

# ÉIRE

**BILLE BRIOGAIDEACHA TOITEAIN, 1939.**

**FIRE BRIGADES BILL, 1939.**

*Mar do ritheadh ag dhá Thigh an Oireachtais.*

*As passed by both Houses of the Oireachtas.*

## ARRANGEMENT OF SECTIONS.

### Section.

1. Definitions.
2. Obligations and powers of sanitary authorities.
3. Agreements between sanitary authorities for fire brigade services.
4. Fire brigades acting outside their district.
5. Failure of sanitary authority to comply with this Act.
6. Control of operations at a fire.
7. Fire precautions notices.
8. Powers of inspection by sanitary authorities.
9. Ancillary powers in relation to extinguishing fires.
10. Powers of Garda Síochána in relation to traffic.
11. Penalty for false fire alarms.
12. Transfer of certain existing fire organisations to sanitary authorities.
13. Powers of sanitary authority to appoint personnel of fire brigades.
14. Acquisition of land by sanitary authorities.
15. Borrowing by sanitary authorities.
16. Expenses of sanitary authorities.
17. Expenses of the Minister.
18. Repeals.
19. Short title and commencement.

### FIRST SCHEDULE.

Transfer of fire brigades, etc., from commissioners of towns to sanitary authorities.

### SECOND SCHEDULE.

Enactments repealed.

# ÉIRE

## BILLE BRIOGAIDEACHA TOITEAIN, 1939. FIRE BRIGADES BILL, 1939.

### BILL

*entitled*

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AN ACT TO REQUIRE SANITARY AUTHORITIES TO MAKE PROVISION FOR THE EXTINGUISHING OF FIRES OCCURRING IN THEIR SANITARY DISTRICT AND FOR THE PROTECTION AND RESCUE OF PERSONS AND PROPERTY FROM INJURY BY SUCH FIRES AND TO PROVIDE FOR DIVERS MATTERS ANCILLARY TO OR CONNECTED WITH THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

#### Definitions.

1.—(1) In this Act—

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

the expressions “ sanitary authority ” and “ sanitary district ” have respectively the same meanings as they have in the Public Health Acts, 1878 to 1931;

the expression “ fire brigade authority ” means a sanitary authority which has established and is maintaining a fire brigade; 20

the expression “ fire brigade ” means an organised body of men trained and equipped for extinguishing fires occurring in buildings and other places and for rescuing persons and property from such fires, and includes (unless the context otherwise requires) the vehicles, pumps, hoses, ladders and other implements and equipment with which such body of men is provided for the purposes of their duties in relation to fires; 25

the expression “ potentially dangerous building ” means a building, structure, or erection (whether permanent or temporary) of any kind or of any materials which would, in the event of a fire occurring therein, constitute a peculiarly serious danger to life by reason of— 30

(i) the fact that large numbers of persons habitually resort thereto or are accommodated therein, or

(ii) the absence of any or any adequate appliances or fittings for extinguishing fires occurring therein or for enabling the occupants thereof to escape therefrom on the occurrence of a fire, or 35

(iii) the inflammable nature of the materials of which it is made, or 40

(iv) the fact that articles of an inflammable nature are habitually kept therein, or

(v) the absence of adequate means of exit therefrom, or

(vi) any similar cause.

(2) In this Act references to extinguishing a fire shall be construed as including preventing a fire from spreading. 45

#### Obligations and powers of sanitary authorities.

2.—(1) Every sanitary authority shall make reasonable provision for the prompt and efficient extinguishing of fires occurring in buildings and other places of all kinds in their sanitary district and for the protection and rescue of persons and property from injury by any such fire. 50

(2) A sanitary authority may, for the purpose of making such reasonable provision as is mentioned in the foregoing sub-section of this section, establish and maintain a fire brigade and, for the purposes of such fire brigade, do all or any of the following 5 things, that is to say :—

- (a) provide premises for the housing of such fire brigade;
- (b) make such provision in respect of the public water supply in such sanitary district as will ensure that a sufficient supply of water is available for and accessible to such fire brigade;
- 10 (c) establish and maintain in the public streets and in other places fire alarms by means of which such fire brigade can be summoned.

(3) A sanitary authority may, in lieu of or in addition to estab- 15 lishing and maintaining a fire brigade under the next preceding sub-section of this section, do with the sanction of the Minister either or both of the following things, that is to say :—

- (a) make an agreement with any fire brigade authority whereby the fire brigade of such fire brigade authority will be available and will give their services in relation to fires occurring in the sanitary district, or any particular portion of the sanitary district, of such sanitary authority as fully as if such sanitary district, or such portion thereof, were part of the sanitary district of such fire 20 brigade authority;
- (b) make an agreement with any person (other than a fire brigade authority) who maintains a fire brigade whereby such fire brigade will be available and will give their services in relation to fires occurring in the sanitary district, or any particular portion of the sanitary district of such sanitary authority. 25 30

(4) A sanitary authority shall, in the performance of the obligations imposed and the exercise of the powers conferred on them by this section, have regard (in addition to all other 35 relevant considerations) to the probable frequency and extent of fires in their sanitary district, the character of such district, the value of the property likely to be damaged by such fires, and the financial resources of such sanitary authority.

3.—(1) Whenever the Minister is satisfied, on the application of 40 a sanitary authority, that such sanitary authority has endeavoured to make an agreement under the next preceding section with a particular fire brigade authority and is also satisfied, after consultation with such fire brigade authority, that it is reasonable, having regard to all the circumstances of the case, that such 45 sanitary authority and such fire brigade authority should enter into an agreement under the said section, the following provisions shall have effect, that is to say :—

- (a) the Minister may by order require such sanitary authority and such fire brigade authority to enter, 50 within a specified time, into an agreement under the said section;
- (b) every order made under this sub-section shall specify such and so many of the terms and provisions to be contained in the agreement made in pursuance thereof 55 as the Minister shall think proper so to specify;
- (c) when an order has been made under this sub-section, the sanitary authority and the fire brigade authority to which such order applies shall, within the time specified in that behalf in such order, enter into an agreement under the said section containing the terms and provisions required by such order and containing such (if 60 any) other terms and provisions (not inconsistent with the said terms and provisions so required) as may be agreed upon by such sanitary authority and such fire brigade authority; 65

Agreements between sanitary authorities for fire brigade services.

(d) every doubt, question, or dispute which shall arise between such sanitary authority and such fire brigade authority as to the terms and provisions to be contained (whether in pursuance of such order or by agreement between the parties) in such agreement shall be determined by the Minister and such determination by the Minister shall be binding on and shall be complied with by such sanitary authority and such fire brigade authority. 5

(2) The following provisions shall apply and have effect in relation to agreements made under the next preceding section or this section by a sanitary authority for the availability of a fire brigade maintained by a fire brigade authority or other person, that is to say:— 10

(a) any such agreement may contain such relevant provisions (including provisions as to payment by such sanitary authority for the services of such fire brigade) as may be agreed upon between such sanitary authority and such fire brigade authority or other person; 15

(b) where any such agreement has been made, it shall be lawful for such sanitary authority to carry out such agreement and, in particular, to pay moneys payable by such sanitary authority under such agreement; 20

(c) where any such agreement has been made with a fire brigade authority, it shall be lawful for such fire brigade authority to carry out such agreement and, in particular, to receive moneys payable to such fire brigade authority under such agreement; 25

(d) where any such agreement has been made (whether with a fire brigade authority or with any other person), such sanitary authority may make such provision in respect of the public water supply in their sanitary district as will ensure that a sufficient supply of water is available for and accessible to the fire brigade to which such agreement relates when rendering services in pursuance of such agreement, and may establish and maintain in the public streets and other places fire alarms whereby such fire brigade may be summoned. 30 35

Fire brigades acting outside their district.

4.—(1) A fire brigade authority may authorise the officer having command of their fire brigade, to send such fire brigade to fires occurring outside the sanitary district of such fire brigade authority and may in such authorisation specify the circumstances in which and the conditions (including conditions as to distance) under which such fire brigade is so to be sent outside such district. 40 45

(2) Where a fire brigade is sent under this section to and renders services in relation to a fire outside the sanitary district of the fire brigade authority by which such fire brigade is maintained, a fee calculated in accordance with the scale prepared under the next following sub-section of this section and for the time being in force, shall be paid on demand to such fire brigade authority by— 50

(a) the occupier of the land, buildings, or other property in which such fire occurred if, but only if, such occupier or his servant or agent, before such fire brigade was sent to such fire, requested or consented to the sending thereof, or 55

(b) in any other case, the sanitary authority of the sanitary district in which such fire occurred. 60

(3) Every fire brigade authority which authorises under this section the officer having command of their fire brigade to send such fire brigade to fires occurring outside their district shall prepare a scale of fees to be charged and paid for services rendered by such fire brigade in relation to such fires. 60

(4) Where an agreement made under this Act is in force between a fire brigade authority and a sanitary authority for the use of the fire brigade of such fire brigade authority in the sanitary district or a part of the sanitary district of such sanitary authority, such sanitary district or such part thereof (as the case may be) shall be deemed for the purposes of this section to be in the sanitary district of such fire brigade authority.

5.—(1) Whenever the Minister receives a complaint in writing alleging that the sanitary authority of a sanitary district has failed to make reasonable provision in accordance with this Act for the prompt and efficient extinguishment of fires occurring in such district and for the protection and rescue of persons and property from injury by such fires, the following provisions shall have effect, that is to say:—

Failure of sanitary authority to comply with this Act.

15 (a) the Minister may, if he so thinks proper, cause an inquiry to be held in respect of the failure alleged in such complaint;

20 (b) if, after such inquiry, the Minister is satisfied that such sanitary authority is guilty of the failure so alleged, the Minister may by order require such sanitary authority, within the time specified in that behalf in such order, to do such things and to take such steps within the statutory powers (including powers conferred by this Act) of such sanitary authority for remedying such failure as the Minister shall consider to be reasonable in the circumstances and shall specify in such order;

25 (c) if the Minister makes such order as is authorised by the next preceding paragraph of this sub-section, it shall be the duty of such sanitary authority to comply in all respects with such order;

30 (d) Sections 209, 210, 212, and 213 of the Public Health (Ireland) Act, 1878, shall apply to inquiries held under this section.

35 (2) No action or other proceeding shall lie or be maintainable against a sanitary authority for the recovery of damages in respect of injury to persons or property alleged to have been caused or contributed to by the failure of such sanitary authority to comply with this Act or by the failure of such sanitary authority to exercise all or any of the powers conferred by this Act.

6.—(1) Where one or more fire brigades are present at a fire which has broken out in the sanitary district of a sanitary authority, sole charge and control of all operations for extinguishing such fire shall be vested in the officer specified in whichever of the following paragraphs is applicable, that is to say:—

Control of operations at a fire.

45 (a) if the sanitary authority has established a fire brigade and that fire brigade is present at such fire—the officer thereof who is for the time being in charge of that fire brigade at such fire;

50 (b) if the sanitary authority has not established a fire brigade but has made under this Act an agreement with a fire brigade authority for the use of their fire brigade and that fire brigade is present at the fire—the officer of that brigade who is for the time being in charge thereof at such fire;

55 (c) if neither of the foregoing paragraphs of this sub-section is applicable—the officer of the fire brigade of a fire brigade authority which first arrives at the fire who is for the time being in charge of that fire brigade at such fire.

30 (2) Whenever and so long as no fire brigade of a fire brigade authority is present at a fire, the senior member of the Garda Síochána present at the fire shall have sole charge and control of all operations for extinguishing such fire.

65 (3) In this Act, the expression “the person in control”, when used in relation to any fire, means the person in whom is vested, by virtue of this section, the sole charge and control of all operations for extinguishing such fire.

7.—(1) In this section—

the word "proprietor" includes the successor in title of a proprietor, and  
the word "building" means a building, structure, or erection (whether permanent or temporary) of any kind or of any materials, 5  
and,

where different persons are the proprietors of different parts of a building, each such part of such building shall, for the purposes of this section, be deemed to be a building and the proprietor thereof shall be deemed to be the proprietor of a building. 10

(2) A sanitary authority may serve on the proprietor of any building which appears to such sanitary authority to be a potentially dangerous building a notice (in this Act referred to as a fire precautions notice) requiring him either—

(a) to refrain absolutely from using such building, or a specified part of such building, for the purpose or any of the purposes specified in such notice, or 15

(b) to refrain from using such building, or a specified part of such building, for the purpose or any of the purposes specified in such notice unless or until specified precautions are taken to the satisfaction of such sanitary authority whether by the provision in such building of specified appliances or fittings or by the execution of specified structural alterations or additions to such building, or by the doing in relation to such building of any other thing whatsoever. 20 25

(3) The following provisions shall apply and have effect in relation to every fire precautions notice served by a sanitary authority, that is to say:—

(a) where such notice is addressed to the proprietor of the building to which it relates by his name, it may be served by delivering it to such proprietor or by delivering it at the said building to a person over the age of sixteen years who is resident or employed in the said building or by sending it in a prepaid registered letter addressed to such proprietor at the said building; 30 35

(b) where the name of such proprietor is unknown or cannot be ascertained such notice may be addressed to "the proprietor" without naming him and may be served by delivering it at the building to which it relates to a person over the age of sixteen years who is resident or employed in that building or, if no such person can be found, by affixing it in a conspicuous position on the said building; 40

(c) every such notice shall specify a time within which the requirements thereof are to be complied with; 45

(d) such proprietor may, within fourteen days from the date of the service of such notice on him, appeal therefrom to the District Court on any one or more of the following grounds, that is to say:— 50

(i) that such building is not a potentially dangerous building within the meaning of this Act,

(ii) that such notice is unreasonable because of the improbability of a fire occurring in such building or because of the improbability of serious danger to life arising from any such fire, 55

(iii) that compliance with the requirements of such notice would involve unreasonable expense or an unreasonable interference with the use of such building, 60

(iv) that such notice specifies an unreasonably short time for complying with the requirements thereof;

(e) notice of every such appeal shall be given to the sanitary authority, and that authority shall be entitled to appear and be heard on the hearing of such appeal; 65

(f) on the hearing of any such appeal, the District Court may, as it shall think proper, either—

(i) confirm such notice unconditionally, or

- (ii) confirm such notice subject to such modifications, alterations, or additions as the said Court thinks reasonable, or
- (iii) annul such notice;
- 5 (g) no appeal shall lie from a decision of the District Court on an appeal to that Court under this sub-section;
- (h) where the District Court confirms such notice subject to modifications, alterations, or additions, such notice shall have effect with and subject to such modifications, alterations, or additions;
- 10 (i) such notice shall be of no force or effect until either—
  - (i) in case no such appeal is taken therefrom, the expiration of fourteen days from the date of service thereof, or
  - 15 (ii) in case such appeal is taken and such notice is confirmed, whether with or without modifications, the date upon which the decision of the District Court on the hearing thereof is pronounced;
- (j) the jurisdiction conferred on the District Court by this sub-section shall be exercised by the justice of that Court having jurisdiction in the district court area in which such building is situate.
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(4) If either—

- 25 (a) the proprietor of a building in respect of which a fire precautions notice is in force, or
  - (b) any other person having control of such building who knows that such fire precautions notice is in force in respect of such building
- contravenes or causes or permits a contravention (whether by act or omission) of such notice, such proprietor or such other person (as the case may be) shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds, and, in the case of a continuing offence, to a further fine not exceeding five pounds for every day during which
- 30 the offence is continued.
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(5) Notwithstanding anything contained in this section, where a building has been used for a particular purpose for at least six months prior to the passing of this Act and continues to be so used for at least six months after such passing, no fire precautions notice requiring such proprietor to refrain (either absolutely or until compliance with specified requirements) from using such building or a part thereof for the purpose for which it was so used shall come into force before the expiration of six months from the date of the passing of this Act.

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45 **8.—(1)** In this section the word “ building ” means a building, structure, or erection (whether permanent or temporary) of any kind or of any materials, and the expression “ authorised officer ” means an officer of a sanitary authority who is authorised in writing under the seal of such sanitary authority to exercise the powers conferred by this section on authorised officers and includes a person who is an officer of a fire brigade authority which has agreed with a sanitary authority for the availability of the fire brigade maintained by such fire brigade authority and who is authorised as aforesaid by such sanitary authority.

Powers of inspection by sanitary authorities.

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55 (2) Any authorised officer shall be entitled to enter at all reasonable times (subject to his producing, if so required, his authority in writing as such officer) any building in the sanitary district of the sanitary authority whose officer he is which he believes or suspects to be a potentially dangerous building, whether a fire precautions notice has or has not been served on the proprietor thereof, and there do all or any of the following things, that is to say:—

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- (a) inspect the whole or any part of such building;
  - (b) inspect any fittings or appliances provided therein for extinguishing fires which may occur therein, and for
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enabling the occupants to escape therefrom in the event of any such fire;

- (c) inspect any water supply in such building or on any land adjoining thereto;
- (d) require to be informed by the proprietor or by someone in his employment as to the purpose for which such building or any particular part thereof is used, the number of persons who are habitually employed or accommodated therein or resort thereto, the substance of which such building is made and the method of its construction, and any other matter which such officer considers to be relevant for determining whether such building is or is not a potentially dangerous building.

(3) Any authorised officer shall be entitled to enter at all reasonable times (subject to his producing if so required his authority in writing as such officer) any land in the sanitary district of the sanitary authority whose officer he is and there inspect any water supply on such land and require to be furnished by the proprietor of such land or by any person in his employment with such information in relation to such water supply in the case of fire as such officer considers necessary.

(4) Any person who—

- (a) obstructs or impedes an authorised officer in the exercise of any of the powers conferred on him by this section, or
- (b) fails or refuses to give to an authorised officer on demand any information which such officer is entitled to require under this section, or
- (c) wilfully or recklessly gives to an authorised officer information which is false or misleading in a material respect,

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

Ancillary powers in relation to extinguishing fires.

9.—(1) The person in control at a fire may, either personally or by a member of a fire brigade present at such fire or by a member of the *Gárda Síochána*, do (if necessary, by force) all such things as are, in his opinion, necessary or expedient for the purpose of extinguishing such fire or for protecting or rescuing persons or property from such fire and in particular, such one or more of the following things as are in his opinion necessary or expedient for any of those purposes, that is to say:—

- (a) enter any land or building;
- (b) cause any land or building to be vacated by the occupants thereof;
- (c) pull down or demolish any building or part of a building;
- (d) use any water supply, whether public or private;
- (e) take water from any watercourse, lake, or pond, whether natural or artificial.

(2) Any person who wilfully obstructs or impedes the exercise by the person in control at a fire or by any member of a fire brigade or of the *Gárda Síochána* acting under his authority, of the powers conferred on such person 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 twenty-five pounds or, at the discretion of the Court, to imprisonment for a term not exceeding three months or to both such fine and such imprisonment.

(3) Where any damage to property is caused by the exercise in relation to any fire of a power conferred by this section, such damage shall, for all purposes and in particular for the purpose of any contract of fire insurance, be deemed to have been caused by such fire.

(4) Any clause or condition inserted in a contract of insurance purporting to exclude or having the effect of excluding the risk of damage caused by the exercise of a power conferred by this section

shall be void and of no effect where the risk of damage caused directly by the fire in relation to which such power is exercised would be covered by such contract.

10.—(1) Any member of the *Gárda Síochána* may divert, regulate, and control the traffic in any public thoroughfare leading to or in the vicinity of a fire in such manner and to such extent as appears to him to be necessary or expedient for facilitating the extinguishing of such fire or for preventing the risk of injury to life or property.

Powers of *Gárda Síochána* in relation to traffic.

(2) Every person who obstructs or impedes a member of the *Gárda Síochána* in the exercise of the powers conferred by this section or disobeys a direction given by such member in the exercise of such powers shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

11.—Every person who shall knowingly give a false alarm of fire (whether by means of a street fire alarm, a telephonic communication, a direct statement, a message, or otherwise whatsoever) to a fire brigade maintained by the sanitary authority for a sanitary district in which this Act is in force shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds.

Penalty for false fire alarms.

12.—(1) In this section and the First Schedule to this Act—the expression “the repealed section” means section 73 of the Towns Improvement (Ireland) Act, 1854;

Transfer of certain existing fire organisations to sanitary authorities.

the word “commissioners” means the commissioners of a town which is not an urban district;

the expression “the sanitary authority” means the sanitary authority of the county health district in which is situate the town in relation to which the expression is used;

the expression “the appointed day” means the day appointed under this section to be the appointed day for the purposes of this section and the First Schedule to this Act, in respect of the town in relation to which the expression is used.

(2) The Minister may by order appoint a day to be the appointed day for the purposes of this section and the First Schedule to this Act, and may so appoint different days in respect of different towns.

(3) Where, in exercise of the powers conferred by the repealed section, commissioners are, immediately before the passing of this Act, maintaining a fire brigade or keeping any apparatus or implements for extinguishing fires or rescuing persons or property from fires or employing any persons for or in connection with extinguishing fires or rescuing persons or property from fires, the following provisions shall have effect, that is to say:—

(a) it shall be lawful for such commissioners to continue until the appointed day but no longer, to maintain such fire brigade, keep such apparatus and implements, or employ such persons (as the case may be) in like manner in all respects as they were doing immediately before the passing of this Act and for that purpose the repealed section shall, notwithstanding the repeal thereof by this Act, be deemed to continue in force until the appointed day;

(b) all expenses incurred by such commissioners under the next preceding paragraph of this sub-section shall be defrayed in like manner as such expenses would have been defrayed if they had been incurred under the repealed section;

(c) on the appointed day all apparatus, implements, and other property maintained or kept under the foregoing paragraphs of this sub-section by such commissioners immediately before the appointed day shall become and be transferred to the sanitary authority and for that purpose the provisions set forth in the First Schedule to this Act shall come into force on the appointed day. 5

Powers of sanitary authority to appoint personnel of fire brigade.

13.—A sanitary authority may, subject to the enactments relating, directly or indirectly, to officers or servants of sanitary authorities, appoint such officers and employ such servants as are necessary for the performance of the functions vested in such sanitary authority by this Act. 10

Acquisition of land by sanitary authorities.

14.—(1) A sanitary authority shall, for the purpose of their powers, functions and duties under this Act, have the same powers of acquiring land, either by agreement or compulsorily, as they have under the Public Health Acts, 1878 to 1931, and those Acts as amended by section 68 of the Local Government Act, 1925 (No. 5 of 1925), and by section 8 of the Local Authorities (Miscellaneous Provisions) Act, 1936 (No. 55 of 1936), shall apply and have effect accordingly. 15 20

(2) In this section, the word "land" includes any easement or right in, to, or over land or water.

Borrowing by sanitary authorities.

15.—A sanitary authority may, for the purpose of defraying expenses incurred by them under this Act, borrow under the Public Health Acts, 1878 to 1931, as if such purpose were a purpose for which such authority is authorised to borrow under those Acts, but money so borrowed shall not be reckoned as part of the debt of such authority for the purposes of any limitation on borrowing imposed by those Acts. 25

Expenses of sanitary authorities.

16.—(1) The expenses incurred by a sanitary authority under this Act shall be raised and defrayed in like manner as expenses incurred by such authority under the Public Health Acts, 1878 to 1931, are raised and defrayed. 30

(2) Where expenses are incurred under this Act by the sanitary authority of a county health district, such expenses shall be charged equally over the whole of such district. 35

(3) Where, at any time prior to the commencement of this Act in a sanitary district, any expenses were incurred by the sanitary authority of that sanitary district for the establishment or maintenance of a fire brigade or for the extinguishing of fires occurring in such district or for the protection or rescue of persons or property from injury by any such fire, and such expenses were, in the opinion of the Minister, properly so incurred, the following provisions shall have effect, that is to say :— 40

(a) if such expenses could lawfully have been incurred under this Act if this Act had been in force in the said sanitary district when they were incurred, such expenses shall be deemed to have been incurred under this Act, and this Act shall apply and be deemed always to have applied to such expenses accordingly, and 45 50

(b) if any sum was, at any time either before or after such expenses were incurred, included in any rate in order to defray such expenses, and such sum could lawfully have been so included if this Act had been in force in the said sanitary district at that time, such rate shall not be or be deemed ever to have been invalid or irrecoverable merely by reason of such inclusion. 55

(c) the next preceding paragraph of this sub-section shall not be precluded from applying to a rate made by the sanitary authority of a county health district merely by reason of any such sum as is mentioned in that paragraph having been charged by means of such rate on an area other than the whole of such district. 60

17.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the Oireachtas. Expenses of the Minister.

5 18.—(1) The enactments mentioned in the Second Schedule to this Act are hereby repealed to the extent specified in the third column of that Schedule in every sanitary district in which this Act has for the time being come into force. Repeals.

(2) Every provision in any enactment (whether of general or local application) which is of similar or corresponding effect as or is inconsistent with any section or subsection of this Act shall, to the extent of such similarity, correspondence, or inconsistency (as the case may be), cease to have effect in any sanitary district to which such enactment applies and in which this Act has come into force.

(3) Every provision in any enactment which confers on a sanitary authority a power of making charges for services rendered by a fire brigade maintained by such sanitary authority shall cease to have effect upon this Act coming into force in the sanitary district of such sanitary authority.

19.—(1) This Act may be cited as the Fire Brigades Act, 1940. Short title and commencement.

(2) This Act shall come into force on such day as the Minister shall by order appoint for that purpose in respect of each sanitary district, and different days may be so appointed in respect of different sanitary districts.

#### FIRST SCHEDULE.

##### TRANSFER OF FIRE BRIGADES, ETC., FROM COMMISSIONERS OF TOWNS TO SANITARY AUTHORITIES.

1.—(1) All property, whether real or personal (including choses-in-action) which immediately before the appointed day is vested in or belongs to or is held in trust for the commissioners for the purposes of the repealed section and all rights, powers, and privileges relating to or connected with any such property shall, on the appointed day and without any conveyance or assignment but subject where necessary to transfer in the books of any bank, corporation, or company, become and be vested in or the property of or held in trust for (as the case may require) the sanitary authority for all the estate, term, or interest, for which the same immediately before the appointed day was vested in or belonged to or was held in trust for the commissioners, but subject to all trusts and equities affecting the same and then subsisting and capable of being performed. Transfer of property of commissioners.

(2) All property transferred by this paragraph which, immediately before the appointed day, is standing in the books of any bank or is registered in the books of any bank, corporation, or company in the name of the commissioners shall, upon the request of the sanitary authority made on or at any time after the appointed day, be transferred in such books by such bank, corporation, or company into the name of the sanitary authority.

(3) On and after the appointed day every chose-in-action transferred by this paragraph from the commissioners to the sanitary authority may be sued upon, recovered, or enforced by the sanitary authority in its own name and it shall not be necessary for the sanitary authority to give notice to the person bound by such chose-in-action of the transfer effected by this paragraph.

(4) If any doubt, dispute, or question shall arise whether any property which immediately before the commencement of this Act is vested in or belongs to or is held in trust for the commissioners is so vested or so belongs or is so held for the purposes of the repealed section such doubt, dispute or question shall be decided by the Minister whose decision thereon shall be final.

Transfer of liabilities of commissioners.

2.—(1) Every debt and other liability incurred by the commissioners for the purposes of the repealed section (including stock and mortgage debts and also including unliquidated liabilities arising from torts or breaches of contract) which immediately before the appointed day is owing and unpaid or has been incurred and is undischarged shall, on the appointed day, become and be the debt or liability of the sanitary authority and shall be paid or discharged by and may be recovered from or enforced against the sanitary authority accordingly. 5

(2) If any doubt, dispute, or question shall arise whether any particular debt or liability of the commissioners was incurred for the purposes of the repealed section such doubt, dispute, or question shall be decided by the Minister whose decision thereon shall be final. 10

Preservation of continuing contracts.

3.—Every bond, guarantee, or other security of a continuing character made or given by the commissioners in the performance of their functions under the repealed section to another person or by any person to the commissioners for the purpose of the said functions and in force immediately before the appointed day and every contract or agreement in writing made between the commissioners acting under the repealed section and another person and not fully executed and completed before the appointed day shall, notwithstanding the provisions of this Act, continue in force on and after the appointed day but shall be construed and have effect as if the name of the sanitary authority were substituted therein for the name of the commissioners, and such security, contract, or agreement shall be enforceable by or against the sanitary authority accordingly. 15  
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## SECOND SCHEDULE.

### ENACTMENTS REPEALED.

Session and Chapter	Short Title	Extent of Repeal
17 & 18 Vict., c. 103.	The Towns Improvement (Ireland) Act, 1854.	Section 73.
41 & 42 Vict., c. 52.	The Public Health (Ireland) Act, 1878.	Section 76.
58 & 59 Vict., c. 28.	The False Alarms of Fire Act, 1895.	The whole Act.
7 Edw. 7., c. 53.	The Public Health Acts Amendment Act, 1907.	Part VIII.



Éire

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BILLE BRIOGAIDEACHA TOITEAIN, 1939.

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BILLE

*dá ngairmtear*

Acht chun a cheangal ar údaráis sláintíochta sochrú do dhéanamh chun tóiteáin a thárlóidh ina gceanntar sláintíochta do mhúchadh agus chun daoine agus maoin do chosaint agus do thárrtháil ar dhfobháil de dheascaibh na dtóiteán san agus chun sochrú do dhéanamh i dtaobh nithe iomdha ghabhas no bhaineas leis na nithe roimhráite.

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*Rithte ag dhá Thigh an Oireachtais,  
11adh Abrán, 1940.*

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Éire

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FIRE BRIGADES BILL, 1939.

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BILL

*entitled*

An Act to require sanitary authorities to make provision for the extinguishing of fires occurring in their sanitary district and for the protection and rescue of persons and property from injury by such fires and to provide for divers matters ancillary to or connected with the matters aforesaid.

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*Passed by both Houses of the Oireachtas,  
11th April, 1940.*

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