

ÉIRE.

BILLE DIOMHAOINTIS (OIBREACHA FOIRTHNE), 1940. UNEMPLOYMENT (RELIEF WORKS) BILL, 1940.

*Mar do ritheadh ag dhá Thigh an Oireachtais.
As passed by both Houses of the Oireachtas.*

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ÉIRE.

BILLE DIOMHAOINTIS (OIBREACHA FOIRTHNE), 1940.

UNEMPLOYMENT (RELIEF WORKS) BILL, 1940.

BILL

entitled

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AN ACT TO MAKE PROVISION FOR THE EXECUTION BY LOCAL AUTHORITIES OF WORKS OF PUBLIC UTILITY FOR THE PURPOSE OF PROVIDING EMPLOYMENT FOR UNEMPLOYED PERSONS AND TO PROVIDE FOR MATTERS INCIDENTAL THERETO OR CONNECTED THEREWITH. 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 expression “work of public utility” means a work which is within the powers of any local authority or any two or more local authorities acting jointly;

the word “road” means any public road and includes any bridge, pipe, arch, gully, footway, pavement, fence, railing, or wall forming part thereof. 20

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

(2) Each of the following bodies and no other body shall be a local authority for the purposes of this Act, and the expression “local authority” shall in this Act be construed accordingly, that is to say:— 25

(a) the corporation of a county or other borough,

(b) the council of a county,

(c) the council of an urban district, 30

(d) a board of health,

(e) the joint board of a united district established under the Public Health (Ireland) Act, 1878, or this Act.

Certification of work by the Minister.

2.—(1) Whenever the Minister is of opinion that a particular work of public utility which is being or is about to be executed by a local authority was or is being undertaken wholly or partly for the purpose of providing employment for unemployed persons in a particular area, the Minister may (subject to the limitation imposed by this section) certify that such work was or is being undertaken by such local authority for the purpose of providing employment for unemployed persons in a particular area specified in such certificate. 35 40

(2) Whenever the Minister is of opinion that, for the purpose of providing employment for unemployed persons in a particular area, it is expedient that a particular work of public utility which a particular local authority has power by law (including this Act or any order made thereunder) to execute should be undertaken and executed by that local authority, the Minister may (subject to the limitations imposed by this section) after consultation with such 45

local authority certify that such work should be undertaken by such local authority for the purpose of providing employment for unemployed persons in such particular area.

5 (3) No certificate shall be given by the Minister under this section after the expiration of two years from the date on which the Emergency Powers Act, 1939 (No. 28 of 1939), ceases to be in force.

10 (4) A certificate may be given by the Minister under this section notwithstanding that the work to which such certificate relates was begun before the passing of this Act.

(5) In this Act—

the expression "certified work" means a work in respect of which a certificate has been given by the Minister under this section, and

15 the expression "executing authority", when used in relation to a certified work, means the local authority mentioned in the certificate given by the Minister in respect of such work as the local authority by whom such work was, is being, or should be undertaken.

20 **3.—**(1) It shall be the duty of the local authority which is the executing authority in respect of a certified work to undertake, execute and complete such work with all reasonable speed.

Power of Minister to compel execution of work.

25 (2) Whenever a local authority refuses or, in the opinion of the Minister, has failed to do anything which is declared by this section to be the duty of such local authority, the Minister may by order made by him under section 72 of the Local Government Act, 1925 (No. 5 of 1925), but without holding any such local inquiry as is mentioned in that section, dissolve such local authority, and thereupon the said section 72 as amended by subse-

30 quent enactments shall apply and have effect accordingly.

4.—(1) Whenever the Minister is of opinion that, for the purpose of providing employment for unemployed persons, it is expedient that a particular work of public utility consisting of the construction of a new road or the improvement of an existing road or partly of such construction and partly of such improvement should be undertaken and executed by a local authority which is not charged by virtue of section 24 of the Local Government Act, 1925 (No. 5 of 1925), with the construction and maintenance of such road (whether new or existing or partly new and partly existing) or is charged by virtue of the said section with the construction and maintenance of a portion or portions only of such road, the Minister may, subject to the limitation imposed by this section and after consultation with such local authority and with the council charged by virtue of the said section 24 with the construction and maintenance of such road or of the portion or portions thereof with the construction and maintenance of which such local authority is not charged as aforesaid (as the case may be), by order transfer as on and from a specified date to such local authority from the said council all the powers and duties of the said council under the said Local Government Act, 1925, in relation to such road or the said portion or portions thereof (as the case may be) and all powers and duties of the said council under any other enactment in relation to the construction, improvement, and maintenance thereof.

Transfer of powers in relation to roads.

55 (2) No order, except an amending order under the next following sub-section, shall be made by the Minister under this section after the expiration of two years from the date on which the Emergency Powers Act, 1939 (No. 28 of 1939), ceases to be in force.

60 (3) The Minister may by order whenever he so thinks proper amend an order made by him under this section, including an order made under this sub-section.

(4) Whenever the Minister has made an order under the first sub-section of this section, the powers and duties transferred by

such order shall, as on and from the date specified in that behalf in such order but subject to any amendment of such order made under the next preceding sub-section of this section, be exercisable and performed by the local authority to which they are so transferred and by no other authority.

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(5) Any expenses incurred by the corporation of a county or other borough, or the council of a county or of an urban district to whom powers and duties in relation to any road are transferred by order under this section in the exercise and performance of such powers and duties shall be raised and charged as if such road were a main road, a county road, or an urban road (as the Minister shall direct) situate in such county or other borough, or county or urban district, as the case may be.

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Contribution
by a local
authority to the
cost of a
certified work.

5.—(1) In this section the expression "benefited authority" means, in relation to a certified work, a local authority the performance of the functions of which will be facilitated or rendered less costly by such certified work when completed.

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(2) Where a certified work has been or is being or is about to be executed, the following provisions shall have effect in relation to such certified work, that is to say:—

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(a) any benefited authority may, with the consent of the Minister, agree with the local authority which is the executing authority in respect of such certified work to pay to that authority a specified contribution (in one sum or by instalments) towards the cost of the execution of the said certified work;

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(b) the Minister may by order require any local authority which is, in his opinion, a benefited authority to pay to the said executing authority (either, as shall be specified in such order, in one sum or by instalments of specified amounts payable at specified times), a contribution of specified amount towards the cost of the execution of the said certified work;

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(c) any contribution or instalment of a contribution towards the cost of the execution of the said certified work which is payable by a benefited authority to the said executing authority by virtue of an agreement made under this section between those authorities or by virtue of an order made by the Minister under this section may be recovered by the said executing authority from such benefited authority in any court of competent jurisdiction as a simple contract debt;

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(d) the amount of any such contribution or instalment of a contribution as is mentioned in the next preceding paragraph of this sub-section shall be raised by means of such rate charged on such area as the Minister shall direct having regard to the manner in and extent to which the performance of the functions of such benefited authority are or will be facilitated or rendered less costly by the said certified work when completed, and all other relevant circumstances.

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(3) Where—

(a) a certified work consists of the construction of a new road or the improvement of an existing road or partly of such construction and partly of such improvement, and

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(b) the powers and duties of the council charged by law with the construction and maintenance of such road (whether new or existing or partly new and partly existing) or of any part of such road have been transferred under this Act from such council to the local authority which is the executing authority in respect of such certified work,

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the next preceding sub-section of this section shall apply and have effect in relation to any costs and expenses other than the cost of the execution of the said certified work incurred by the said executing authority at any time after such transfer in the exercise and performance of the powers and duties so transferred as if such costs and expenses were part of the cost of the execution of the said certified work and the said council (if it is not a benefited authority) were a benefited authority, but with and subject to the modifications that the contribution payable by the said council to the said executing authority in respect of the said costs and expenses may be an annual sum and may be varied from time to time either by agreement (with the consent of the Minister) between the said council and the said executing authority or by the Minister by order.

15 6.—(1) Where—

Borrowing.

- (a) the Minister has consented to the borrowing of moneys by a local authority for the purpose of defraying the expenses of one or more certified works by means of the creation and issue of stock (in this sub-section referred to as new stock), and
- 20 (b) moneys are held by such local authority in a redemption fund for the purpose of the redemption of any stock (in this sub-section referred to as existing stock) previously issued by such local authority,

25 the Minister may by order authorise such local authority to exchange, by agreements with the holders, all or any of the existing stock which is required to be redeemed within a period not exceeding five years from the date of such order for new stock equal in nominal value to the nominal value of the existing stock so exchanged and to withdraw from the appropriate account or accounts in such redemption fund and expend for the purposes of such certified work or works and for the expenses (if any) of such exchange an amount equal to the nominal value of the existing stock so exchanged.

30 (2) Moneys borrowed by a local authority for the purposes of a certified work shall not be reckoned as part of the debt of such local authority for the purposes of any enactment limiting the amount which may be borrowed by such local authority or limiting the amount which may be borrowed by such local authority otherwise than in pursuance of a provisional order confirmed by the Oireachtas.

35 7.—(1) In this section the expression "the Act" means the Public Health (Ireland) Act, 1878, and the expressions "sanitary authority", "sanitary district" and "contributory place" have the same meanings respectively as they have in the Act.

Formation of united districts.

40 (2) Whenever the Minister is of opinion that the formation of a united district is expedient for the purposes of the execution of a work of public utility, the Minister may by order form any two or more sanitary districts or contributory places into a united district for the purposes of the execution of the said work.

50 (3) Whenever the Minister has formed a united district under this section, every enactment relating to a united district formed under section 12 of the Act shall (subject to the next following sub-section of this section) apply and have effect in relation to the united district formed under this section as if that district had been formed under the said section 12, but subject to the modification that every reference in such enactment to the provisional order forming a united district shall be construed and have effect as a reference to the order under this section forming such united district.

60 (4) Whenever the Minister forms under this section a united district, the Minister if he so thinks proper may, by the order forming such united district,

65 (a) postpone for a specified period the formation under section 13 of the Act of a joint board as the governing body of such united district, and

(b) confer on and vest in the sanitary authority of any one of the sanitary districts wholly or partly included in such united district all the powers and duties of such joint board during such postponement.

(5) The Minister may at any time by order amend any order made by him under this section (including an order made under this sub-section) and in particular may by any such amendment extend or reduce the period of postponement mentioned in the next preceding sub-section of this section.

(6) No order, except an amending order under the immediately preceding sub-section, shall be made by the Minister under this section after the expiration of two years from the date on which the Emergency Powers Act, 1939 (No. 28 of 1939), ceases to be in force.

Acquisition of land for certified work.

8.—(1) A local authority which is the executing authority in respect of a certified work may for the purposes of the execution of such work acquire, either by agreement or compulsorily, any land wherever situate.

(2) A local authority which is the executing authority in respect of a certified work consisting of the construction of a new road or the improvement of an existing road or partly of such construction and partly of such improvement may acquire any land either by agreement or compulsorily for the purpose of improving the frontage of such road or of facilitating or controlling the proper development of the land in the neighbourhood of such road.

(3) A local authority which has acquired any land under the immediately preceding sub-section of this section may, with the consent of the Minister, sell or let, by public auction or private treaty, in suitable lots and subject to appropriate conditions, any land so acquired.

(4) Every sum received by a local authority in respect of the sale or lease of land under this section shall be applied by such local authority firstly towards the cost of the acquisition of such land, secondly towards the expenses of the relevant certified work, and, as regards any balance remaining unapplied, for the purpose of the powers and duties of such local authority in such manner as they, with the consent of the Minister, think proper.

(5) Notwithstanding anything contained in this section, a local authority shall not acquire compulsorily under this section any land which is held or occupied by another local authority or by any body corporate for the purposes of a railway, tramway, dock, canal, gas, electricity or other public undertaking.

Preliminary order for the acquisition of land.

9.—(1) A local authority proposing to acquire any land compulsorily under this Act shall by order (in this Act referred to as a "preliminary order") declare that they propose so to acquire such land.

(2) A preliminary order shall specify the land to be acquired, the certified work in relation to which such land is required, and the use which is intended to be made of such land.

(3) Whenever a local authority make a preliminary order, such local authority shall, within seven days after making such order—

(a) post a copy of such order on or near the land to which such order relates, and

(b) give a copy of such order to the occupier (if any) of such land and to every (if any) person having an estate or interest in or right over such land whose existence and name and the address at which he ordinarily resides can be ascertained by such local authority by reasonable inquiries, and

(c) publish a copy of such order in a newspaper circulating in an area in which such land is situated.

(4) Where a preliminary order contains a map or plan of the land to which such order relates, such map or plan may be omitted from the copies of such order posted and published in pursuance of paragraphs (a) and (c) of the immediately preceding sub-section of this section but a copy of such map or plan shall be deposited in the office of the local authority making such order and shall there be kept open for inspection at reasonable times and the said copies of such order shall contain a statement that such map or plan is deposited and kept open for inspection as aforesaid.

10 **10.**—(1) The occupier or any person having an estate or interest in or right over the land to which a preliminary order relates may, not later than twenty-one days or, if there is an occupied building on the land, twenty-eight days after the posting of such order on or near the land to which such order relates apply to the Minister for the annulment of such order, and, on such application the Minister may at his discretion either annul such order or restrict the application of such order to portion of the land to which it originally related.

Application to annul preliminary order.

20 (2) Before determining an application under this section, the Minister may hold a public inquiry into the subject matter thereof and Article 32 of the Schedule to the Local Government (Application of Enactments) Order, 1898, shall apply in respect of every such public inquiry in like manner as the said Article applies in respect of the local inquiries therein mentioned.

25 **11.**—(1) If no application is made under and in accordance with the immediately preceding section for the annulment of a preliminary order or if, where any such application is made, on the determination thereof such preliminary order is not annulled, the local authority by whom such preliminary order was made may by order (in this Act referred to as a vesting order) acquire the land to which such preliminary order relates, or, where such determination has restricted the application of such preliminary order to part of such land, such part of such land.

Vesting orders.

35 (2) Where a local authority, before making a vesting order, become aware that the land to be acquired by such order is subject (whether alone or in conjunction with other land) to any annuity or other payment to the Irish Land Commission, to any annuity or payment to the Commissioners of Public Works in Ireland or to any charge for estate duty or succession duty payable to the Revenue Commissioners on the death of any person, such local authority shall forthwith inform the Irish Land Commission, the Commissioners of Public Works in Ireland or the Revenue Commissioners (as the case may be) of the intention to make such order.

45 (3) Whenever a local authority make a vesting order, they shall within seven days after making such order—

(a) post a copy of such order on or near the land acquired by such order, and

50 (b) give a copy of such order to the occupier (if any) of such land and to every (if any) person having an estate or interest in or right over such land whose existence and name and the address at which he ordinarily resides can be ascertained by such local authority by reasonable inquiries.

60 **12.**—(1) Every vesting order by which a local authority acquires any land shall be in the prescribed form, shall contain a map or plan of such land and shall be expressed and shall operate to vest such land in such local authority in fee simple free from incumbrances and all estates, rights, titles, and interests of whatsoever kind on a specified date not earlier than fourteen days after the making of such order and such local authority may enter on and take possession of such land on the date so specified.

Form and effect of vesting orders.

(2) Notwithstanding anything contained in the immediately preceding sub-section of this section, where a local authority has acquired by a vesting order land which is subject, either alone or in conjunction with other land, to a purchase annuity, payment in lieu of rent, or other annual sum (not being merely a rent under a contract of tenancy) payable to the Irish Land Commission, such local authority shall become and be liable, as from the date on which such land is vested in them by such vesting order, for the payment to the Irish Land Commission of such annual sum or such portion thereof as shall be apportioned by the Irish Land Commission on such land as if such land had been transferred to such local authority by the owner thereof on that date. 5 10

(3) If any person obstructs or interferes with the entry on or taking possession of any land under this section by a local authority, such person shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty pounds or to imprisonment for any term not exceeding three months or, at the discretion of the court, to both such fine and such imprisonment. 15 20

Registration of title to land the subject of vesting order.

13.—Where any land has become vested by means of a vesting order in a local authority, such local authority shall, as soon as may be after the vesting date, send to the registering authority under the Local Registration of Title (Ireland) Act, 1891, such vesting order, and on receipt thereof the registering authority shall cause the title of such local authority to the ownership of such land in fee-simple to be registered under the said Act and such registration shall comprise a statement that such land is vested in such local authority subject to the payment of any purchase annuity, payment in lieu of rent or other annual sum, or portion thereof, payable to the Irish Land Commission under section 11 of the Unemployment (Relief Works) Act, 1940. 25 30

Compensation.

14.—(1) A local authority by whom a vesting order is made in respect of any land shall be liable to pay compensation in respect of the acquisition of such land as if such land had been acquired by such local authority for the purposes of the Public Health Acts, 1878 to 1931. 35

(2) The following enactments, that is to say:—

(a) the Lands Clauses Acts, as amended by the Second Schedule to the Housing of the Working Classes Act, 1890, and 40

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

in so far as they relate to the fixing and payment of compensation in respect of the acquisition of land by a sanitary authority for the purposes of the Public Health Acts, 1878 to 1931, shall apply and have effect in relation to the compensation payable by a local authority under this section. 45

(3) Compensation payable under this section by a local authority shall, in default of payment, be recoverable from such local authority as a simple contract debt in any court of competent jurisdiction. 50

Payment of interest on compensation.

15.—(1) Subject to the provisions of the next following sub-section a local authority which has acquired land under this Act shall pay to every person to whom compensation is payable under this Act interest on the amount of such compensation when fixed at the rate of four pounds per cent. per annum from the date on which such land vested in such local authority until the date when such compensation is so fixed. 55 60

(2) Where a local authority has made an unconditional offer in writing of any sum as compensation in respect of land acquired under this Act to any person and such offer is not accepted by such person and the sum awarded as compensation to such person by the official arbitrator does not exceed the sum so offered, no interest shall be payable on such compensation under this section during any period after the date of such offer.

(3) Every sum payable under this section by a local authority as interest on the amount of compensation shall, in default of payment, be recoverable from such local authority as a simple contract debt in any court of competent jurisdiction.

16.—(1) Whenever the value of any property is increased by the execution of a certified work, sections 72, 73, 75, 77 and 78 (which relate to payment for betterment) of the Town and Regional Planning Act, 1934 (No. 22 of 1934), shall apply and have effect in relation to such increased value in like manner as if such increase had been caused by the execution of a work by a responsible authority in pursuance of a provision contained in a planning scheme, but with and subject to the following modifications, that is to say:—

Payment for betterment.

(a) every reference to or mention of the responsible authority contained in any of the said sections shall be construed and have effect as a reference to or mention of the local authority which is the executing authority in respect of the said certified work;

(b) an application for payment of betterment may be made at any time within twelve months after the completion of the certified work to which it relates;

(c) every reference to or mention of the register contained in any of the said sections shall be construed and have effect as a reference to or mention of the register required by this section to be kept by every local authority executing a certified work;

(d) such other (if any) modifications as the Minister shall think proper to make by order for the purpose of enabling the said sections to have full force and effect for the purposes of this Act.

(2) Every local authority executing a certified work shall keep a register for the purposes of the said sections of the Town and Regional Planning Act, 1934 (No. 22 of 1934), applied by this section and shall make in such register all such entries as are required to be made therein by the said sections as so applied.

(3) All moneys received by a local authority, by virtue of the said sections of the Town and Regional Planning Act, 1934 (No. 22 of 1934), applied by this section, as payment for betterment in respect of a certified work executed by such local authority shall be applied by such local authority in or towards the discharge of the expenses incurred in the execution of such work, and the surplus (if any) of such money remaining after discharging such expenses shall be applied in such manner as such local authority shall, with the consent of the Minister, decide.

17.—(1) Where the whole or any part of any land acquired for any purpose under this Act is at any time not required for such purpose by the local authority by whom it was acquired, such local authority may, with the consent of the Minister, either use such land for any other purpose connected with their powers and duties, or, sell or let by public auction or private treaty in one or more lots, such whole or part (as the case may be).

Disposal of surplus land.

(2) Every sum received by a local authority in respect of the sale or lease of land under this section shall be applied by such local authority for the purpose of their powers and duties in such manner as such local authority, with the consent of the Minister, think proper.

Description in certificate or order of work of public utility.

18.—Any work of public utility to which a certificate or order under this Act relates may be described in such certificate or order by means of a general statement of the character and purpose of such work without specifying the situation of every or any portion thereof or, in the case of a road, the exact terminal points or course thereof. 5

Modification of certain sections of the Public Health (Ireland) Act, 1878.

19.—(1) Where a certified work is a work to which sections 35 and 36 of the Public Health (Ireland) Act, 1878, apply (whether directly or by virtue of section 64 of that Act), the said sections 35 and 36 shall, in relation to the said certified work, have effect with and subject to the following modifications, that is to say:— 10

(a) the period of one month shall be substituted for the period of three months mentioned in the said section 35, and

(b) the period of one month shall be substituted for the period of three months mentioned in the said section 36. 15

(2) Where a certified work is a work to which section 63 of the Public Health (Ireland) Act, 1878, applies, that section shall, in relation to the said certified work, have effect as if the said period of one month were substituted for the period of two months mentioned in the said section. 20

Giving of copies of orders.

20.—(1) Where a copy of an order is required by this Act to be given to any person, such copy shall be addressed to such person and shall be given to him in one of the following ways, that is to say:— 25

(a) by delivering it to such person;

(b) by leaving it at the address at which such person ordinarily resides;

(c) by sending it by post in a prepaid registered letter addressed to such person at the address at which he ordinarily resides. 30

(2) For the purpose of giving, in pursuance of this Act, a copy of an order to a company registered under the Companies Acts, 1908 to 1924, such company shall be deemed to be ordinarily resident at its registered office. 35

(3) For the purpose of giving, in pursuance of this Act, a copy of an order to a corporate body (other than any such company as is mentioned in the next preceding sub-section of this section) or to an unincorporated body, such body shall be deemed to be ordinarily resident at its principal office or place of business. 40

Regulations.

21.—The Minister may make regulations prescribing forms for use under this Act.

Expenses of the Minister.

22.—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. 45

Short title.

23.—This Act may be cited as the Unemployment (Relief Works) Act, 1940.

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Éire.

BILLE DIOMHAOINTIS (OIBREACHA
FOIRTHNE), 1940.

BILLE

dá ngairmtear

Acht chun socrúithe do dhéanamh chun údaráis áitiúla do dhéanamh oibreacha fóghantais phuiblí d'fhonn obair do chur ar fáil do dhaoine díomhaoine agus chun socrúithe do dhéanamh i dtaobh nithe ghabhas no bhaineas leis sin.

*Rithte ag dhá Thigh an Oireachtais,
11adh Mí na Nodlag, 1940.*

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Éire.

UNEMPLOYMENT (RELIEF WORKS) BILL,
1940.

BILL

entitled

An Act to make provision for the execution by local authorities of works of public utility for the purpose of providing employment for unemployed persons and to provide for matters incidental thereto or connected therewith.

*Passed by both Houses of the Oireachtas,
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