been agreed upon or has been determined under the next following sub-section of this section) from such public assistance authority in any court of competent jurisdiction  
30 as a simple contract debt.

(7) In default of agreement, the amount of any compensation payable by a public assistance authority under the next preceding sub-section of this section shall, if the amount claimed in respect thereof does not exceed twenty pounds, be determined  
35 by the District Court or, in any other case, be determined by arbitration under the Acquisition of Land (Assessment of Compensation) Act, 1919, (as amended by subsequent enactments) as if such compensation were the price of land compulsorily acquired.

(8) Every person who shall, by act or omission, obstruct an officer or agent of a public assistance authority in the lawful exercise of the powers conferred by 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 together  
45 with, in the case of a continuing offence, a further fine not exceeding one pound for every day on which the offence is continued.

**63.—**(1) When a public assistance authority desires to acquire compulsorily under this Part of this Act any particular land, such  
50 public assistance authority may make an order (in this Part of this Act referred to as a compulsory acquisition order) that such land be acquired compulsorily under this Part of this Act.

Making of compulsory acquisition order

(2) Every compulsory acquisition order shall be in the prescribed form and shall describe the lands to which such order  
55 relates by reference to a map complying with the prescribed conditions.

**64.—**(1) When a public assistance authority has made a compulsory acquisition order, such public assistance authority shall—

Notices, etc., of making of compulsory acquisition order.

(a) publish at least once in a newspaper circulating in the functional area of such public assistance authority an



advertisement in the prescribed form stating that a compulsory acquisition order has been made by such authority in respect of specified land and that such order and the map referred to therein may be inspected at a specified place, and

5

- (b) give to every owner or reputed owner, lessee, or reputed lessee, and occupier of the land to which such order relates a written notice in the prescribed form containing the like statements as are hereinbefore required to be contained in the said advertisement and also stating that any person aggrieved by such order may send to the Minister, in the specified manner and within a specified time, an objection to such order.

10

(2) A public assistance authority which has made a compulsory acquisition order and complied in respect of such order with the foregoing provisions of this section may apply to the Minister for an order confirming such compulsory acquisition order.

15

Confirmation of compulsory acquisition order.

**65.**—When an application has been made under this Part of this Act to the Minister by a public assistance authority for an order confirming a compulsory acquisition order and the Minister is satisfied that the provisions of this Part of this Act relating to matters antecedent to such application have been complied with in respect of such compulsory acquisition order, the following provisions shall have effect, that is to say:—

25

- (a) if no objection (other than an objection which, in the opinion of the Minister, relates only to compensation) to such compulsory acquisition order has been duly made to the Minister or every such objection so made has been withdrawn, the Minister may, as he shall think proper, either refuse to confirm such compulsory acquisition order, or make an order confirming such compulsory acquisition order without modification, or make an order confirming such compulsory acquisition order with such modifications as the Minister shall think proper:

30

- (b) in any case to which the next preceding paragraph of this section applies, the Minister may, if he so thinks fit, before dealing with such application cause a public local inquiry to be held in respect of such compulsory acquisition order;

40

- (c) if an objection (other than an objection which, in the opinion of the Minister, relates only to compensation) to such compulsory acquisition order has been duly made to the Minister and has not been withdrawn, the Minister shall cause a public local inquiry to be held in respect of such compulsory acquisition order;

45

- (d) when a public local inquiry has been held in pursuance of the next preceding paragraph of this section, the Minister, having considered the report of the person by whom such inquiry was held and the objection or all the objections which occasioned the holding of such inquiry, may, as he shall think proper, either refuse to confirm such compulsory acquisition order, or make an order confirming such compulsory acquisition order without modification, or make an order confirming such compulsory acquisition order with such modifications as the Minister shall think proper.

55

Notices, etc., of confirmation of compulsory acquisition order.

**66.**—As soon as may be after the Minister has made an order confirming (whether with or without modification) a compulsory acquisition order, the public assistance authority by whom such compulsory acquisition order was made shall—

60



5 (a) publish in a newspaper circulating in the functional area of such authority an advertisement in the prescribed form stating that such compulsory acquisition order has been confirmed by the Minister and that a copy of such order as so confirmed and the map referred to therein may be inspected at a specified place, and

10 (b) give to every person who appeared at the public local inquiry (if any) held in respect of such order to support an objection thereto made by him a written notice in the prescribed form containing the like statements as are hereinbefore required to be contained in the said advertisement.

15 67.—(1) Any person who or whose property is affected by a compulsory acquisition order may, within three weeks after the first publication by advertisement of notice of the confirmation of such order by the Minister, apply to the High Court for the complete or the partial annulment of such order, and the High Court, if it is satisfied that such compulsory acquisition order or any part thereof was made in excess of or was otherwise not  
20 authorised by the powers conferred by this Part of this Act or that the person making such application or any other person has been substantially prejudiced by any failure to comply in relation to such order with the provisions of this Part of this Act, may, as the High Court shall think proper, annul the whole of such  
25 order or annul a part of such order.

Annulment of compulsory acquisition order by the High Court.

(2) Where an application to the High Court under this section is pending, the High Court may, if it so thinks proper, suspend the operation of the compulsory acquisition order to which such application relates until such application has been finally deter-  
30 mined.

(3) Save as is otherwise provided by this section a compulsory acquisition order shall not be capable of being annulled, quashed, or otherwise questioned (whether before or after confirmation by the Minister) by any Court.

35 68.—(1) Every compulsory acquisition order which is not wholly annulled by the High Court under this Part of this Act shall (subject and without prejudice to any partial such annul-  
ment) come into operation in accordance with whichever of the following paragraphs is applicable, that is to say:—

Commencement of compulsory acquisition order.

40 (a) if an application is made under this Part of this Act to the High Court for the annulment (whether complete or partial) of such order, on the final determination of such application, or

45 (b) if no such application is so made, on the expiration of three weeks from the first publication by advertisement of notice of the confirmation of such order by the Minister.

(2) As soon as may be after a compulsory acquisition order comes into operation, the public assistance authority by which  
50 such order was made shall give a copy of such order to every person to whom notice of the making of such order was given in pursuance of this Part of this Act.

55 69.—A public assistance authority may, with the consent of the Minister and subject to compliance with such conditions as he may think proper to impose, appropriate and use for the purpose of any of its powers and duties any land vested for any purpose in such authority and not required for the purpose for which it was acquired.

Appropriation of surplus land to other purposes.



Disposal of  
surplus land.

**70.**—(1) A public assistance authority may, with the consent of the Minister, sell, exchange, let, or otherwise dispose of any land acquired by such authority under the Public Assistance (Acquisition of Land) Act, 1934 (No. 23 of 1934), or under this Part of this Act or transferred to such authority by or under this Act. 5

(2) The proceeds of the sale under this section of any land by a public assistance authority shall, so far as such proceeds are capital money, be applied with the consent of the Minister to a purpose (including the repayment of borrowed money) to which capital money may properly be applied by such authority. 10

(3) Where land is exchanged under this section by a public assistance authority, the land taken in such exchange shall (subject to the provisions of this Part of this Act in relation to the appropriation and use of land not required for the purpose for which it was acquired) be applied to the purposes to which the land 15 given in such exchange was applicable by such authority.

Transfer of  
property of  
certain abolished  
bodies.

**71.**—All property (other than money and securities for money) which—

(a) formerly belonged to a board of guardians or the committee of a county infirmary or a fever hospital and 20 was, on the abolition of such board or committee by a county scheme, transferred to the council of a county or a county borough by or under the Local Government (Temporary Provisions) Act, 1923 (No. 9 of 1923), and is, at the commencement of this Act, held by such 25 council of a county or the corporation of such county borough for the purposes of the exercise of any power or the performance of any duty which is by virtue of this Act conferred or imposed on a public assistance authority, or 30

(b) was, at the abolition of any such committee, vested in or held by any such council of a county or county borough for the purposes of such committee and is, at the commencement of this Act, vested in or held by such council of a county or the corporation of such county borough 35 for the said purposes,

shall, save where such council of a county or corporation is itself the public assistance authority for the public assistance district in which such property is situate, immediately upon such commencement become and be transferred by virtue of this Act to 40 and be the property of the said public assistance authority and shall thenceforward be held by such authority for the purposes of its powers and duties.

Application of  
money held for  
certain abolished  
committees.

**72.**—Any money or security for money which was formerly held by the committee of a county infirmary or a fever hospital in 45 trust for the purposes of such infirmary or hospital and was, on the abolition of such committee by a county scheme, transferred to the council of a county or a county borough by or under the Local Government (Temporary Provisions) Act, 1923 (No. 9 of 1923), and is, at the commencement of this Act, held by such council of 50 a county or by the corporation of such county borough shall continue to be so held and shall be applied for the purposes of this Act in such manner as the Minister shall direct.

Service of notices  
under this Part  
of this Act.

**73.**—(1) Any written notice or other document required by this Part of this Act to be given to any person may be so given 55 in any of the following ways, that is to say:—

(a) by handing it to such person, or

(b) by leaving it at the usual or last-known place of abode of such person, or



5 (c) by sending it by post in a prepaid registered envelope addressed to that person, in the case of an individual, at his usual or last-known place of abode or, in the case of a company registered under the Companies Acts, 1908 to 1924, at its registered office, or in the case of any other body corporate or any unincorporated association, at its principal office or place of business.

10 (2) Where a written notice or other document is by this Part of this Act required to be given to the owner or the occupier of land and the name of such owner or occupier is not known such document may be addressed to "the owner" or "the occupier" (as the case may be) of such land and may be given to such owner or occupier by leaving it at or affixing it in a prominent position  
15 on such land.

## PART VI

### LEGAL PROCEEDINGS AND PENALTIES.

74.—(1) All minutes of the proceedings at a meeting of a public assistance authority or of a committee of any such authority which purport to be signed by the chairman of such meeting or by the chairman of the next subsequent meeting of such authority or committee shall (without proof of the signature of the person by whom such minutes purport to be signed or that such person was in fact the chairman of the meeting at which such minutes purport to have been signed) be received in all legal proceedings as prima facie evidence of the proceedings at the meeting to which such minutes relate and as prima facie evidence that such meeting was duly convened and held and that the proceedings thereat were duly transacted according to law. Prima facie evidence of meetings, resolutions, and orders.

30 (2) A copy of a resolution passed or order made at a meeting of a public assistance authority or of a committee of any such authority which purports to be certified by the secretary or town clerk of such authority to be a true copy of such resolution or order shall be received in all legal proceedings as prima facie  
35 evidence of the passing of such resolution or the making of such order (as the case may be) and of the terms thereof without proof of the signature of the person by whom such copy purports to be so certified or that he was in fact such secretary or town clerk.

40 75.—(1) Every person who wilfully does any act (whether of commission or omission) which is a contravention of a regulation made by the Minister under this Act shall be guilty of an offence under this section and shall be liable on summary conviction thereof, in the case of a first such offence, to a fine  
45 not exceeding five pounds and, in the case of a second or any subsequent such offence, to a fine not exceeding twenty pounds. Penalty for contravention of regulations.

(2) This section shall not apply to a contravention by an inmate of a district institution of a regulation in force by virtue of this Act in such institution.

50 76.—Every person in receipt of general assistance who wilfully refuses or neglects to perform a task of work which he is required under this Act to perform shall be guilty of an offence under this section and shall be liable on summary conviction thereof to imprisonment for a term not exceeding twenty-one days. Penalty for failure to perform work.



Penalty for  
offences in  
district  
institutions.

77.—Every inmate of a district institution who—

- (a) wilfully does any act (whether of commission or omission) which is a contravention of a regulation in force by virtue of this Act in such institution, or
- (b) is, by reason of the consumption of intoxicating liquor, 5 drunk or incapable of conducting himself in such institution, or
- (c) does any act of insubordination in relation to an officer of such institution, or
- (d) does any other act (whether of commission or omission) 10 of misbehaviour in such institution which is prejudicial to the discipline or the good government of such institution,

shall be guilty of an offence under this section and shall be liable on summary conviction thereof to imprisonment for a term not exceeding twenty-one days. 15

Penalty for false  
statement to  
obtain public  
assistance.

78.—Every person who, for the purpose of obtaining public assistance for himself or another person, makes any statement or representation which is to his knowledge false or misleading in any material respect shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds, or at the discretion of the Court, to imprisonment for a term not exceeding three months. 20

Penalty for  
refusal to deliver  
up the custody of  
a child.

79.—(1) If a person who is required by or under this Act to deliver up the custody of a child to a public assistance authority 25 wilfully refuses or neglects so to deliver up such custody, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

(2) Whenever a person is convicted of an offence under this 30 section, the Justice of the District Court by whom such person is so convicted shall make at the time of such conviction an order for the removal of the child in relation to which such offence was committed from the custody of such person to the custody of the public assistance authority which is entitled by virtue of this 35 Act to have the custody of such child.

Penalty for assist-  
ing escaping  
child.

80.—If any person—

- (a) knowingly assists or induces, directly or indirectly, a child under the age of sixteen years who is maintained by a public assistance authority to leave, without the 40 consent of such authority, the place where it is so maintained, or
- (b) harbours or conceals a child under the age of sixteen years who is maintained by a public assistance authority and has, to the knowledge of such person, 45 left without the consent of such authority the place where it is so maintained, or
- (c) knowingly assists or induces, directly or indirectly, a child in respect of whom the rights and powers of its parents or one of its parents are vested in a public 50 assistance authority to leave, without the consent of such authority, a place in which it had been placed by such authority, or
- (d) harbours or conceals a child in respect of whom the rights and powers of its parents or one of its parents 55



are vested in a public assistance authority and who has, to the knowledge of such person, left without the consent of such authority a place in which it had been placed by such authority,

5 such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months.

81.—(1) Whenever a person deserts or wilfully neglects to  
10 maintain his wife or a child whom he is liable under this Act to maintain and in consequence of such desertion or neglect such wife or child becomes eligible for general assistance, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to imprisonment for a term not  
15 exceeding six months.

Penalty for desertion of wife or child.

(2) Sub-section (1) of section 4 of the Criminal Justice (Evidence) Act, 1924 (No. 37 of 1924), shall apply and have effect in relation to persons charged with an offence under this section as if this section were mentioned in the Schedule to that Act.

20 82.—(1) The matron or other officer having the charge and management of a district institution may without warrant arrest in such district institution any inmate of such district institution whom such matron or other officer reasonably suspects of having committed in such district institution an offence punishable on  
25 summary conviction, and every such matron or other officer shall, for the purpose of such arrest have all the powers and authority of a member of the *Gárda Síochána*.

Power of arrest of inmate of district institution.

(2) Any person arrested under the foregoing sub-section of this section shall be delivered with all convenient speed into the  
30 custody of a member of the *Gárda Síochána* and shall thereupon be dealt with according to law as if he had been lawfully arrested by such member.

83.—A public assistance authority may pay the reasonable  
costs of the prosecution of a person charged with an offence  
35 directly affecting the administration of the law relating to public assistance, whether such person is or is not convicted of such offence.

Power of public assistance authority to pay costs of prosecution.

## PART VII

### MISCELLANEOUS PROVISIONS.

40 84.—(1) The Minister may by order abolish a county infirmary or a county fever hospital or a public general infirmary for two or more counties or a county and a county borough if he thinks proper so to do after consultation with every (if any) council of a county and every (if any) corporation of a county borough  
45 which contributes to the maintenance of such infirmary or hospital and consultation with the committee of management of such infirmary or hospital.

Power of Minister to abolish county infirmaries and county fever hospitals.

(2) Whenever an infirmary or a fever hospital is abolished by an order made under the foregoing sub-section of this section,  
50 the following provisions shall have effect, that is to say:—

(a) the Minister shall, by the said order, fix the date on which such abolition shall become operative;



(b) the Minister may, by the said order or any subsequent order, make provision for the closing of such infirmary or hospital, the transfer of the patients therein, and such other matters (not specifically provided for by this section) as shall appear to him to be necessary 5 for carrying such abolition into effect;

(c) all property held for the purposes of such infirmary or hospital by a council of a county or corporation of a county borough and all property held by the committee of management of such infirmary or hospital shall, on 10 the date on which such abolition becomes operative, become and be transferred to and vested in the public assistance authority for the public assistance district in which such infirmary or hospital is situate and shall thenceforth be held by such authority for the purposes 15 of this Act;

(d) all the debts and liabilities of the said committee shall, as on and from the date on which such abolition becomes operative, become and be debts and liabilities of and be defrayed by the said public assistance authority; 20

(e) every person who, immediately before the date on which such abolition becomes operative, is an officer of the committee of management of such infirmary or hospital and (except in the case of a medical officer) devotes the whole of his time to the service of such committee shall, 25 if his period of service under such committee is, immediately before the said date, not less than ten years, have the same rights to receive an allowance from the said public assistance authority as he would have if he were a pensionable officer of the said public assistance 30 authority and held office under that authority for a period equal to his period of service under the said committee and were removed from such office for a cause other than misconduct or incapacity.

Inclusion of boards of public assistance in certain Acts.

**85.**—(1) Every board of public assistance shall be a local 35 authority within the meaning and for the purposes of every of the several Acts mentioned in the Third Schedule to this Act.

(2) Section 4 of the Local Government Act, 1931 (No. 19 of 1931), shall have effect in relation to a board of public assistance as if such board were a board of health and public assistance, and for 40 that purpose the said section 4 is hereby amended by the insertion therein of the words "board of public assistance" immediately after the words "board of public health."

Inclusion of boards of public assistance in section 63 of the Local Government Act, 1925.

**86.**—Every board of public assistance shall be a county 45 authority within the meaning and for the purposes of section 63 of the Local Government Act, 1925 (No. 5 of 1925).

Adaptations of existing enactments.

**87.**—(1) The Minister may by order make such adaptations and modifications of any enactment in force at the commencement of this Act and relating to any matter or thing dealt with or affected by this Act as appear to him to be necessary or 50 expedient for carrying this Act into effect or for enabling this Act to have full force and effect.

(2) Subject and without prejudice to any adaptation or modification made by the Minister under the foregoing sub-section of this section, the following provisions shall have effect in relation 55



to every enactment (whether relating or not relating to any matter or thing dealt with by this Act) which is in force at the commencement of this Act, that is to say:—

5 (a) every mention or reference contained in any such enactment of or to a board of guardians or the guardians of the poor shall be construed and have effect as a mention of or reference to a public assistance authority;

10 (b) every mention or reference contained in any such enactment of or to a poor law union shall be construed and have effect as a mention of or reference to a public assistance district;

15 (c) every mention or reference contained in any such enactment of or to a union fund shall be construed and have effect as a mention of or reference to the funds of the appropriate public assistance authority;

20 (d) every mention or reference contained in any such enactment of or to the workhouse of a union shall be construed and have effect as a mention of or reference to the appropriate district institution;

(e) every mention or reference contained in any such enactment of or to poor relief shall be construed and have effect as a mention of or reference to assistance;

25 (f) every mention or reference contained in any such enactment of or to union relief shall be construed and have effect as a mention of or reference to general assistance;

30 (g) every mention or reference contained in any such enactment of or to outdoor relief shall be construed and have effect as a mention of or reference to home assistance.

88.—The Minister may, if and whenever he so thinks proper, make by order such regulations (either in relation to all public assistance authorities or in relation to one or more such authorities) as shall appear to him to be expedient for the guidance and control of such authorities and their officers in the exercise and performance of their powers and duties under this Act and for securing the efficient execution and administration of this Act. Power of Minister to make general regulations.

40 89.—Every order and every regulation made by the Minister under this Act and relating to or having effect in more than one public assistance district shall be laid before each House of the Oireachtas as soon as conveniently may be after it is made, and if a resolution annulling such order or regulation is passed 45 by either such House within the next twenty-one days on which such House has sat after such order or regulation is so laid before it, such order or regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder. Laying of orders and regulations before the Oireachtas.



**FIRST SCHEDULE.**  
**ENACTMENTS REPEALED.**

Session and Chapter or Number and Year	Short Title	Extent of Repeal
1 & 2 Vic., c. 56	The Poor Relief (Ireland) Act, 1838.	Section 3; sections 5 to 8; sections 13 to 18; sections 21 and 22; sections 26 to 58; section 60; sections 89 to 95; sections 98 to 103; sections 114 to 117; and the First Schedule.
2 & 3 Vic., c. 1	The Poor Relief (Ireland) Act, 1839.	Sections 1, 3, 4 and 6.
6 & 7 Vic., c. 92	The Poor Relief (Ireland) Act, 1843.	Sections 14 to 17; section 21 and the Schedule.
10 & 11 Vic., c. 31	The Poor Relief (Ireland) Act, 1847.	Sections 1 to 4; sections 7 to 9; sections 11, 13, 15; sections 18 to 23; sections 25 to 29.
10 & 11 Vic., c. 84	The Vagrancy (Ireland) Act, 1847.	Section 2; section 3 from the words "and every person" to the words "union or district."
10 & 11 Vic., c. 90	The Poor Relief (Ireland) (No. 2) Act, 1847.	The whole Act so far as unrepealed.
11 & 12 Vic., c. 25	The Poor Relief (Ireland) Act, 1848.	The whole Act so far as unrepealed.
12 & 13 Vic., c. 4	The Guardians (Ireland) Act, 1849.	The whole Act so far as unrepealed.
12 & 13 Vic., c. 104	The Poor Relief (Ireland) Act, 1849.	Sections 2 to 5; section 20; sections 24 to 28.
14 & 15 Vic., c. 68	The Poor Relief (Ireland) Act, 1851.	The whole Act so far as unrepealed.
25 & 26 Vic., c. 83	The Poor Relief (Ireland) Act, 1862.	Sections 2 to 8; sections 11, 21, 22, 23.
29 & 30 Vic., c. 38	The Poor Persons Burial (Ireland) Act, 1866.	The whole Act so far as unrepealed.
31 & 32 Vic., c. 74	The Poor Law Inspectors (Ireland) Act, 1868.	The whole Act so far as unrepealed.
32 & 33 Vic., c. 54	The Poor Relief (Ireland) Act, 1869.	The whole Act so far as unrepealed.
39 & 40 Vic., c. 50	The Poor Law Rating (Ireland) Act, 1876.	The whole Act so far as unrepealed.
41 & 42 Vic., c. 60	The Poor Afflicted Persons Relief (Ireland) Act, 1878.	The whole Act.
42 & 43 Vic., c. 25	The Dispensary Houses (Ireland) Act, 1879.	The whole Act so far as unrepealed.
52 & 53 Vic., c. 56	The Poor Law Act, 1889	The whole Act.
55 & 56 Vic., c. 5	The Poor Law (Ireland) Act, 1892.	The whole Act.
55 & 56 Vic., c. 41	The Boards of Management of Poor Law District Schools (Ireland) Act, 1892.	The whole Act.
59 & 60 Vic., c. 5	The Poor Law Guardians (Ireland) (Women) Act, 1896.	The whole Act.
61 & 62 Vic., c. 30	The Pauper Children (Ireland) Act, 1898.	The whole Act.
61 & 62 Vic., c. 37	The Local Government (Ireland) Act, 1898.	Sections 13, 30, 39, 43, 61; sub-section (1) of section 63; section 85; sections 90 and 91; in sub-sections (2) and (3) section 94 the words "or board of guardians"; sub-section (5) of section 94.



Session and Chapter or Number and Year	Short Title	Extent of Repeal
62 & 63 Vic., c. 37	The Poor Law Act, 1899	The whole Act.
63 & 64 Vic., c. 45	The Poor Relief (Ireland) Act, 1900.	The whole Act.
2 Ed. VII, c. 16	The Pauper Children (Ire- land) Act, 1902.	The whole Act.
8 Ed. VII, c. 67	The Children Act, 1908	Paragraph (26) of section 133.
5 & 6 Geo. V, c. 14	The Poor Relief (Ireland) Act, 1914.	The whole Act.
No. 9 of 1923	The Local Government (Temporary Provisions) Act, 1923.	Sections 1 to 10; section 20.
No. 13 of 1924	The Local Government (Temporary Provisions) (Amendment) Act, 1924	Section 2.
No. 5 of 1925	The Local Government Act, 1925.	Sub-section (3) of section 12; sub-section (7) of section 13.
No. 3 of 1927	The Local Government Act, 1927.	Sub-section (2) of section 4.
No. 23 of 1934	The Public Assistance (Acquisition of Land) Act, 1934.	The whole Act.
No. 2 of 1937	The Public Assistance Act, 1937.	Section 2.

## SECOND SCHEDULE.

### RULES IN RELATION TO MEMBERSHIP AND MEETINGS OF BOARDS OF PUBLIC ASSISTANCE.

#### *Elections.*

- 5 1.—(1) The members of a board of public assistance to be elected  
by a county council shall be elected at the annual meeting of such  
council held next after every triennial election of members of such  
council.
- (2) The members of a board of public assistance to be elected by  
10 the corporation of a county borough shall be elected at the quarterly  
meeting of the city council for such county borough held next after  
every triennial election or annual election (as the case may be) of  
members of such city council.
- 15 2.—(1) The members of a board of public assistance to be elected  
by a county council shall be elected as follows:—
- (a) for each county electoral area or part of a county electoral  
area in the public assistance district, one member of the  
board shall be elected from among the county councillors  
elected for that area;
- 20 (b) of the other members (in this rule called additional  
members) any group of councillors comprising the neces-  
sary number of councillors may nominate a councillor  
to be a member of the board and such member shall be  
elected on such nomination without any voting;
- 25 (c) the remainder of the additional members shall be elected  
successively by a majority of the votes of the councillors  
who are not members of any such group of councillors  
as aforesaid;



(d) the number of councillors necessary to form a group for the purposes of this rule shall be the number obtained by dividing the total number of councillors present at the election by the number of additional members to be elected, or where the number so obtained is not a whole number, the whole number next greater than the number so obtained; 5

(e) no councillor shall be a member of more than one group.

(2) The members of a board of public assistance to be elected by the corporation of a county borough shall be elected in the same manner as additional members are required to be elected by a county council under the foregoing paragraph. 10

#### *Tenure of Office.*

3.—The members of a board of public assistance shall hold office (unless any such member shall sooner die, resign or become disqualified) until the day after their successors have been elected under the foregoing rules. 15

#### *Disqualification.*

4.—(1) A member of a board of public assistance elected by a county council who ceases to be, or is disqualified for being, a member of such county council shall also cease to be, or be disqualified for being, a member of such board of assistance. 20

(2) A member of a board of assistance elected by the corporation of a county borough who ceases to be, or is disqualified for being, a member of the city council for such county borough shall also cease to be, or be disqualified for being, a member of such board of assistance. 25

#### *Resignation and Removal.*

5.—A member of a board of public assistance may at any time resign his membership by notice in writing signed by him and delivered, if he has been elected by a county council, to the secretary of the county council or, if he has been elected by the corporation of a county borough, to the town clerk of the borough and to the secretary of the board of public assistance, but such resignation shall not become effective until the meeting of such county council or of the city council for such county borough, as the case may be, held next after the receipt of such notice. 30 35

6.—Any member of the council of a county or of the city council for a county borough may with the consent of not less than one-fourth of the members of such council, at any time notify the secretary of such county council or town clerk of such county borough in writing of his intention to propose that the membership of all the members of a board of public assistance who were elected by such county council or by the corporation of such county borough shall be terminated, and the secretary or town clerk, as the case may be, shall thereupon summon a special meeting of such county council or city council for a date not later than one month from the receipt by him of such notification and shall give to every member of such county council or city council, as the case may be, at least fourteen days' notice thereof, and in the event of a resolution (for the passing of which not less than two-thirds of the councillors present shall have voted) being passed at such meeting approving of such proposal, the membership of such members of such board of public assistance shall be thereupon terminated and new members of such board shall be elected forthwith in lieu of those whose membership is terminated. 40 45 50 55



7.—(1) The membership of any member of a board of public assistance who, for a consecutive period of three months has not attended a meeting of such board, shall thereupon terminate and the county council or city council, as the case may be, at their meeting next after the expiration of such period, shall appoint one of their members to fill the vacancy so created in the membership of the board of public assistance.

(2) Where a meeting of a board of public assistance is abandoned owing to a failure to obtain a quorum, the names of the members who attended at the time and place appointed for the holding of the meeting shall be recorded and such members shall be deemed to have attended a meeting of the board for the purpose of this rule.

#### *Casual Vacancies.*

8.—A casual vacancy occurring in the membership of a board of public assistance shall be filled by the council or corporation by whom the member causing the vacancy was elected within one month after the occurrence of such vacancy or within such further time as the Minister may allow, but where the casual vacancy is occasioned by a member elected for the whole or part of an electoral area under paragraph (a) of Rule 2 of these Rules, the casual vacancy shall be filled from among county councillors elected in that electoral area.

#### *Quorum.*

9.—The quorum of a board of public assistance shall be one-fourth of the total number of members of the board.

#### *Meetings.*

10.—Every board of public assistance shall hold an annual meeting in each year, and shall hold meetings for the transaction of their business at least once in each month and at such other times as may be necessary for properly exercising their powers and performing their duties.

11.—The annual meeting of a board of public assistance shall be held in each year on the 17th day of July unless such day shall be a Sunday or a bank holiday when it shall be held on the next following day which is neither a Sunday nor a bank holiday.

#### *Election of Chairman and Vice-Chairman.*

12.—At every annual meeting of a board of public assistance the board shall elect a chairman, and may elect a vice-chairman, from amongst its members, who shall hold office until the day after the day of the next annual meeting of the board.

#### *Proceedings at Meetings.*

13.—The proceedings of a board of public assistance shall not be invalidated by any vacancy or vacancies among their members or by any defect in the election of such board or in the election or qualification of any member thereof.

14.—The chairman of a board of public assistance may at any time call a meeting of such board.

15.—If the chairman of a board of public assistance refuses to call a meeting of such board after a requisition for that purpose, signed by three members of such board has been presented to him, any three members of such board may forthwith, on that refusal, call a meeting; if such chairman (without so refusing) does not, within seven days after such presentation, call a meeting of such board, any three members of such board may, on the expiration of those seven days, call a meeting.

16.—Three clear days at least before any meeting of a board of public assistance, notice of the time and place of the intended meeting, signed by the chairman, or if the meeting is called by members of the board, by those members, shall be fixed on the



hall or other place at which the board is accustomed to meet. Where the meeting is called by members of the board, the notice shall specify the business proposed to be transacted thereat.

17.—Three clear days at least before any meeting of a board of public assistance, a summons to attend the meeting, specifying the business proposed to be transacted thereat, and signed by the secretary of the board shall be left or delivered by post at the usual place of abode of every member of the board, but failure so to leave or deliver such summons for or to a member or some of the members of such board shall not affect the validity of a meeting.

18.—No business shall be transacted at a meeting other than that specified in the summons relating thereto, except (in case of the annual meeting) business required to be transacted thereat.

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

20.—The names of the members present as well as of those voting on each question shall be recorded, so as to show whether each vote given was for or against the question.

21.—All acts of a board of public assistance and all questions coming or arising before the board may be done and decided by the majority of such members of the board as are present and vote at a meeting of the board duly held according to law.

22.—In case of equality of votes, the chairman of the meeting shall have a second or casting vote.

23.—A member of a board of public assistance shall not vote or take part in the discussion of any matter before the board in which he has, directly or indirectly, by himself or by his partner any pecuniary interest.

24.—Minutes of the proceedings of every meeting shall be drawn up and fairly entered in a book kept for that purpose and shall be signed by the chairman of such meeting or of the next ensuing meeting.

### THIRD SCHEDULE.

#### ENACTMENTS UNDER WHICH A BOARD OF PUBLIC ASSISTANCE IS A LOCAL AUTHORITY.

Number and Year	Short Title
No. 5 of 1925.	The Local Government Act, 1925.
No. 20 of 1925	The Local Authorities (Combined Purchasing) Act, 1925.
No. 34 of 1926	The Local Authorities (Mutual Assurance) Act, 1926.
No. 39 of 1926	The Local Authorities (Officers and Employees) Act, 1926.
No. 3 of 1927	The Local Government Act, 1927.
No. 23 of 1927	The Juries Act, 1927.
No. 21 of 1928	The Local Authorities (Mutual Assurance) Act, 1928.
No. 19 of 1931	The Local Government Act, 1931.
No. 41 of 1935	The Local Government (Dissolved Authorities) Act, 1935.
No. 42 of 1935	The Local Authorities (Mutual Assurance) Act, 1935.
No. 55 of 1936	The Local Authorities (Miscellaneous Provisions) Act, 1936.







Éire.

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BILLE UM CHONGNAMH PHUIBLI, 1939.

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## BILLE

*(mar do leasúíodh i gCoiste)*

*dá ngairmtear*

Acht chun socruithe bhreise agus fheabhsa do dhéanamh maidir le fóirithin na mbocht agus chun an dlí bhaineann le fóirithin na mbocht do leasú go generálta chun na críche sin.

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*An tAire Riaghaltais Aiteamhail agus Sláinte Poiblidhe do thug isteach.*

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*Do hordúíodh, ag Dáil Eireann, do chlóbhualadh, 22adh Meitheamh, 1939.*

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FOILLSITHE AG OIFIG AN tSOLATHAIR.

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PUBLIC ASSISTANCE BILL, 1939.

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## B I L L

*(as amended in Committee)*

*entitled*

An Act to make further and better provision in relation to the relief of the poor and for that purpose to amend generally the law relating thereto.

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*Introduced by the Minister for Local Government and Public Health.*

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*Ordered by Dáil Eireann, to be printed, 22nd June, 1939.*

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