



BILLE NEODRACHTA (DIOBHAIL CHOGAIDH DO
MHAOIN), 1941.
NEUTRALITY (WAR DAMAGE TO PROPERTY) BILL, 1941.

Mar do tugadh isteach.

As introduced.

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BILLE NEODRACHTA (DIOBHAIL CHOGAIDH DO
MHAOIN), 1941.

NEUTRALITY (WAR DAMAGE TO PROPERTY) BILL, 1941.

BILL

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entitled

AN ACT TO MAKE PROVISION FOR THE PAYMENT OF
COMPENSATION OUT OF PUBLIC MONEYS TO PER-
SONS WHO, ON OR AFTER THE 26TH DAY OF AUGUST,
1940, SUFFER INJURY TO THEIR PROPERTY IN THE 10
STATE OR THE TERRITORIAL WATERS THEREOF
AS A CONSEQUENCE OF AN ACT OF THE ARMED
FORCES OF AN EXTERNAL GOVERNMENT OR
AUTHORITY ENGAGED IN A WAR IN RESPECT OF
WHICH THE STATE IS NEUTRAL OR AS A CON- 15
SEQUENCE OF AN ACCIDENTAL OCCURRENCE
ARISING FROM SOMETHING DONE OUTSIDE THE
STATE BY ANY SUCH ARMED FORCE, AND TO MAKE
PROVISION FOR MATTERS CONNECTED WITH SUCH
INJURIES TO PROPERTY OR THE PAYMENT OF 20
COMPENSATION THEREFOR.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

Definitions.

1.—In this Act—

the expression “the Minister” means the Minister for Finance;
the word “prescribed” means prescribed by regulations made by 25
the Minister under this Act;

the expression “foreign aircraft” means a military aircraft which
is neither a State aircraft within the meaning of the Air Navigation
and Transport Act, 1936 (No. 40 of 1936), nor registered in the
State under that Act or under a regulation made under that Act; 30

the expression “foreign ship” means a ship or other vessel which
is not a State ship and is not registered in the State under the
Merchant Shipping Acts, 1894 to 1939, and includes a ship or
vessel of any kind which is exempt from or is incapable of registra- 35
tion under those Acts and is not owned by an Irish citizen or a
company registered in the State under the Companies Acts, 1908
to 1924;

the expression “State ship” means a ship or other vessel which is
owned by the State or by a Minister of State;

the word “building” means a house, shop, factory, or other similar 40
permanent structure;

the word “injury” includes total or partial destruction and, in rela-
tion to chattels, includes loss or disappearance;

the expression “the Criminal Injuries Acts” means the enactments
relating to compensation for criminal injury specified in the Second 45
Schedule to the Damage to Property (Compensation) Act, 1923
(No. 15 of 1923);

the expression “the High Court” includes the High Court on
Circuit;

the expression “the Court” means the Circuit Court but includes 50
the High Court on appeal from the Circuit Court.

2.—(1) This Act applies to injuries to property which occurred or shall occur (whether before or after the passing of this Act) within the State or the territorial waters thereof on or after the 26th day of August, 1940, and were or are caused—

Injuries to which this Act applies.

- 5 (a) by any projectile, bomb, or other object or any substance propelled or dropped from a foreign aircraft, or by any projectile, bomb, or other object propelled from a foreign ship, or
- 10 (b) by explosion, blast, fire, gas, or other destructive or injurious agency arising out of the propelling or dropping of any such object or substance as aforesaid from a foreign aircraft or the propelling of any such object as aforesaid from a foreign ship, or arising in the course of the removal, dismantling, destruction, or dispersal of,
- 15 or by reason of any other interference with, any such object or substance, or
- (c) by the landing (whether voluntary or involuntary) or falling of any foreign aircraft or the falling of portions of or articles or persons from any such aircraft, or by any
- 20 explosion, blast, fire, gas, or other destructive or injurious agency brought into operation by or in connection with any such landing or falling, or
- (d) by the explosion (whether in the sea or in inland water or on land) of a mine placed in the sea by any foreign ship
- 25 or any foreign aircraft;
- (e) by any explosion or fire arising in the course of the removal, dismantling, or destruction of, or by reason of any other interference with, any mine so placed as aforesaid, or
- 30 (f) by a balloon emanating from outside the State or by a mooring rope or other article attached to any such balloon, or
- (g) by any thing done to or in relation to any such balloon as aforesaid or any attachment thereto for the purpose of the removal, deflation, release, or destruction of such
- 35 balloon, or by any other interference with any such balloon or attachment, or by any explosion or fire arising from such balloon in the course of the removal, deflation, release, or destruction thereof or in consequence of any such interference therewith.
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(2) Notwithstanding anything contained in the foregoing subsection of this section, this Act shall only apply to injuries to property which occur while the State is not engaged in any war.

3.—(1) Subject to the exceptions made by and the other provisions contained in this Act, every of the following persons shall, on applying therefor in accordance with this Act, be entitled to compensation under this Act in respect of the injury or loss hereinafter mentioned, that is to say:—

Persons entitled to compensation under this Act.

- 50 (a) every person who has suffered or shall suffer loss by an injury to which this Act applies to his property;
- (b) every person who, being the personal representative of a deceased person or a trustee or otherwise in a fiduciary capacity, has suffered or shall suffer loss in his said fiduciary capacity by an injury to which this Act applies to property vested in him in his said fiduciary capacity;
- 55 (c) the personal representative of an individual who suffered loss by an injury to which this Act applies to his property during his lifetime.

(2) Notwithstanding anything contained in the foregoing subsection of this section, no compensation under this Act shall be payable to or recoverable by any local authority in respect of injury to any street, road, bridge, viaduct, sub-way, water-main, water-pipe, sewer, drain, or culvert which such local authority is required by law to provide, maintain, or repair. 5

(3) Where the personal representative of a deceased person is awarded compensation under this Act in respect of an injury to which this Act applies which occurred to property of such deceased person in his lifetime, the following provisions shall apply and have effect, that is to say :— 10

(a) such compensation shall be deemed to have formed part of the estate of such deceased person at his death;

(b) if the said property is real estate, the said personal representative shall hold such compensation upon trust for the person who became entitled to the said property under the will or on the intestacy of such deceased person. 15

(4) Notwithstanding anything contained in this Act, a person who has (whether before or after the passing of this Act) received from a government or authority outside the State compensation in respect of an injury to which this Act applies shall not be awarded or paid any compensation under this Act in respect of that injury. 20

Applications to the Minister for compensation under this Act.

4.—(1) Any person who claims to be entitled to compensation under this Act in respect of an injury to which this Act applies may apply in accordance with this section to the Minister for such compensation. 25

(2) Every application to the Minister under this section in relation to an injury which occurred before the date of the passing of this Act shall be made not later than three months after that date and every other application to the Minister under this section shall be made not later than three months after the day on which the injury to which the application relates occurred. 30

(3) Every application to the Minister under this section shall be made in the prescribed form and manner and shall state all such matters and things as shall be prescribed in that behalf or shall be required by the said prescribed form, and in particular shall state an address within the State to which communications from the Minister to the applicant or other person making the application may be sent. 35

(4) Where the applicant is under any disability or is absent from the State, the application may be made on his behalf by another person. 40

(5) The prescribed form and manner in which an application to the Minister under this section is to be made may, if the Minister so thinks proper, require that such application shall be in the form of a statutory declaration made by the applicant or, where the application is made by another person on his behalf, by such other person. 45

(6) Every applicant or other person making an application to the Minister under this section shall furnish such information and particulars in relation to the injury which is the subject of the application or in relation to any matter or thing stated in the application as shall be required of him by the Minister. 50

(7) Every communication from the Minister to an applicant or other person making an application under this section may be sent by post to such applicant or other person at the address stated in that behalf in such application. 55

5.—(1) The Minister shall consider every application for compensation under this Act duly made to him and shall either, as he shall think proper:—

Duty of the Minister in respect of applications to him.

5 (a) make to the applicant an offer of a specified sum of compensation under this Act in respect of the injury to which the application relates, or

(b) inform the applicant in writing that he does not intend to make to the applicant any such offer.

10 (2) The following provisions shall apply and have effect in relation to every offer of a specified sum of compensation under this Act made by the Minister under the foregoing sub-section of this section that is to say:—

15 (a) the Minister may, when making the offer, attach thereto such (if any) conditions as he thinks proper in relation to the expenditure of the compensation thereby offered;

20 (b) the applicant shall be at liberty, in the case of an unconditional offer, to accept or to refuse the offer or, in the case of an offer to which conditions are attached, to accept the offer with and subject to those conditions or to refuse the offer;

25 (c) if the applicant does not accept or refuse the offer within six months after it is made to him, he shall be deemed to have accepted the offer and, if conditions were attached to the offer, to have accepted it with and subject to those conditions;

30 (d) if the applicant accepts the offer or is deemed, by virtue of the next preceding paragraph of this sub-section to have accepted it, the Minister shall pay to the applicant, subject to his compliance with such conditions (if any) as were attached to the offer, the specified sum of compensation under this Act which was offered by the offer;

35 (e) where the applicant accepts or is deemed as aforesaid to have accepted the offer, he shall be estopped from making any further claim or application for compensation under this Act in respect of the injury to which the application leading to the offer related.

40 (3) References in this Act to compensation awarded by the Minister shall be construed as referring to compensation payable by the Minister in pursuance of an offer made by him under this section and accepted or deemed to have been accepted by the applicant to whom it was made.

45 6.—(1) Any person who has applied to the Minister under the foregoing provisions of this Act for compensation under this Act in respect of an injury to which this Act applies and either has refused an offer of a specified sum of compensation under this Act made to him by the Minister in respect of the said injury or has been informed by the Minister that the Minister does not intend to make to him any such offer may apply in accordance with this Act to the Circuit Court for compensation under this Act in respect of the said injury.

Applications to the Circuit Court for compensation under this Act.

(2) The following provisions shall apply and have effect in respect of every application to the Circuit Court under this section, that is to say:—

55 (a) unless and until otherwise provided by rules of court, the application shall be made by civil bill in which the Minister shall be named as the sole defendant and for the issue of which no fiat of the Attorney-General shall be necessary:

- (b) the application shall be made not later than one month after whichever of the following dates is applicable, that is to say, the date on which the applicant refused the offer by the Minister of a specified sum of compensation or the date on which the applicant was informed by the Minister that he did not intend to make any such offer; 5
- (c) the application shall be grounded on the allegations of fact made in the application to the Minister and no other allegations of fact may be advanced in support of the application; 10
- (d) save if and so far as the Court shall otherwise permit, the evidence at the hearing of the application shall be given *viva voce*;
- (e) every aircraft concerned in the infliction of the injury shall be presumed to be a foreign aircraft until the contrary is shown; 15
- (f) where the injury was caused by or arose (directly or indirectly) from a mine, such mine shall be presumed to have emanated from either a foreign ship or a foreign aircraft until the contrary is shown; 20
- (g) where the injury was caused by or arose (directly or indirectly) from a balloon or an attachment to a balloon, such balloon shall be presumed to have emanated from outside the State until the contrary is shown; 25
- (h) where the injury was caused by or arose (directly or indirectly) from a projectile, bomb, or other object propelled from a ship, such ship shall be presumed to be a foreign ship until the contrary is shown; 30
- (i) the application shall be heard and determined by the judge of the Circuit Court having jurisdiction in the place at which the injury occurred;
- (j) where the applicant has refused an offer made to him by the Minister of a specified amount of compensation under this Act and the compensation awarded to the applicant by the Circuit Court or, in the case of an appeal to the High Court, by the High Court does not exceed the said specified amount of compensation, the Minister's costs of the application (including, in the case of an appeal to the High Court, his costs of such appeal) shall be paid by the applicant and the applicant shall bear his own costs of the application (including as aforesaid) and the Circuit Court or the High Court, as the case may be, shall by its decree or order so provide; 35 40 45
- (k) subject and without prejudice to the provisions of the next preceding paragraph of this sub-section, the costs of the application and the costs of the appeal (if any) to the High Court shall follow the event, save if and in so far as the Court for cause otherwise orders. 50

The order of the Court on applications to it.

7.—Whenever the Court, on the hearing of an application for compensation under this Act, is satisfied that the applicant is entitled to such compensation, the Court shall award to the applicant compensation under this Act accordingly and shall fix the amount of such compensation in accordance with this Act and shall order that the compensation so awarded and fixed shall be paid to the applicant by the Minister. 55

8.—The following provisions shall apply and have effect in relation to compensation under this Act (whether awarded by the Minister or by the Court) in respect of an injury to which this Act applies to property other than a building, that is to say :—

Compensation for injury to property other than a building.

- 5 (a) no compensation shall be awarded or payable in respect of any of the following chattels, that is to say :—
- (i) watches, jewellery, and articles of personal ornament kept by the owner otherwise than as part of his stock-in-trade,
 - 10 (ii) coins, legal tender and other government notes, bank notes, and other currency of this or any other country,
 - (iii) postage and other adhesive stamps,
 - (iv) postal orders and post office money orders;
- 15 (b) the amount of the compensation in respect of injury to the following documents shall be fixed in accordance with a scale to be prepared in that behalf by the Minister after consultation with the Attorney-General and the President of the Incorporated Law Society of Ireland, that is to say :—
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- (i) muniments of title to land or other property,
 - (ii) contracts and agreements in writing,
 - (iii) debentures,
 - (iv) stock and share certificates and other documents of title to any stock or share,
 - 25 (v) policies of insurance,
 - (vi) wills, probates, and letters of administration and official copies thereof,
 - (vii) official copies of Court orders, affidavits, and other documents relating to legal proceedings;
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- (c) no compensation shall be awarded or payable in respect of an injury to a ship or other vessel or to the fittings, furniture, or tackle of a ship or other vessel, or to the personal effects of the master or any member of the crew of a ship or other vessel, unless such ship or other vessel is registered in the State under the Merchant Shipping Acts, 1894 to 1939, or, being exempt from or incapable of registration under those Acts, is owned by an Irish citizen or a company registered in the State under the Companies Acts, 1908 to 1924.
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9.—(1) The following provisions shall apply and have effect in relation to compensation under this Act awarded by the Court in respect of an injury to which this Act applies to a building, that is to say :—

Compensation for injury to a building.

- 45 (a) the compensation shall be subject to the condition (in this section referred to as the reinstatement condition) that it shall be applied either in or towards erecting a new building on the site of the injured building or in or towards repairing the injured building, but so that
- 50 the new or repaired building shall be not less valuable than the injured building and shall be either of the same character as the injured building or of a character suitable to the neighbourhood;
- (b) the amount of the compensation shall not exceed the cost of compliance with the reinstatement condition less the amount (if any) by which, in the opinion of the Court, the price of the building as reinstated would by reason of the reinstatement exceed the price of the building
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in the condition in which it was immediately before it was injured, the price in each case being estimated according to normal market conditions as at the date of the award and on the basis of a sale of the fee simple interest in the building;

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(c) where the injured building is not situate in a city, town, or urban district, the Court may authorise compliance with the reinstatement condition by the erection of a new building near to, instead of on, the site of the injured building;

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(d) where the injured building contained fixed machinery and plant, the reinstatement condition shall include the replacement of that machinery and plant, but the Court may, upon such terms as it may think reasonable in the circumstances, exclude from the reinstatement condition the obligation to replace the said machinery and plant;

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(e) the compensation shall be paid at such time or times, in such instalments, and upon production of such evidence (in the case of payment of an instalment other than the final instalment) of partial compliance with the reinstatement condition or (in the case of payment of the final instalment) of complete compliance with the reinstatement condition as the Minister shall require, and the decision of the Minister as to whether a reinstatement condition has or has not been complied with (whether wholly or partially) or as to whether sufficient evidence of such compliance has or has not been given shall be final.

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(2) Where compensation under this Act has been awarded by the Court in respect of an injury to which this Act applies to a building and a decree or order has been made by the Court accordingly and the Minister is of opinion that, owing to special circumstances or to unforeseen events, compliance with the reinstatement condition in respect of such compensation is inexpedient or impracticable, the Minister may agree with the person to whom such compensation was so awarded for the release of such person from the said reinstatement condition on such terms (including where appropriate, a reduction of the amount of such compensation) as the Minister shall think proper and the said person shall accept.

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Prohibition of compensation for consequential loss.

10.—Compensation under this Act (whether awarded by the Minister or by the Court) in respect of an injury to which this Act applies shall be awarded only in respect of the actual damage done to property by the said injury, and no such compensation shall be so awarded in respect of any loss consequential on such actual damage or, in particular, in respect of loss of the use of property or in respect of loss of mere pleasure or amenity.

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Duty of the Court in respect of insurance.

11.—Whenever the Court awards compensation under this Act, the following provisions shall apply and have effect, that is to say:—

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(a) the Court shall inquire and determine whether the person to whom the compensation is so awarded was or was not insured against the loss or any part of the loss in respect of which the compensation is so awarded;

(b) if the Court finds that such person was so insured, the Court shall make such inquiries as may be requisite to enable it to comply with the next following paragraph of this section;

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(c) the Court shall, in the order awarding the compensation, state whether the person to whom the compensation is thereby awarded was or was not so insured as aforesaid

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and, if he was so insured, the Court shall further state in the said order the particulars of such insurance and the sum which the said person has been paid or is entitled to be paid under such insurance;

5 (d) where the Court, in pursuance of this section, states in an order that the person to whom compensation is thereby awarded has been paid or is entitled to be paid money under such insurance as aforesaid, the Minister, when
10 paying the said compensation, may deduct therefrom and retain thereout an amount equal to the said money so stated to have been paid or to be payable.

15 **12.**—Where compensation under this Act has been awarded by the Minister or by the Court in respect of an injury consisting of or including the loss or alleged destruction of a chattel and that chattel (whether in a damaged or an undamaged condition) subsequently comes into or is found in the possession of the person to whom such compensation was so awarded or any other person, the following provisions shall apply and have effect, that is to say:—

Recovery of chattels in respect of which compensation has been awarded.

20 (a) the said chattel shall forthwith become and be the property of the Minister and may be recovered by him by civil action in any Court of competent jurisdiction;

25 (b) where the chattel is recovered by the Minister from a person who is not the person to whom the said compensation was awarded, the Minister shall, where practicable, inform the person to whom the said compensation was awarded of the recovery of the said chattel;

30 (c) the person to whom the said compensation was awarded shall, at any time before it is sold or disposed of by the Minister under the subsequent provisions of this section, be entitled to purchase the said chattel from the Minister at a price equal to the amount of the said compensation awarded in respect thereof or such lesser price as may be agreed upon between such
35 person and the Minister;

40 (d) where the said compensation has not been separately assessed in respect of the said chattel, the Minister may, for the purposes of the next preceding paragraph of this section, apportion the said compensation between the said chattel and the other property in respect of which it was awarded, and thereupon the portion of the said compensation so apportioned to the said chattel shall, for the said purposes, be deemed to be the amount of compensation awarded in respect of the
45 said chattel;

50 (e) if the said chattel is purchased under the foregoing provisions of this section, the price payable therefor shall be paid to the Minister and by him paid into or disposed of for the benefit of the Exchequer or may, where the said compensation has not been paid, be paid by being set-off against an equal amount of the said compensation;

55 (f) the Minister shall cause the said chattel (unless it has already been sold under the foregoing provisions of this section) to be sold or otherwise disposed of for the benefit of the Exchequer at such time and in such manner as he shall think proper.

Payment of compensation, costs, and expenses.

13.—The following sums shall be paid out of moneys provided by the Oireachtas, that is to say:—

- (a) the amount (less deductions authorised by this Act) payable by the Minister on foot of compensation under this Act, whether awarded by the Minister or by the Court, and 5
- (b) all costs payable by the Minister in pursuance of an order of the Court under this Act, and
- (c) the expenses incurred by the Minister in the administration of this Act.

Payment of certain debts out of compensation.

14.—Where compensation is payable under this Act by the Minister and any money is owing by the person to whom such compensation is so payable to a Minister of State or to the Revenue Commissioners or to the Commissioners of Public Works in Ireland or to the Irish Land Commission, it shall be lawful for the Minister to pay and discharge out of the said compensation the money so owing by the said person and to pay to the said person only the balance (if any) of the said compensation remaining after such payment and discharge. 10 15

Disposal of compensation recovered from an external government or authority.

15.—Whenever the Government recovers from the government of any other State or from any other authority outside the State compensation in respect of an injury to which this Act applies, the following provisions shall apply and have effect, that is to say:— 20

- (a) the compensation so recovered shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister shall direct; 25
- (b) if any person has been awarded compensation under this Act in respect of the said injury and the compensation so recovered from such government or authority exceeds the compensation so awarded, the Minister may, if he so thinks fit, pay out of moneys provided by the Oireachtas to every person to whom compensation was so awarded such sum (if any), in addition to the compensation so awarded to such person, as the Minister shall think proper subject to the limitation hereinafter imposed; 30 35
- (c) if any person satisfies the Minister that he has suffered loss by reason of the said injury but has not been awarded compensation under this Act in respect of such injury, the Minister may, if he so thinks fit, pay out of moneys provided by the Oireachtas to such person such sum (if any) by way of compensation for such loss as he shall think proper subject to the limitation hereinafter imposed; 40
- (d) the sum paid by the Minister under the foregoing provisions of this section in respect of the said injury shall not exceed whichever of the following amounts is applicable, that is to say, if any compensation was awarded under this Act in respect of the said injury, the amount by which the compensation so recovered from such government or authority exceeds the compensation so awarded or, where no compensation was so awarded, the amount of the compensation so recovered; 45 50
- (e) if any money has been paid to the Minister under the next following section by the corporation of the county borough or the council of the county in which the said injury occurred, the Minister may pay to that corporation or council, out of moneys provided by the Oireachtas, such sum by way of recoupment or partial recoupment of the said money so paid to him as he shall think proper; 55 60

(f) for the purposes of the next preceding paragraph of this section the borough of Dun Laoghaire shall be deemed to be a county borough and not to be part of the county of Dublin.

5 16.—(1) As soon as may be after the end of every financial year ending after the passing of this Act, the Minister shall ascertain the amount of compensation under this Act paid by him (including sums retained by him under this Act out of compensation under this Act) in that financial year and shall send to the Minister for Local
10 Government and Public Health a certificate stating the amount so ascertained.

Contribution by local authorities to compensation under this Act.

(2) Where the Minister is ascertaining under the immediately preceding sub-section of this section the amount of compensation under this Act paid by him in the financial year ending on the
15 31st day of March, 1942, he may include in such amount any sum paid by him before the passing of this Act (whether before or after the 31st day of March, 1941) which purported to be a payment on account of compensation in respect of an injury to which this Act applies.

20 (3) Upon receipt of any such certificate as is mentioned in sub-section (1) of this section, the Minister for Local Government and Public Health shall by order assess one-fourth of the amount stated in such certificate on the several counties and county boroughs in proportion to the annual value under the Valuation Acts of the
25 property rateable for poor rate in such counties or for the municipal rate in such county boroughs respectively and shall send a copy of such order to the council of every county and the corporation of every county borough.

(4) The council of every county and the corporation of every
30 county borough shall pay to the Minister the amount assessed on such county or county borough (as the case may be) by any order under the next preceding sub-section of this section and shall raise the amount so to be paid, in the case of the council of a county, equally over the whole county by means of the poor rate or, in the
35 case of a county borough, by means of the municipal rate.

(5) Where an amount assessed as aforesaid on any county or county borough exceeds the sum which would be raised by means, in the case of a county, of a poor rate of sixpence in the pound equally over the whole county or, in the case of a county borough,
40 by means of a municipal rate of sixpence in the pound, the amount payable to the Minister by the council of such county or the corporation of such county borough (as the case may be) under this section in respect of such assessment shall be reduced to the sum which would be so raised by such rate of sixpence in the pound.

45 (6) All moneys paid to the Minister by the corporation of a county borough or the council of a county in pursuance of this section shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister may direct.

(7) Where any money is payable under this section to the Minister
50 by the council of a county or the corporation of a county borough—

(a) such money may, in default of payment by such council or corporation, be deducted from any money payable to such council or corporation (as the case may be) by any Minister for any purpose whatsoever,

55 (b) such deduction shall, in the case of money payable out of the Local Taxation (Ireland) Account, be made subject and without prejudice to the claims of the guarantee fund under the Land Purchase Acts, and

60 (c) the amount of such deduction shall be paid to the Minister in discharge of the sum so in default and shall be paid into or disposed of for the benefit of the Exchequer in such manner as the Minister may direct.

(8) The borough of Dun Laoghaire shall be deemed for the purposes of this section to be a county borough and not to be part of the county of Dublin and this section shall have effect in respect of that borough and that county accordingly.

Power of local authority to inspect and repair injured buildings.

17.—Whenever a building has suffered (whether before or after the passing of this Act) an injury to which this Act applies, the following provisions shall apply and have effect, that is to say :—

- (a) it shall be lawful for the local authority in whose functional area such building is situate to enter on such building and there do all such things as shall be necessary for the purpose of ascertaining the nature and extent of such injury; 10
- (b) if such local authority proposes to expend money on the repair of such building under and in accordance with a general or a special authority given by the Minister for Local Government and Public Health, it shall be lawful for such local authority to enter on and so repair such building either with the consent of the occupier thereof or (subject to the next following paragraph of this section) after giving such notice as is hereinafter mentioned; 15
- (c) such local authority shall not repair such building if, before the expiration of the said notice, the occupier of such building or his immediate landlord undertakes to repair such building; 20
- (d) the notice hereinbefore referred to shall be in writing and shall state that such local authority will, at the expiration of a specified time (not being less than three days), execute specified repairs to such building unless before such expiration the occupier of such building or his immediate landlord undertakes to repair such building; 30
- (e) the said notice shall be posted in a prominent position on such building and a copy thereof shall, if the circumstances permit, be given to the occupier of such building and to his immediate landlord. 35

Recoupment of money expended by a local authority.

18.—(1) Where a local authority has, under and in accordance with a general or a special authority given by the Minister for Local Government and Public Health, expended money (whether before or after the passing of this Act) in relation to or in consequence of an injury to which this Act applies, the following provisions shall apply and have effect, that is to say :—

- (a) the Minister shall, out of moneys provided by the Oireachtas, recoup to such local authority the money so expended by such local authority;
- (b) if compensation under this Act is awarded by the Court in respect of the said injury, the Court, when fixing the amount of such compensation, shall not have regard to the said expenditure by such local authority or make any allowance or deduction in respect thereof; 45
- (c) if compensation under this Act is awarded by the Court in respect of the said injury, the Minister shall determine whether any and, if any, how much of the said compensation is referable to a loss in alleviation or partial alleviation of which the said money was so expended by such local authority; 50
- (d) if the Minister, under the next preceding paragraph of this sub-section, determines that any of the compensation mentioned in that paragraph was referable to the loss similarly mentioned, the Minister shall deduct from the said compensation and retain thereout an amount equal to the amount so determined by him or the money so expended by such local authority, whichever is the lesser. 55

(2) The foregoing sub-section of this section shall not apply to money expended by a local authority in respect of an injury to a street, road, bridge, viaduct, sub-way, water-main, water-pipe, sewer, drain, or culvert which such local authority is required by law to provide, maintain, or repair.

19.—Where a building has suffered an injury to which this Act applies and a Minister of State or the Commissioners of Public Works in Ireland or the Irish Land Commission has or have expended money in the reinstatement or repair of such building on account of such injury and compensation is awarded by the Court in respect of such injury, the following provisions shall apply and have effect, that is to say:—

Expenditure by a Minister, etc., in repair of an injured building.

(a) the Court when fixing the amount of such compensation shall not make any allowance or deduction in respect of the said money so expended;

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(b) the Minister shall, out of the compensation so awarded, pay to the said Minister of State, the said Commissioners, or the Irish Land Commission (as the case may be) an amount equal to the amount of the said money so expended and shall pay to the person to whom such compensation was so awarded only the balance (if any) of such compensation remaining after the said payment of the said amount.

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20.—No compensation awarded to any person under this Act shall be payable or recoverable after the expiration of three years from the date on which such compensation was awarded by the Minister or by the Court, as the case may be.

Time limit for payment of compensation awarded under this Act.

21.—No action or other proceeding shall be brought in any Court against any person to recover damages for or in relation to an injury to which this Act applies.

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Prohibition of action in respect of injury to which this Act applies.

22.—No compensation shall be payable by or recoverable from the corporation of a county or other borough or the council of a county or an urban district in respect of an injury to which this Act applies and accordingly the Criminal Injuries Acts shall not apply or have effect in relation to an injury to which this Act applies.

35

Exclusion of injuries to which this Act applies from the provisions of the Criminal Injuries Acts.

23.—The Minister may by order make regulations prescribing any matter or thing which is in this Act referred to as prescribed or to be prescribed.

Regulations.

24.—This Act may be cited as the Neutrality (War Damage to Property) Act, 1941.

40

Short title.

Éire.

BILLE NEODRACHTA (DIOBHAIL
CHOGAIDH DO MHAOIN), 1941.

BILLE

(*mar do tugadh isteach*)

dá ngairmtear

Acht chun soerú do dhéanamh chun cúiteamh d'íoc amach as airgead puiblí le daoine go ndearnadh no go ndéanfar, an 26adh lá de Lúnasa, 1940, no dá éis sin, díobháil do mhaoin leo sa Stát no in uiscí teorann an Stáit de dheascaibh gnímh o fhórsaí armtha Riaghaltais no Udaráis eachtraigh agus iad páirteach i geogadh inar neodrach don Stát no de dheascaibh tionóisce dar cúis rud éigin ar n-a dhéanamh lasmuich den Stát ag aon fhórsa armtha den tsórt san, agus chun soerú do dhéanamh i dtaobh nithe bhaineas leis na díobhála san do mhaoin no le cúiteamh d'íoc ionta.

An tAire Airgeadais do thug isteach.

Do hordúíodh, ag Dáil Eireann, do chlóbhuailadh, Sadh Iúil, 1941.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

Le ceannach trí aon díoltóir leabhar, no díreach ó Oifig Díolta Foillseacháin Rialtais, 3-4 Sráid an Choláiste, Baile Atha Cliath.

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[*Raol Glan.*]

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Éire.

NEUTRALITY (WAR DAMAGE TO PROPERTY) BILL, 1941.

BILL

(*as introduced*)

entitled

An Act to make provision for the payment of compensation out of public moneys to persons who, on or after the 26th day of August, 1940, suffer injury to their property in the State or the territorial waters thereof as a consequence of an act of the Armed Forces of an external Government or Authority engaged in a war in respect of which the State is neutral or as a consequence of an accidental occurrence arising from something done outside the State by any such armed force, and to make provision for matters connected with such injuries to property or the payment of compensation therefor.

Introduced by the Minister for Finance.

Ordered by Dáil Eireann, to be printed, 8th July, 1941.

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