

ÉIRE.

AN BILLE RIALTAIS AITIUIL, 1945.
LOCAL GOVERNMENT BILL, 1945.

*Mar do léasaíodh ar Thuarascáil.
As amended on Report.*



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ÉIRE

AN BILLE RIALTAIS AITIUIL, 1945.

LOCAL GOVERNMENT BILL, 1945.

BILL

entitled

5

AN ACT TO MAKE FURTHER AND BETTER PROVISION
IN RELATION TO LOCAL GOVERNMENT AND TO
MAKE CERTAIN AMENDMENTS IN THE LAW
RELATING TO LOCAL GOVERNMENT.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:— 10

PART I.

PRELIMINARY AND GENERAL.

Short title,
collective
citation and
construction.

1.—(1) This Act may be cited as the Local Government Act,
1946.

(2) The Local Government Acts, 1925 to 1941, and this Act 15
may be cited together as the Local Government Acts, 1925 to
1946.

(3) The Local Government Acts, 1925 to 1941, and this Act
shall be construed together as one Act.

Definitions.

2.—In this Act—

20

Act of 1941.

the expression “ the Act of 1941 ” means the Local Government
Act, 1941 (No. 23 of 1941);

county-at-large
charges.

the expression “ county-at-large charges ” has the meaning speci-
fied in *subsection (2) of section 10* of this Act;

county fund.

the expression “ the county fund ” has the meaning specified in 25
section 7 of this Act;

county rate.

the expression “ the county rate ” has the meaning specified in
subsection (1) of section 12 of this Act;

hereditament.

the word “ hereditament ” includes a tenement;

Minister.

the expression “ the Minister ” means the Minister for Local 30
Government and Public Health;

municipal fund.

the expression “ the municipal fund,” in relation to an urban
authority, has the meaning specified in *subsection (1) of section 15*
of this Act;

municipal rate.

the expression “ the municipal rate,” in relation to an urban 35
authority, has the meaning specified in *subsection (1) of section 18*
of this Act;

prescribed.

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

- the expression "rating authority" means— rating authority.
- (a) the council of a county,
 - (b) the corporation of a county borough, or
 - (c) the urban authority of an urban area;
- 5 the expression "reserved function" means— reserved function.
- (a) as respects the council of a county or an elective body for the purposes of the County Management Acts, 1940 and 1942, a reserved function for the purposes of the County Management Acts, 1940 and 1942, and
 - 10 (b) as respects the corporation of a county borough, a reserved function for the purposes of the Acts relating to the management of the borough;
- the expression "road authority" means— road authority.
- (a) the council of a county,
 - 15 (b) the corporation of a county borough, or
 - (c) the urban authority of an urban area;
- the expression "town charges" has the meaning specified in town charges.
subsection (4) of section 10 of this Act;
- the expression "urban area" means— urban area.
- 20 (a) a borough other than a county borough, or
 - (b) an urban district;
- the expression "urban authority" means the corporation or urban authority
council (as may be appropriate) of an urban area;
- the expression "urban charges" has the meaning specified in urban charges.
subsection (3) of section 10 of this Act;
- the expression "voluntary civic improvement fund" means a voluntary civic improvement fund within the meaning of the Local Authorities (Acceptance of Gifts) Act, 1945 (No. 30 of 1945). fund.
- 30 3.—This Act shall come into operation on such day or days as may be fixed therefor by order or orders of the Minister either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions of this Act. Commencement.
- 35 4.—The Minister may make regulations prescribing any matter or thing referred to in this Act as prescribed or to be prescribed. Regulations.
- 5.—The enactments mentioned in the *First Schedule* to this Act are hereby repealed to the extent mentioned in the third column of that Schedule. Repeals.
- 40 6.—(1) The Minister may by order make such adaptations in any statutory or other enactment in force at the passing of this Act and relating to any matter affected by this Act as are in his opinion necessary to enable the enactment to have effect in conformity with this Act. Adaptation of existing enactments.
- 45 (2) Every order under this section shall be laid before each House of the Oireachtas as soon as conveniently may be after it is made and, if a resolution annulling the order is passed by either such House within the next twenty-one days on which that House has sat after the order is laid before it, the order shall be annulled
- 50 accordingly but without prejudice to the validity of anything previously done thereunder.

PART II.

EXPENSES OF CERTAIN LOCAL AUTHORITIES.

The county fund of council of county.

7.—The fund maintained immediately before the commencement of this section by the council of a county pursuant to section 47 of the Local Government (Ireland) Act, 1898, shall, notwithstanding the repeal of that section by this Act, continue to be maintained by the council and shall be known as the county fund. 5

Sums received by council of county.

8.—(1) A sum received by the council of a county, whether from rates or from sources other than rates, shall be paid to the treasurer of the council and, save as provided by subsection (2) of this section, only the receipt of the treasurer shall be a good discharge to the person paying the sum. 10

(2) The receipt of a collector of rates of the council of a county or of any person duly authorised by the council of a county to receive payments of any other particular class shall be a good discharge to a person making a payment (as the case may be) of rates to such collector or of such particular class to such authorised person, but in every such case it shall be the duty of the rate collector or authorised person to whom the payment is made to pay the amount thereof to the treasurer of the council within such time as may be specified by the council or by regulations of the Minister for payments of its class or, if no such time has been so specified, forthwith. 15 20

(3) The treasurer of the council of a county shall pay a sum received by him under this section— 25

(a) if the sum is paid for the purposes of a voluntary civic improvement fund, into that fund, and

(b) in any other case, into the county fund.

Payments by council of county.

9.—(1) The expenses incurred by the council of a county in the exercise and performance of their powers and duties (including expenses of discharging liabilities existing at the commencement of this section but not including expenses defrayable out of a voluntary civic improvement fund) shall be defrayed by the treasurer of the council out of the county fund. 30 35

(2) A payment shall not be made out of the county fund of the council of a county unless it is authorised in accordance with section 21 of the County Management Act, 1940 (No. 12 of 1940), or ordered by a court of justice.

Areas of charge of expenses of council of county.

10.—(1) Expenses of the council of a county shall, save where it is otherwise provided by law, be charged equally over the whole of the county. 40

(2) Expenses of the council of a county which are charged over the whole of the county shall be known as county-at-large charges. 45

(3) Expenses of the council of a county which are charged on an urban area in the county shall be known as urban charges.

(4) Expenses of the council of a county which are incurred in meeting a demand made by the commissioners of a town under subsection (1) of section 26 of this Act shall consist of— 50

(a) the amount of the said demand, and

(b) a sum (which shall not, without the consent of the Minister, exceed seven and one half per cent. of the amount of the said demand) equal to the estimated amount of rates to be written off as irrecoverable and the costs of collection, 55

and such expenses shall be charged on the area of the town and shall be known as town charges.

(5) If at the time when the estimate of expenses of a county council for a local financial year is considered in pursuance of section 24 of the County Management Act, 1940 (No. 12 of 1940) the area on which a portion of such expenses is properly charge-
5 able cannot yet be determined, the following provisions shall have effect, that is to say:—

(a) such portion shall be included in such estimate in the pre-
scribed manner as a county-at-large charge and raised
10 accordingly by means of the county rate for the said year;

(b) provision shall be made in the prescribed manner in the accounts of the council for determining how much (if any) of such portion should have been charged on any area other than the whole of the county;

15 (c) if, in accordance with *paragraph (b)* of this subsection, it is determined that any amount should have been charged on an area other than the whole of the county an appropriate adjustment shall be made in the prescribed manner in the county rate for a subsequent year
20 by means of an increase in the sum charged on such area and a reduction in the county-at-large charges.

(6) Where expenses of the council of a county are charged on an area consisting of both an area which is not an urban area and either an urban area or two or more urban areas—

25 (a) the amount of the expenses to be charged on the portion of the area of charge which is not an urban area shall be the amount which bears to the total amount of the expenses the same proportion as the valuation of that
30 portion bears to the valuation of the area of charge, and

(b) the amount of the expenses to be charged on the urban area or each urban area (as the case may be) shall be the amount which bears to the total amount of the expenses the same proportion as the valuation of such
35 urban area bears to the valuation of the area of charge.

(7) For the purposes of *subsection (6)* of this section, the valuation of an area shall be the total of the valuations appearing in the valuation lists for the time being in force under the Valuation Acts of all the hereditaments in the area.

40 **11.—(1)** The council of a county shall obtain the moneys necessary to supply any deficiency (whether actual or prospective) in the county fund as follows: Obtaining of funds by council of county.

(a) where the deficiency arises from expenses charged
45 wholly on an area which is not an urban area, the council shall raise the amount of the expenses equally over that area by means of the poor rate,

(b) where the deficiency arises from expenses charged wholly on an urban area, the council shall demand the amount of the expenses from the urban authority of the urban
50 area in the prescribed form and manner,

(c) where the deficiency arises from expenses charged as to part on an area which is not an urban area and as to the remainder on an urban area or two or more urban areas, the council shall raise so much of the expenses
55 as is charged on the area which is not an urban area equally over that area by means of the poor rate and—

(i) where the remainder of the expenses is charged on one urban area, shall demand the amount of such remainder from the urban authority of the urban
60 area in the prescribed form and manner, and

(ii) where the remainder of the expenses is charged on two or more urban areas, shall demand the portion of such remainder charged on each urban area from the urban authority of such urban area in the prescribed form and manner. 5

(2) An urban authority shall pay to the council of the county in which their urban area is situated a sum demanded by the council under this section.

The county rate of council of county.

12.—(1) The poor rate raised pursuant to *section 11* of this Act by the council of a county shall be known as the county rate. 10

(2) *Subsection (1)* of this section shall be construed as effecting a change of name only and shall not prejudice the existence of the poor rate nor the effect of any reference to it in any statutory or other enactment, but, for the purposes of conforming to such change of name, for every reference to the poor rate in any resolution, notice, rate book or other document passed or used by the council of a county in the making, levying, collecting or recovery of rates, there shall be substituted, in the case of the county rate, a reference to that rate, and every form used for the purpose of the making, levying, collecting or recovery of poor rate shall, in its application in respect of the county rate, be amended accordingly. 15 20

Special provisions in relation to town charges.

13.—(1) The following provisions shall apply in relation to any portion of the county rate made by the council of a county for the purposes of a deficiency in the county fund arising from town charges:— 25

(a) such portion shall be assessed and made separately from the remainder of the county rate,

(b) for the purposes of such assessment, the valuation of a hereditament of any of the following classes shall be reduced to one quarter of the actual valuation under the Valuation Acts of the hereditament:— 30

(i) land used solely for one or more of the following purposes, that is to say, as arable, meadow or pasture ground or as woodlands, or market gardens, or nursery grounds, 35

(ii) land covered with water and used as a canal and any towing path to the same,

(iii) land used as a railway constructed under statutory powers for public conveyance, 40

(c) no assessment shall be made on any half-rent rateable to the poor rate under section 63 of the Poor Relief (Ireland) Act, 1838, and the enactments amending the same.

(2) Nothing in this section shall apply to or operate to reduce the annual value with reference to which the tax in respect of any hereditament under Schedules A and B of the Income Tax Act, 1918, is ascertained. 45

Rates on vacant premises in county.

14.—(1) Where a hereditament which is situated in a county but not in an urban area and which is not a small dwelling within the meaning of the Local Government (Rates on Small Dwellings) Act, 1928 (No. 4 of 1928), is unoccupied at the making of the county rate, such rate shall be made upon the person (in this section referred to as the owner) who is for the time being entitled to occupy the hereditament and, upon such rate being paid by the owner, he shall be entitled to claim and receive from the council of the county a refund of one-twelfth of such rate in respect of every completed month (reckoned from any day of one month to the corresponding day of the next month) during which the hereditament is unoccupied either for the purpose of the execution of additions, alterations or repairs thereto or because the owner is *bona fide* unable to obtain a suitable tenant therefor, in the case of a hereditament to which the Rent Restrictions Act, 60

1946 (No. 4 of 1946), for the time being applies, at the maximum rent for the time being permitted under that Act or, in the case of any other hereditament, at a reasonable rent.

(2) Where—

5 (a) a rate is made by virtue of this section on the owner of an unoccupied hereditament, and

(b) the hereditament is subsequently let by or on behalf of the owner, and

(c) the rate or any part thereof is in arrear and unpaid,

10 the rate collector by whom the rate is collectible may, in addition to and without prejudice to any other remedy for the recovery of the amount of the rate so in arrear and unpaid, serve either personally or by post on the occupier of the hereditament a notice stating the said amount so in arrear and unpaid and

15 requiring the occupier to pay to the rate collector or his successor in office all rent then due or thereafter to become due by him in respect of the hereditament until the said amount is by such payment or otherwise discharged, and thereupon the rate collector or his successor in office shall have the exclusive right
20 to recover, receive and give a good discharge for all rent required by the notice to be paid to him.

(3) A rate made by virtue of this section on the owner of an unoccupied hereditament shall not be invalidated by any error or defect in the statement of the name of the owner or by the
25 use of the description "the owner" without any name or addition, and the rate shall be recoverable from the owner notwithstanding any such error or defect or the use of any such description.

15.—(1) An urban authority shall establish and maintain a fund to be known as the municipal fund. The municipal fund of urban authority.

30 (2) A sinking fund or any other fund (not being a voluntary civic improvement fund) to meet a future or prospective liability which an urban authority is required by or under statute to maintain shall be maintained out of the municipal fund.

(3) A fund which was maintained by an urban authority
35 immediately before the commencement of this section and which was neither a sinking fund nor other fund to meet a future or prospective liability which the urban authority was required by or under statute to maintain nor a voluntary civic improvement fund shall cease to be maintained and—

40 (a) if any moneys were standing to the credit of the fund immediately before such commencement, they shall be paid into the municipal fund, and

(b) if any liability stood attached to the fund immediately
45 before such commencement, it shall attach to and be discharged out of the municipal fund.

16.—(1) A sum received by an urban authority, whether from rates or a source other than rates, shall be paid to the treasurer of the authority and, save as provided by subsection (2) of this section, only the receipt of the treasurer shall be a good discharge to a person paying the sum. Sums received by urban authority.

(2) The receipt of a collector of rates of an urban authority or of any person duly authorised by an urban authority to receive payments of any other particular class shall be a good discharge to a person making a payment (as the case may be)
55 of rates to such collector or of such particular class to such authorised person, but in every such case it shall be the duty of the rate collector or authorised person to whom the payment is made to pay the amount thereof to the treasurer of the urban authority within such time as may be specified by the authority or by regulations of the Minister for payments of its class, or
60 if no such time has been so specified, forthwith.

(3) The treasurer of an urban authority shall pay a sum received by him under this section—

(a) if the sum is paid for the purposes of a voluntary civic improvement fund, into that fund, and

(b) in any other case, into the municipal fund.

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Payments by urban authority.

17.—(1) The expenses incurred by an urban authority in the exercise and performance of their powers and duties (including expenses of discharging liabilities existing at the commencement of this section but not including expenses defrayable out of a voluntary civic improvement fund) shall be defrayed by the treasurer of the authority out of the municipal fund.

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(2) A payment shall not be made out of the municipal fund of an urban authority unless it is either authorised in accordance with section 21 of the County Management Act, 1940 (No. 12 of 1940), or ordered by a court of justice.

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The municipal rate of urban authority.

18.—(1) An urban authority shall from time to time make, assess and levy equally over their urban area, in accordance with this Part of this Act, such rate (to be known as the municipal rate) as may be necessary for the purpose of supplying any deficiency (whether actual or prospective) in the municipal fund.

20

(2) Subject to the provisions of this Part of this Act, the law for the time being in force in relation to the making, assessment, levying, collection and recovery of the poor rate shall apply respectively in relation to the making, assessment, levying, collection and recovery of the municipal rate by an urban authority.

25

(3) Notwithstanding anything contained in section 3 of the Enforcement of Court Orders Act, 1926 (No. 18 of 1926), execution orders within the meaning of that Act in proceedings in the District Court for the recovery of moneys due in respect of the municipal rate of an urban authority shall, if the Court on the application of the person by whom the proceedings are brought so directs, be executed by that person.

30

(4) Subsection (7) of section 51 of the Local Government (Ireland) Act, 1898, shall not apply or have effect in relation to any debt, claim or demand which is directly or indirectly payable by an urban authority out of the municipal rate.

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(5) Every demand note for the municipal rate of an urban authority shall show separately on the front or the back thereof the portion of the rate in the pound of the said rate which is raised for any purpose in respect of which the Minister or the urban authority directs that it shall be so shown separately.

40

(6) Where, by virtue of section 3 of the Finance Act, 1944 (No. 18 of 1944), the expression "the municipal rate" occurs in any enactment specified in the Schedule to that Act, that expression shall be construed as including the rate leviable under this section.

45

Cesser of existing rates in urban area.

19.—(1) Subject to subsection (2) of this section, all rates which, immediately before the commencement of this section, were leviable in an urban area shall cease to be leviable, but such cesser shall not prevent, prejudice or affect the collection or recovery of any portion of any such rate which immediately before such commencement remained due and unpaid and any such portion shall for the purposes of such collection or recovery be deemed to be arrears of the municipal rate.

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(2) Subsection (1) of this section shall not extend or apply to charges (commonly called contract water rates) made for the supply of water to particular hereditaments for purposes other than domestic purposes or for the supply of water under special contract to any person not otherwise entitled to such supply.

55

(3) Where immediately before the commencement of this section there were two or more persons acting as rate collectors in an urban area, each of such persons shall be deemed to have been duly appointed immediately upon the commencement of this section to be a collector of the municipal rate in the urban area for such district as may be assigned to him upon the same terms of office (including terms relating to pension and superannuation rights) as he held office immediately before such commencement and, for the purposes of any enactment relating to superannuation or compensation for loss of office, this Act shall be deemed not to have operated to abolish his office or to alter his position materially to his detriment.

(4) Where immediately before the commencement of this section there was one person only acting as rate collector in an urban area, such person shall be deemed to have been duly appointed immediately upon the commencement of this section to be the collector of the municipal rate in the urban area upon the same terms of office (including terms relating to pension and superannuation rights) as he held office immediately before such commencement and, for the purposes of any enactment relating to superannuation or compensation for loss of office, this Act shall be deemed not to have operated to abolish his office or to alter his position materially to his detriment.

20.—Where a hereditament situated in an urban area is, on the date of the commencement of this section, held (whether together with or without other premises) under a lease which binds the lessor to pay or allow a deduction or set off against or otherwise to relieve the lessee from any rates (other than poor rate) payable in respect of the hereditament, all rent payable under the lease in respect of a period commencing on or after the date of the commencement of this section shall be reduced—

Adjustment of rents in certain cases in urban area.

(a) in the case of an annual rent, by an amount equal to the amount of the rates (other than poor rate) made by the urban authority in respect of the hereditament for the local financial year expiring at the commencement of this section to which the relief afforded to the lessee by the lease lawfully extended, and

(b) in the case of any rent other than an annual rent, by an amount which bears to the rates (other than poor rate) made by the urban authority in respect of the hereditament for the said local financial year to which the relief afforded to the lessee by the lease lawfully extended the same proportion as the period by reference to which such rent is calculated bears to one year.

(2) In this section, the word "lease" includes any contract of tenancy, whether in writing or verbal, whereby the relation of landlord and tenant is created, and the words "lessor" and "lessee" respectively include the landlord of and the tenant under such tenancy.

21.—(1) For the purpose of the assessment and levying of the municipal rate on a hereditament situated in an urban area which is a borough and included in a class mentioned in the *second column of Part I of the Second Schedule* to this Act, the valuation of the hereditament shall be deemed to be reduced to the proportion, specified in the *first column* of that Part of that Schedule in respect of such class, of the actual valuation under the Valuation Acts of the hereditament.

Rating of certain classes of property in urban area.

(2) For the purposes of the assessment and levying of the municipal rate on a hereditament situated in an urban area which is not a borough and included in a class mentioned in the *second column of Part II of the Second Schedule* to this Act, the valuation of the hereditament shall be deemed to be reduced to the proportion, specified in the *first column* of that Part of that Schedule in respect of such class, of the actual valuation under the Valuation Acts of the hereditament.

(3) Part II of the Second Schedule to this Act shall, in relation to a hereditament which is agricultural land within the meaning of the Rates on Agricultural Land (Relief) Act, 1929 (No. 23 of 1929), have effect as respects the first six local financial years during which this section is in force subject to the following 5 modifications:—

- (a) in the case of the first of those years, the proportion of the valuation specified in the *first column* of the said Part shall be taken to be six-twentieths,
- (b) in the case of the second of those years, such proportion 10 shall be taken to be seven-twentieths,
- (c) in the case of the third of those years, such proportion shall be taken to be eight-twentieths,
- (d) in the case of the fourth of those years, such proportion shall be taken to be nine-twentieths, 15
- (e) in the case of the fifth of those years, such proportion shall be taken to be ten-twentieths,
- (f) in the case of the sixth of those years, such proportion shall be taken to be eleven-twentieths.

(4) Nothing in this section shall apply to or operate to reduce 20 the annual value with reference to which the tax in respect of any hereditament under Schedules A and B of the Income Tax Act, 1918, is to be ascertained.

Existing loans
of urban
authority.

22.—(1) A loan as respects which an urban authority is the borrower and which, immediately before the commencement of this section, stood charged upon a rate ceasing under *section 19* of this Act to be leviable shall stand charged upon the municipal rate. 25

(2) A loan as respects which an urban authority is the borrower and which, immediately before the commencement of this section, stood charged upon a fund maintained out of the produce of a rate ceasing under *section 19* of this Act to be leviable shall stand charged upon the municipal fund. 30

Rates on
vacant premises
in urban area.

23.—(1) Where a hereditament which is situated in an urban area and which is not a small dwelling within the meaning of the Local Government (Rates on Small Dwellings) Act, 1928 (No. 4 of 1928), is unoccupied at the making of the municipal rate, such rate shall be made upon the person (in this section referred to as the owner) who is for the time being entitled to occupy the hereditament and, upon such rate being paid by the owner, he shall be entitled to claim and receive from the urban authority of the urban area a refund of one-twelfth of such rate in respect of every completed month (reckoned from any day of one month to the corresponding day of the next month) during which the hereditament is unoccupied either for the purpose of the execution of additions, alterations or repairs thereto or because the owner is *bona fide* unable to obtain a suitable tenant therefor, in the case of a hereditament to which the Rent Restrictions Act, 1946 (No. 4 of 1946) for the time being applies, at the maximum rent for the time being permitted under that Act, or, in the case of any other hereditament, at a reasonable rent. 35 40 45 50

(2) Where—

- (a) a rate is made by virtue of this section on the owner of an unoccupied hereditament, and
- (b) the hereditament is subsequently let by or on behalf of the owner, and 55
- (c) the rate or any part thereof is in arrear and unpaid,

the rate collector by whom the rate is collectible may, in addition to and without prejudice to any other remedy for the recovery of the amount of the rate so in arrear and unpaid, serve either personally or by post on the occupier of the hereditament a notice stating the said amount so in arrear and unpaid and requiring 60

the occupier to pay to the rate collector or his successor in office all rent then due or thereafter to become due by him in respect of the hereditament until the said amount is by such payment or otherwise discharged, and thereupon the rate collector or his successor in office shall have the exclusive right to recover, receive and give a good discharge for all rent required by the notice to be paid to him.

(3) A rate made by virtue of this section on the owner of an unoccupied hereditament shall not be invalidated by any error or defect in the statement of the name of the owner or by the use of the description "the owner" without any name or addition, and the rate shall be recoverable from the owner notwithstanding any such error or defect or the use of any such description.

24.—Sections 15 to 22 of this Act shall not apply in relation to the borough of Dún Laoghaire or the corporation of that borough.

Saver for
borough of
Dún Laoghaire.

25.—(1) Where, in the local financial year ending immediately before the commencement of this section, any part of the agricultural grant was payable by the council of a county to the council of an urban district, such council of a county shall, in each subsequent local financial year, pay an amount equal to such part to such council of an urban district out of the agricultural grant and such amount shall thereupon be paid into the municipal fund.

Provisions in
relation to the
agricultural
grant.

(2) Any part of the agricultural grant which becomes payable after the commencement of this section to an urban authority under subsection (1) of section 5 of the Rates on Agricultural Land (Relief) Act, 1939 (No. 23 of 1939) shall be paid into the municipal fund.

(3) In this section, the expression "the agricultural grant" has the same meaning as it has in the Rates on Agricultural Land (Relief) Act, 1939 (No. 23 of 1939).

26.—(1) The moneys required to meet the expenses of the commissioners of a town which is not an urban district shall be supplied to the commissioners by the council of the county in which the town is situate on an annual estimate and demand in the prescribed form.

Expenses of
commissioners
of town not an
urban district.

(2) A sum which immediately before the commencement of his section remained due and unpaid to the commissioners of a town which is not an urban district for rates shall become a sum due and unpaid to the council of the county in which the town is situate and shall be recoverable by or on behalf of such council, whether by action, distress or otherwise, in like manner as if it were due and unpaid to such council for rates made by them to meet an annual demand of such commissioners made in pursuance of subsection (1) of this section, and such sum shall, on being so recovered, be applied in like manner as if it had been recovered in respect of rates made as aforesaid.

(3) A person who—

(a) immediately before the commencement of this section held the office of collector of rates under the commissioners of a town, and

(b) had held that office for not less than ten years, and

(c) is not entitled under any enactment other than this subsection to compensation for the abolition of that office, shall be paid by such commissioners on account of such abolition a gratuity equal to either—

(i) one-fifteenth of his yearly salary and emoluments, within the meaning of Part IV of the Local Government Act, 1925 (No. 5 of 1925), in respect of that office for each complete year of his service, or

(ii) such yearly salary and emoluments,
whichever is the less.

(4) A person who immediately before the commencement of
this section—

(a) held the office of collector of rates under the commis- 5
sioners of a town, and

(b) also held another office or offices under the said commis-
sioners or any other local authority, and

(c) devoted the whole of his time to the duties of all the said
offices, and 10

(d) was a pensionable officer for the purposes of Part IV
of the Local Government Act, 1925 (No. 5 of 1925),

shall be deemed for the purposes of the said Part IV, for so long
as he shall continue to hold such other office or other offices, to
devote the whole of his time to the duties of such other office or 15
other offices (as the case may be).

Loans of
commissioners
of town not an
urban district.

27.—(1) The council of a county may, with the consent of the
Minister, borrow on the security of the county rate for the pur-
pose of lending, to the commissioners of a town which is not an
urban district and is situated in the county, any sums required 20
by the commissioners for the purpose of the exercise or perform-
ance of any of their powers, functions or duties.

(2) If a sum, which consists either of portion of a loan
advanced pursuant to this section by the council of a county to
the commissioners of a town or of interest on any such loan, is 25
not included by the commissioners in the appropriate demand
under *subsection (1) of section 26* of this Act, such sum shall be
deemed to have been included in the demand and *subsection (4)*
of *section 10* of this Act shall have effect accordingly.

(3) A loan as respects which the commissioners of a town which 30
is not an urban district are the borrower and which, immediately
before the commencement of this section, stood charged upon a
rate ceasing, by virtue of the repeal by this Act of sections 60 to 65
of the Towns Improvement (Ireland) Act, 1854, to be leviable
shall stand charged upon the county rate of the county in which 35
the town is situated.

Adjustment of
rent in certain
cases in town.

28.—(1) Where a hereditament situated in a town which is
not an urban district is, on the date of the commencement of this
section, held (whether together with or without other premises) 40
under a lease which binds the lessor to pay or allow a deduction
or set off against or otherwise to relieve the lessee from any rates
made by the commissioners of the town payable in respect of the
hereditament, all rent payable under the lease in respect of a
period commencing on or after the date of the commencement of
this section shall be reduced—

(a) in the case of an annual rent, by an amount equal to the 45
amount of the rates made by the commissioners of the
town in respect of the hereditament for the local
financial year expiring at the commencement of this
section to which the relief afforded to the lessee by the 50
lease lawfully extended, and

(b) in the case of any rent other than an annual rent, by an
amount which bears to the rates made by the commis-
sioners of the town in respect of the hereditament for
the said local financial year to which the relief afforded 55
to the lessee by the lease lawfully extended the same
proportion as the period by reference to which such
rent is calculated bears to one year.

(2) In this section, the word "lease" includes any contract of
tenancy, whether in writing or verbal, whereby the relation of 60
landlord and tenant is created, and the words "lessor" and
"lessee" respectively include the landlord of and the tenant
under such tenancy.

29.—A rating authority shall, either immediately prior to or at the beginning of each local financial year, make one rate for the whole local financial year and shall collect such rate in equal moieties, one such moiety for each half year of such local financial year.

Making of rate.

30.—(1) If, at any time after the rate in the pound of the rate for a local financial year has been determined by a rating authority, it appears to the Minister that such rate at such rate in the pound is likely to be insufficient to meet the part defrayable out of rates of the expenses to be incurred by the rating authority in that financial year in—

Insufficiency of rates.

- (a) maintaining at a reasonable standard the public services for the maintenance of which the rating authority is responsible, and
- (b) paying to any other body any sums which the rating authority are bound to supply to that body,

the Minister, after holding a local inquiry into the sufficiency of such rate, may require the rating authority either to revoke such determination and determine a new rate in the pound for such rate or (if by reason of any steps already taken for the making, levying or collecting of such rate, such a course is more convenient) determine a rate in the pound of a supplementary rate for that local financial year.

(2) Within fourteen days after the date of the receipt by the secretary or clerk of a rating authority of notification that a requirement has been made under *subsection (1)* of this section, the rating authority shall comply with such requirement.

(3) Where a rating authority determine pursuant to a requirement under *subsection (1)* of this section a rate in the pound of a supplementary rate, it shall be the duty of the rating authority to make, levy, collect and recover such supplementary rate.

(4) Where a rating authority in relation to whom a requirement is made under *subsection (1)* of this section determine and make pursuant to the direction either—

- (a) a new rate in the pound of a rate, or
- (b) a rate in the pound of a supplementary rate,

which in the opinion of the Minister is insufficient, the Minister may by order remove from office the members of the rating authority.

(5) For the purposes of Part IV of the Act of 1941, an order under *subsection (4)* of this section shall be deemed to be an order under section 44 of that Act and the removal from office of the members of the rating authority concerned shall be deemed to be a removal from office under that section.

(6) Where a person or persons has or have been appointed under Part IV of the Act of 1941 to be a commissioner or commissioners for a rating authority whose members have been removed from office, such person or persons may revoke any determination by the rating authority of a rate in the pound of a rate for the current or the next local financial year as had been made before his or their appointment (whether it is the first determination of a rate in the pound, the determination of the rate in the pound of a new rate or the determination of the rate in the pound of a supplementary rate) and may determine the rate in the pound of such rate as if no earlier determination had been made or may determine a rate in the pound of a supplementary rate for such local financial year and make, levy, collect and recover such supplementary rate.

(7) The law relating to the determination by a rating authority of the rate in the pound of a rate shall apply, subject to any necessary modifications, to the determination pursuant to this section of the rate in the pound of any rate.

(8) The law relating to making, levying, collecting and recovering, by a rating authority of rates shall apply, subject to any necessary modifications, to the making, levying, collecting and recovering pursuant to this section of any rates.

(9) If any difficulty arises in relation to the determination pursuant to this section of the rate in the pound of any rate or to the making, levying, collecting or recovering pursuant to this section of any rate, the Minister may by order take all such steps and do all such things as appear to him to be necessary for the purpose of removing such difficulty. 5
10

Validation of town rates for 1946-1947.

31.—A rate made by the Commissioners of a town under the Towns Improvement (Ireland) Act, 1854, for the local financial year beginning on the 1st day of April, 1946, shall not be invalidated by reason of a failure to comply with section 172 of the Towns Improvement Clauses Act, 1847, which is repealed by this Act. 15

Reduction of rate in pound determined by council of a county for 1946-1947.

32.—The poor rate made by the council of a county for the local financial year beginning on the 1st day of April, 1946, shall not be invalidated by reason of the fact that, subsequent to the estimates meeting, held under section 24 of the County Management Act, 1940 (No. 12 of 1940), at which the said council determined a rate in the pound to be levied for the purposes of the construction and maintenance of roads, the said council, in anticipation of an increase in the receipts by way of grant from the Road Fund, reduced the said rate in the pound and made the poor rate for the said year accordingly. 20
25

Variation of division of rated area into collection districts.

33.—(1) The Minister may from time to time by order vary the existing division of a rated area into collection districts or, in the case of a rated area forming one collection district, divide such area into two or more collection districts and, in the former case, may, in particular, by the order increase or reduce the number of collection districts in the rated area. 30

(2) The Minister may by an order under this section make provision for such (if any) transfers of rate collectors of the rating authority concerned as in his opinion is rendered necessary or expedient in consequence of the order. 35

(3) In this section—

the expression "rated area" means the area in which a rating authority is empowered to levy rates,

the expression "collection district" means the area for which a rate collector of a rating authority is appointed. 40

Restriction on application of Local Government (Rates on Small Dwellings) Act, 1928, and payment to rating authorities of certain moneys purported to have been collected under the said Act in respect of rates.

34.—(1) A hereditament which but for this section would, as regards any local financial year, be a small dwelling within the meaning of the Act of 1928 shall not, as regards that local financial year, be a small dwelling within the meaning of the Act of 1928 if on the 1st day of April in that local financial year the owner of such hereditament within the meaning of the said Act is a State authority. 45

(2) Where a gale of rent paid, before the passing of this Act, to a State authority by the occupier of a hereditament was, in purported compliance with section 6 of the Act of 1928, increased by a sum (in this subsection referred to as the increase) purporting to represent part of a rate purporting to have been made in respect of the said hereditament under section 4 of the Act of 1928, for the service of a particular local financial year, then, unless the increase was returned by that State authority to such occupier before the passing of this Act, the following provisions shall have effect— 50
55

- (a) that State authority shall pay the increase to the rating authority by whom the said rate was made;
- (b) the increase when so paid to that rating authority shall be deemed to have been paid by that State authority at the request of such occupier in respect of a rate lawfully made on such occupier in respect of the said hereditament for the service of the said local financial year.
- 5
- (3) In this section—
- 10 the expression “ the Act of 1928 ” means the Local Government (Rates on Small Dwellings) Act, 1928 (No. 4 of 1928);
- the expression “ State authority ” means any authority being—
- (a) a Minister of State, or
- (b) the Revenue Commissioners, or
- 15 (c) the Irish Land Commission, or
- (d) the Commissioners of Public Works in Ireland.

PART III.

OFFICES AND EMPLOYMENTS UNDER LOCAL AUTHORITIES.

35.—In this Part of this Act, the expressions “ the appropriate Minister ”, “ major office ” and “ local authority ” and the word “ office ” have the same meanings respectively as they have in Part II of the Act of 1941.

20

Definitions
for Part III.

36.—(1) Where the same Minister is the appropriate Minister in relation to any particular offices, such Minister may, subject to the provisions of this section and after consultation with the local authority or local authorities concerned, by order amalgamate the offices, and thereupon the offices shall be deemed for all purposes to be one office under such title (if any) as is specified in the order.

25

Amalgamation
of offices.

(2) Offices shall not be amalgamated under this section unless—

(a) each of the offices is vacant, or

(b) each of the offices is held by the same person, or

(c) one only of the offices being not vacant, the holder thereof consents to the making of the order, or

35 (d) in any other case, the same person holds each of such of the offices as are not vacant and such person consents to the making of the order.

(3) Where offices amalgamated under this section are not all under the same local authority, the following provisions shall have effect:

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(a) appointments to the amalgamated office shall be made by such one of the local authorities concerned as the appropriate Minister shall by order specify,

(b) the holder of the amalgamated office shall be entitled to payment of remuneration either, as the appropriate Minister shall by order provide, in respect of each of the offices so amalgamated from the local authority under whom it is held or in respect of the amalgamated office from the local authorities concerned in specified proportions,

45

(c) the appropriate Minister may by order provide for the payment to the holder of the amalgamated office by one of the local authorities concerned of all the remuneration to which the holder is entitled either (as

50

the case may be) in respect of each of the offices so amalgamated or in respect of the amalgamated office, and for the repayment to that local authority—

(i) in case the local authorities concerned are two in number, by the other local authority concerned of the portion of such remuneration payable by them, and 5

(ii) in case the local authorities concerned are three or more in number, by the other local authorities concerned of the portions of such remuneration respectively payable by them, 10

(d) a sum repayable under an order made under paragraph (c) of this subsection to a local authority by another local authority may be recovered by the first-mentioned authority from the other authority as a simple contract debt in any court of competent jurisdiction. 15

(4) The appropriate Minister may by order revoke or amend an order previously made by him under this section.

(5) An order made under section 32 (repealed by this Act) of the Act of 1941 and in force immediately before the commencement of this section shall continue in force and shall be deemed to have been made under this section and to be capable of being amended or revoked accordingly. 20

Retention of office by married women.

37.—The inclusion in the conditions of an appointment made to an office at any time (including a time, whether before or after the commencement of Part II of the Act of 1941) before the commencement of this section of a condition that any woman appointed should resign such office on marriage or any similar condition shall, for the purposes of section 24 of the Act of 1941, be deemed to be a declaration made under Part II of the Act of 1941 before the appointment of the qualification for such office that any woman holding it be either unmarried or a widow. 25 30

Performance of duties of office by deputy.

38.—(1) Where the appropriate Minister is of opinion that, on account of special circumstances, the duties of a particular office should not be performed during a particular period by the holder of the office in person, the appropriate Minister may by order authorise the holder to perform the duties of the office by deputy during that period. 35

(2) Where an order is made under this section authorising the holder of an office to perform the duties of the office by deputy during any period, the duties shall be performed during that period by a deputy nominated by the holder with the approval of the appropriate Minister. 40

(3) Before approving under subsection (2) of this section of the nomination of a deputy, the appropriate Minister shall satisfy himself that the deputy possesses the qualifications (if any) required for holders of the office in question and the knowledge and ability to discharge those duties properly. 45

(4) The appropriate Minister may withdraw an approval given under subsection (2) of this section and thereupon the nomination which was the subject of the approval shall terminate. 50

(5) Where the making of any order, the giving of any certificate, approval or sanction or the doing of any other act by the holder of an office is required for the purposes of any statutory or other enactment, such order, certificate, approval, sanction or act, when made, given or done by a deputy nominated under subsection (2) of this section during a period when the holder is authorised by an order under this section to perform the duties of the office by deputy, shall be as valid for all purposes as if it had been made, given or done by the holder in person. 55 60

39.—Subsection (1) of section 19 of the Act of 1941 is hereby amended by the addition at the end of the subsection of the following paragraph:

Regulations requiring holders of offices to be whole-time.

5 “(k) requiring holders to devote the whole of their time to the duties of their offices.”

40.—Subsection (1) of section 26 of the Act of 1941 is hereby amended by the insertion of the word “appropriate” before the word “Minister” where the latter word occurs secondly.

Amendment of subsection (1) of section 26 of Act of 1941.

41.—(1) In this section, the word “employment” shall be construed as including, in addition to the employment of a servant of a local authority, an office other than a major office.

Remuneration of servants and of certain officers.

(2) A local authority shall not—

15 (a) pay remuneration in respect of an employment held by any person immediately before the 26th day of August, 1942, unless they pay the remuneration either at a rate not greater than the rate at which they paid remuneration in respect of the employment immediately before that date or at a higher rate for the time being sanctioned by the appropriate Minister, or

20 (b) pay remuneration in respect of an employment of a class the same as one in which they employed persons immediately before the 26th day of August, 1942, unless they pay the remuneration either at a rate not greater than the rate at which they paid remuneration in respect of employment of that class immediately before that date or at a higher rate for the time being sanctioned by the appropriate Minister, or

30 (c) pay remuneration to a person employed or appointed after the commencement of this section to fill a vacancy in an employment as respects which neither *paragraph (a)* nor *paragraph (b)* of this subsection is applicable unless they pay the remuneration either at a rate not greater than the rate at which they paid remuneration in respect of the employment immediately before the occurrence of the vacancy or at a higher rate for the time being sanctioned by the appropriate Minister, or

35 (d) pay remuneration in respect of an employment as respects which neither *paragraph (a)*, *paragraph (b)* nor *paragraph (c)* of this subsection is applicable unless they pay the remuneration at a rate for the time being sanctioned by the appropriate Minister.

(3) The appropriate Minister may at any time revoke a sanction given by him for the purposes of *subsection (2)* of this section.

45 (4) If the Emergency Powers (No. 216) Order, 1942 (S. R. & O., No. 433 of 1942), is revoked on the date of the commencement of this section, a sanction which was given by the Minister for the purposes of Article 3 of that Order shall continue in force and be deemed to be a sanction given by the Minister for the purposes of *subsection (2)* of this section and shall
50 be capable of being revoked accordingly.

PART IV.

CONSTRUCTION AND RECONSTRUCTION OF BRIDGES, VIADUCTS AND TUNNELS.

42.—In this Part of this Act—

Definitions for Part IV.

55 the expression “the bridge” means the bridge, viaduct or tunnel to which the bridge order relates;

bridge.

bridge order.	the expression " the bridge order " means the relevant order applied for under <i>section 43</i> of this Act or made under <i>section 47</i> of this Act;	
construction.	any reference to the construction of the bridge includes a reference to any consequential construction or reconstruction of a road, or part of a road, in the neighbourhood of the bridge;	5
executing authority.	the expression " the executing authority " means the road authority directed under <i>section 49</i> of this Act to execute the work;	
inquiry.	the expression " the inquiry " means the local inquiry caused pursuant to <i>section 46</i> of this Act to be held after consideration of the preliminary report;	10
plans.	the expression " the plans " means the plans, as approved of under <i>section 50</i> of this Act by the Minister, for executing the work;	15
preliminary report.	the expression " the preliminary report " means the preliminary report relating to the bridge order furnished pursuant to a direction under <i>section 45</i> of this Act;	
reconstruction.	any reference to the reconstruction of the bridge includes a reference to any consequential reconstruction or construction of a road, or part of a road, in the neighbourhood of the bridge;	20
work.	the expression " the work " means the construction or reconstruction of the bridge.	

Application for bridge order.

43.—(1) Where a road authority are of opinion that the construction or reconstruction of a bridge forming part of a road, viaduct forming part of a road or tunnel through which a road passes or is intended to pass (including any such bridge, viaduct or tunnel wholly or partly outside their functional area) is expedient for the purpose of improving road communications between places within their functional area or between places within and places outside that area or for the purpose of improving road communications through that area, they may apply to the Minister for an order providing for such construction or reconstruction (as the case may be).

(2) The making of the application for the bridge order shall be a reserved function.

(3) The application for the bridge order shall state the nature of the work and the manner in which road communications will be improved thereby and may make proposals for the defraying of the expenses of the work and of the maintenance of the bridge by two or more road authorities.

Appointment of joint committee of road authorities to consider proposals for an application for a bridge order, etc.

44.—(1) Any two or more road authorities may, by resolution under this section passed by each of such authorities, establish a joint committee of their members to consider proposals for an application for a bridge order to be made by any one of such road authorities and to facilitate the obtaining of the consent of every such road authority to the terms of such an application.

(2) A resolution passed under this section by each of several road authorities shall state—

(a) the general character and purpose of the work,

(b) the number of members from each such road authority who are to be members of the joint committee established by the resolution, and

(c) the manner in which the expenses incurred by such joint committee are to be defrayed by the several road authorities.

(3) A joint committee of two or more road authorities established by a resolution under this section shall consider proposals for the application in respect of which they are so established and shall

furnish to each such road authority a report setting out the terms in which, in their opinion, such application should be made and, for the purposes of such consideration and report, *section 53* of this Act shall apply as if the committee were a road authority.

- 5 (4) The expenses incurred by a joint committee established under this section by two or more road authorities shall be defrayed by such authorities in the manner specified in the resolution establishing such committee.

10 **45.**—(1) The Minister may direct the road authority which made the application for the bridge order or any other road authority to prepare and furnish to him a preliminary report on any matters which he considers should be examined before the application is granted or refused, including, in particular, any of the following matters: Preliminary report.

- 15 (a) the feasibility of the work,
(b) the probable cost of the work,
(c) the manner in which the work can best be executed,
(d) where the work is the construction of the bridge, the best situation for the bridge.

20 (2) The Minister shall not give a direction under *subsection (1)* of this section to a road authority who did not make the application for the bridge order save after consultation with that road authority.

25 (3) Where the Minister gives a direction under *subsection (1)* of this section to a road authority, he shall cause notice of the direction to be given by post to every, if any, other road authority by whom expenses of the work are proposed in the application for the bridge order to be defrayed.

(4) A road authority to whom a direction is given under *subsection (1)* of this section shall—

- 30 (a) comply with the direction,
(b) make any investigations (including, in particular, surveys, tests and trial borings) which they consider necessary for the purposes of preparing the preliminary report or which the Minister, whether before or after the making of the preliminary report, requires them to make,
35 (c) as regards any such investigation which the Minister requires them to make, inform the Minister of the results thereof.
40

46.—(1) After consideration of the preliminary report, the Minister may cause a local inquiry to be held to consider the work, the preliminary report and any information relating to the work given to the Minister pursuant to *paragraph (c)* of *subsection (4)* of *section 45* of this Act. Local inquiry

(2) The Minister shall cause not less than seven days' notice of the inquiry to be given by post to—

- (a) the road authority which applied for the bridge order, and
(b) every other road authority which in his opinion is likely to be affected by the making of the bridge order, and
50 (c) in case the bridge order relates to a bridge or viaduct over or a tunnel under a railway or navigable water (including a canal), the Minister for Industry and Commerce.

Making of
bridge order.

47.—(1) Subject to *subsections (2) and (4)* of this section, the Minister may make the bridge order in such terms as he thinks proper.

(2) The Minister shall not make the bridge order unless, either—

(a) every road authority to which the bridge order applies has consented to such application, or

(b) the following things have been done—

(i) a preliminary report has been prepared and furnished under *section 45* of this Act, and

(ii) a local inquiry has been held under *section 46* of this Act, and

(iii) every road authority to which the order applies was given notice of the inquiry, and

(iv) the Minister has considered the report of the inquiry. 15

(3) The giving by a road authority of consent to the application to such road authority of a bridge order shall be a reserved function.

(4) When the bridge order relates to a bridge or viaduct over or a tunnel under a railway or navigable water (including a canal), the Minister shall not make such order save with the consent of the Minister for Industry and Commerce. 20

Refusal of
application
for bridge
order.

48.—(1) The Minister may refuse the application for the bridge order at any stage of the application, that is to say, after the making of the application, after consideration of the preliminary report or after consideration of the report of the inquiry. 25

(2) Where the Minister refuses the application for the bridge order after consideration of the preliminary report or the report of the inquiry, he may by order require a contribution towards the expenses of the preliminary report (including the expenses of the making of the investigations referred to in *section 45* of this Act) to be made to the road authority who prepared the preliminary report by any other road authority. 30 35

(3) Where a contribution is required under *subsection (2)* of this section to be made to a road authority by another road authority, the first-mentioned authority may recover the contribution from such other authority as a simple contract debt in any court of competent jurisdiction. 40

Executing
authority.

49.—(1) The bridge order shall contain a direction to a road authority to execute the work in accordance with the bridge order and this Part of this Act.

(2) The bridge order may contain instructions to be carried out or conditions to be complied with by the executing authority. 45

The plans.

50.—(1) The executing authority shall prepare plans for carrying out the work and submit them to the Minister.

(2) When plans are submitted to the Minister under *subsection (1)* of this section, the Minister may—

(a) approve such plans, or 50

(b) require the executing authority to modify such plans (whether by addition, omission or variation) in a specified manner, or

(c) require the executing authority to prepare new plans.

(3) Where plans are submitted to the Minister under *subsection (1)* of this section and the bridge order contains a requirement under *section 52* of this Act of a contribution by any road authority—

- 5 (a) the Minister shall cause a copy of such plans to be given by post to that authority and shall request them to consider such plans and, if they so desire, to send to him within a specified time their observations thereon,
- 10 (b) the Minister shall not exercise the powers conferred on him by *subsection (2)* of this section until he has considered any observations on such plans which that authority may send to him within the time so specified.

15 (4) Where the Minister requires under *subsection (2)* of this section the executing authority to modify plans, the executing authority shall modify such plans in accordance with the requisition and re-submit them to the Minister and thereupon *subsections (2) and (3)* of this section shall apply as if such plans were being submitted to the Minister for the first time.

20 (5) Where the Minister requires under *subsection (2)* of this section the executing authority to prepare new plans, the executing authority shall prepare such plans and submit them to the Minister and thereupon *subsections (2) and (3)* of this section shall apply as if the submission were a first submission of plans.

25 **51.**—(1) The executing authority shall execute the work in accordance with the bridge order, the plans and this Part of this Act. Execution of the work.

(2) Notwithstanding *subsection (1)* of this section, the executing authority may, in executing the work, make a departure from the plans if the Minister consents thereto.

30 (3) For the purpose of complying with this section, the executing authority may perform functions outside their functional area, and accordingly they shall have and may exercise outside their functional area every power (including, in particular, power to acquire land) which a road authority have and may exercise
35 within their functional area for the purpose of the construction and maintenance of roads.

52.—(1) The bridge order may contain a provision requiring a contribution towards either or both of the following, that is to say: Contribution to expenses.

40 (a) the expenses of the work (including the expenses of the preparation of the preliminary report and the making of the investigations referred to in *section 45* of this Act),

45 (b) the expenses to be incurred in relation to the bridge at any time after the execution of the work,

to be made to the road authority incurring such expenses by any other road authority.

50 (2) A contribution required under *subsection (1)* of this section may be stated in the bridge order as a fixed sum or by reference to a named proportion of the expenses in question and may be specified as being payable in one sum or by instalments.

(3) The Minister may by order vary a contribution required under *subsection (1)* of this section.

55 (4) Where a contribution or an instalment of a contribution is required under *subsection (1)* of this section to be made to a road authority by another road authority, the first-mentioned authority may recover the contribution or instalment from such other authority as a simple contract debt in any court of competent jurisdiction.

53.—(1) Any officer or agent of a road authority, who is duly authorised in that behalf by the authority, may, subject to the provisions of this section and without prejudice to any other power, enter on any land between the hours of 9 a.m. and 6 p.m. on any day for the purposes of performing any duty imposed on the authority by this Part of this Act. 5

(2) A person entering on land under this section may do thereon all things reasonably necessary for the purpose for which the entry is made and, in particular, may survey, make plans, take levels, set up gauges to record the flow of water, make excavations and examine the depth and nature of the subsoil. 10

(3) Before a person enters under this section on any land, the road authority on whose authority the entry is proposed to be made shall either obtain the consent (in the case of occupied land) of the occupier or (in the case of unoccupied land) of the owner or shall give by post to the occupier or owner (as the case may be) not less than twenty-one days' notice of the intention to make the entry. 15

(4) A person to whom a notice of intention to enter on land has been given under this section by a road authority may, not later than twenty-one days after the giving of the notice, apply to the justice of the District Court having jurisdiction in the district in which the land is situate, on notice to the road authority, for an order prohibiting the entry, and, upon the hearing of the application, the justice may, if he so thinks proper, either wholly prohibit the entry or specify conditions to be observed by the person making the entry. 20 25

(5) Where a justice of the District Court prohibits under this section a proposed entry on land, it shall not be lawful for any person to enter under this section on the land, and where a justice of the District Court specifies under this section conditions to be observed by persons entering on land, every person who enters under this section on the land shall observe the conditions as specified. 30

(6) A person who suffers damage by anything done under this section on any land and, within one month after such thing is done, makes to the road authority on whose authority the land was entered under this section a claim for compensation in respect of the damage shall be entitled to be paid by the authority reasonable compensation for the damage and, in default of being paid such compensation when the amount thereof has been agreed upon or has been determined under this section, to recover it from the road authority in any court of competent jurisdiction as a simple contract debt. 35 40

(7) In default of agreement, the amount of any compensation payable by a road authority under this section shall, if the amount claimed in respect thereof does not exceed twenty pounds, be determined by the District Court or, in any other case, be determined by arbitration under the Acquisition of Land (Assessment of Compensation) Act, 1919 (as amended by subsequent enactments) as if the compensation were the price of land compulsorily acquired. 45 50

(8) A justice of the District Court when making any order under this section (including the refusal of an application) may at his discretion order the costs, to an amount not exceeding three guineas, incurred in relation to the proceedings by any party thereto to be paid by any other party thereto. 55

(9) Every person who, by act or omission, wilfully obstructs an officer or agent of a road authority in the lawful exercise of the powers conferred by this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds together with, in the case of a continuing offence, a further fine not exceeding one pound for every day on which the offence is continued. 60

54—(1) On the completion of the work, any powers and duties of a road authority other than the executing authority in relation to the bridge shall be transferred to the executing authority.

Transfer to executing authority of certain powers and duties.

5 (2) Where a road authority other than the executing authority have powers and duties (exclusive of powers and duties under this Part of this Act) in relation to any portion of road adjoining the bridge, the Minister may by order transfer those powers and duties to the executing authority with effect as from the completion of the work.

10 (3) Nothing in this section shall be construed as affecting the right of a road authority to recover a contribution or an instalment of a contribution from another road authority under section 52 of this Act.

15 55.—(1) Whenever a harbour authority are authorised by a harbour works order under Part VIII of the Harbours Act, 1946 (No. 9 of 1946) to construct or maintain the bridge—

Application of certain portions of Part IV to harbour authorities.

20 (a) this Part of this Act (*except sections 57 and 59*) shall have effect as if such harbour authority were a road authority,

(b) *subsection (1) of section 52* of this Act shall have effect as if the expenses incurred by such harbour authority under the Harbours Act, 1946, in obtaining the harbour works order were part of the expenses of the work.

25 (2) The Minister shall not by virtue of this section do any of the following things save with the consent of the Minister for Industry and Commerce, that is to say:—

(a) include in the bridge order a direction under *section 49* of this Act to a harbour authority to execute the work;

30 (b) include in the bridge order a requirement under *subsection (1) of section 52* of this Act of a contribution to be made by a harbour authority;

35 (c) in a case where the application for the bridge order is made by a road authority other than a harbour authority and is refused require under *subsection (2) of section 48* of this Act a contribution to be made by a harbour authority;

40 (d) vary under *subsection (3) of section 52* of this Act a contribution to be made by a harbour authority under *subsection (1) of the said section*.

(3) In this section the expression "harbour authority" has the same meaning as in the Harbours Act, 1946.

45 56.—(1) Where a person other than a road authority is required by or under any Act to construct or maintain the bridge or a part of the bridge or to pay or contribute to the expenses of such construction or maintenance, the following portions of this Part of this Act shall have effect as if such person were a road authority, that is to say, *subsection (3) of section 43, subsection (3) of section 45, paragraph (b) of subsection (2) of section 46, subsection (3) of section 50, section 52 and section 54.*

Application of certain portions of Part IV to person other than road authority.

55 (2) Where by virtue of this section the bridge order contains a requirement under *subsection (1) of section 52* of this Act of a contribution to be made by a company controlling a railway or canal, the Minister shall not make an order under *subsection (3) of that section* varying the contribution save with the consent of the Minister for Industry and Commerce.

Classification of expenses incurred under Part IV by a road authority.

57.—(1) Expenses incurred under this Part of this Act by the council of a county or an urban authority shall be regarded as expenses incurred in the construction and maintenance of main roads and every provision for the raising of expenses incurred in the construction and maintenance of main roads, whether by means of rates or borrowing, shall apply accordingly. 5

(2) Notwithstanding *subsection (1)* of this section—

(a) if the Minister by order directs that specified expenses incurred under this Part of this Act by the council of a county are to be regarded as expenses incurred in the construction and maintenance of county roads, they shall be so regarded and every provision for the raising of expenses incurred in the construction and maintenance of county roads, whether by means of rates or borrowing, shall apply accordingly, and 10 15

(b) if the Minister by order directs that specified expenses incurred under this Part of this Act by an urban authority shall be regarded as expenses incurred in the construction and maintenance of urban roads, they shall be so regarded and every provision for the raising of expenses incurred in the construction and maintenance of urban roads, whether by means of rates or borrowing, shall apply accordingly. 20

(3) Every provision for the raising of expenses incurred by the corporation of a county borough in the construction and maintenance of roads, whether by means of rates or borrowing, shall apply in relation to expenses incurred under this Part of this Act by such corporation. 25

Description of work.

58.—The work may be described in the application for the bridge order by means of a general statement of the character and purpose of the work. 30

General restriction as respects navigable water.

59.—A road authority shall not construct or reconstruct a bridge or viaduct over or a tunnel under a railway or navigable water (including a canal) unless they do so either under this Part of this Act or with the consent of the Minister for Industry and Commerce. 35

Borrowing for bridge construction.

60.—A sum borrowed by a road authority for the purpose of the construction or reconstruction of a bridge shall not be reckoned as part of the debt of such authority for the purposes of any statutory limitation on borrowing. 40

PART V.

MISCELLANEOUS.

Voting by chairman at meeting of council of county.

61.—(1) Where the chairman at a meeting of the council of a county is not a member of the council, he shall not be entitled to vote in the first instance, or to give a casting vote, on any question. 45

(2) Subject to *subsection (1)* of this section and section 43 of the Act of 1941, the chairman at a meeting of the council of a county shall, in case of equality of votes, have a second or casting vote. 50

Equality of votes at meeting of committee of local authority.

62.—(1) Where there is an equal division of votes on any question arising at a meeting of a committee of a local authority, the chairman of the meeting shall have a second or casting vote save where the question is the election of the chairman of the committee. 55

(2) Where, at an election of the chairman of a committee of a local authority, the same number of votes is given to each of the candidates, or to each of two or more candidates who head the poll, such one of the candidates receiving the same number
5 of votes as may be determined by lot shall be elected.

63.—Subsection (1) of section 44 of the Act of 1941 is hereby amended by the insertion after paragraph (d) of the following word and paragraph :

Additional ground for removal from office of members of local authority.

“ or

10 (e) a local authority refuses or wilfully neglects to comply with an express requirement which is imposed on them by or under any statutory or other enactment,”

64.—For the purpose of removing doubts, it is hereby declared
15 that, when the members of a local authority are removed from office under Part IV of the Act of 1941, every person, who immediately before the removal from office was a member of a subsidiary body within the meaning of section 52 of the Act of 1941 by virtue of the nomination of such authority, ceases on the
20 removal from office to be a member of the subsidiary body.

Cesser of membership of subsidiary body on removal of members of local authority.

65.—The quorum at a meeting of the commissioners of a town which is not an urban district shall be three, and three shall be the prescribed number for the purposes of section 39 of the Commissioners Clauses Act, 1847, in the application of that section in
25 relation to such commissioners.

Quorum of commissioners of town.

66.—(1) For the purposes of the Local Government (Ireland) Act, 1902, and this section, each of the following bodies (and no other body) shall be a public body, that is to say :

Accounts of certain public bodies

(a) a local authority,

30 (b) the Dublin Fever Hospital Board,

(c) the Cork Fever Hospital Board.

(2) Notwithstanding the provisions of any enactment in force at the commencement of this section, the following enactments shall apply in relation to the accounts of every public body and
35 the audit of such accounts, that is to say :

(a) sections 12 (as amended by section 19 of the Local Government (Ireland) Act, 1902) and 18 of the Local Government (Ireland) Act, 1871,

40 (b) subsection (2) (except paragraph (c), repealed by this Act) of section 63 of the Local Government (Ireland) Act, 1898,

(c) sub-article (3) of article 19 of the Schedule to the Local Government (Application of Enactments) Order, 1898,

(d) Part VII and section 86 of the Act of 1941.

45 (3) For the purposes of the application by subsection (2) of this section of any of the enactments mentioned in that subsection, the auditor assigned by the Minister under section 68 of the Act of 1941 to audit the accounts of a public body shall have all the powers and duties conferred by such enactment on
50 the auditor mentioned therein.

(4) Every provision in any enactment relating to the accounts of a public body (whether such enactment is of general or local application) which is of similar or corresponding effect as or is inconsistent with any of the enactments mentioned in subsection (2) of this section shall cease to have effect to the extent of such similarity, correspondence or inconsistency (as the case may be). 5

(5) Sections 69, 70 and 71 of the Act of 1941 shall apply in relation to a board of conservators under the Fisheries Acts, 1842 to 1944, as if the board were a local authority for the purposes of those sections. 10

(6) The manager for a local authority which is an elective body for the purposes of the County Management Acts, 1940 and 1942, shall be deemed for the purposes of section 20 of the Local Government (Ireland) Act, 1902, as amended by subsection (3) of section 61 of the Local Government Act, 1925 (No. 5 of 1925), to be an officer of such local authority. 15

(7) Section 86 of the Act of 1941, as amended by section 89 of this Act, shall apply in the case of an audit of the accounts of a vocational education committee, a committee of agriculture or a board of conservators under the Fisheries Acts, 1842 to 1944, in like manner as that section, as so amended, applies in the case of an audit of the accounts of a local authority. 20

Traffic signs
on roads.

67.—(1) In this section—

the expression “ the Commissioner ” means the Commissioner of the *Gárda Síochána*; 25

the expression “ road regulation ” means an order, regulation or bye-law made under an enactment other than an excepted enactment and relating to the use of a road by persons, vehicles or animals;

the expression “ excepted enactment ” means any of the following enactments, that is to say, section 118, paragraph (b) of section 148, paragraph (c) of section 148 and subsection (1) of section 159 of the Road Traffic Act, 1933 (No. 11 of 1933); 30

the expression “ traffic sign ” means a sign, notice or instrument for giving signals by mechanical means indicating to persons using a road any one or more of the following: 35

- (a) the places to which the road leads,
- (b) the distances to or from such places,
- (c) any dangers to persons using the road,
- (d) any precaution to be taken against such dangers, 40
- (e) the existence of a road regulation in force in relation to the road and the course to be adopted to comply therewith,

the word “ provide ” includes erect or place, maintain and (in the case of an instrument for giving signals by mechanical means) operate, and cognate words shall be construed accordingly. 45

(2) The Minister may make regulations prescribing the size, shape, colour and character of traffic signs and no traffic sign shall be provided which is not in accordance with any relevant regulations made under this subsection. 50

(3) A road authority shall provide on any road in their charge such traffic signs as may be requested by the Commissioner in the positions indicated by him and shall, as respects any traffic signs so provided, carry out any periodical transfers from place to place and any alterations and removals which he may request. 55

(4) A request by the Commissioner under *subsection (3)* of this section may be for the provision either of traffic signs for all times or occasions or of traffic signs for a limited period or a particular occasion or particular occasions.

5 (5) A road authority may, with the consent of the Commissioner, provide for any road in their charge such traffic signs as they consider desirable.

(6) Where the provision by a road authority of a traffic sign on land adjacent to but not forming part of a road is reasonably
10 necessary, the road authority may, after at least twenty-one days' notice, given by registered post to the occupier of the land, enter and provide the traffic sign on the land.

(7) Where a traffic sign is provided under *subsection (6)* of
15 this section on any land by a road authority, the owner or occupier of the land may at any time, on giving notice of his intention so to do to the road authority, apply to the Minister to direct the removal of the traffic sign.

(8) Where an application is made under *subsection (7)* of this section, in relation to a traffic sign provided on any land, the
20 Minister, after consideration of the application, shall either—

(a) refuse the application, or

(b) if he is satisfied that the provision of the traffic sign is not reasonably necessary, direct the removal of the traffic sign from the land, or

25 (c) if he is satisfied that the provision of the traffic sign in its existing position causes unnecessary or unreasonable hardship to the owner or occupier of the land, direct the removal of the traffic sign to another position on the land.

30 (9) Where the Minister gives a direction under *subsection (8)* of this section in relation to a traffic sign, the road authority who provided the traffic sign shall comply with the direction.

(10) A person other than a road authority shall not provide a traffic sign visible from a road without the consent of the
35 Commissioner.

(11) The occupier or (in the case of unoccupied land) the owner of land on which a traffic sign is provided in contravention of *subsection (10)* of this section shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof
40 to a fine not exceeding five pounds together with an additional fine of one pound for each day on which the offence is continued.

(12) If a person, without lawful authority, removes, defaces or otherwise injures a traffic sign provided in accordance with this section he shall be guilty of an offence under this subsection and
45 shall be liable on summary conviction thereof to a fine not exceeding ten pounds, or at the discretion of the Court, to imprisonment for a term not exceeding one month or to both such fine and such imprisonment.

(13) Expenses incurred by a road authority in providing traffic
50 signs for a road shall be part of the expenses of maintaining the road.

68.—(1) Where, by or under any Act, it is the duty of a person other than a road authority to maintain a bridge forming part of a road or the approaches to such bridge, the road authority charged
55 with the maintenance of the road may, by order (in this section referred to as a works order), require such person to carry out, within a specified time after the coming into force of the order, specified works for the maintenance of such bridge or approaches,

Order requiring works for maintenance of bridge.

being works which, by or under such Act, it is the duty of such person to carry out.

(2) A copy of a works order shall be served by post on the person to whom the order relates within seven days after the day on which the order is made. 5

(3) The person to whom a works order relates may object to the order by giving notice in that behalf to the Minister within thirty days after the day on which the order was made and the notice shall be in writing and contain a statement of the grounds of the objection. 10

(4) Where a notice of objection to a works order is given under this section, the Minister, after consideration of the objection and after consultation with the Minister for Industry and Commerce and the road authority who made the order, shall either—

(a) confirm the order without amendment, or 15

(b) confirm the order with such amendments as he thinks proper, subject to the limitation that no such amendment shall require the person to whom the order relates to carry out any works which, by or under the relevant Act referred to in *subsection (1)* of this section, it is not his duty to carry out, or 20

(c) annul the order.

(5) Where no objection is made under this section to a works order, the order shall come into force thirty-seven days after the day on which the order was made. 25

(6) Where a works order is confirmed without amendment on an objection under this section, the order shall come into force on the day on which it is confirmed.

(7) Where a works order is confirmed with amendments on an objection under this section, the order as so amended shall come into force on the day on which it is confirmed. 30

(8) Where—

(a) a works order which has come into force specifies a period for the carrying out of the works required thereby, and

(b) on the expiration of that period, such works have not been begun, or if begun, have not been completed, 35

the road authority who made the order may themselves carry out or complete such works.

(9) Where a road authority carry out or complete under *subsection (8)* of this section works required by a works order, the person to whom the order relates shall pay to the road authority the amount of the expenses reasonably incurred by the road authority in carrying out or completing such works, and the road authority may recover that amount from such person as a simple contract debt in any court of competent jurisdiction. 40 45

(10) Any doubt, dispute or question which may arise as to whether any expenses, which have been incurred by a road authority in carrying out or completing under *subsection (8)* of this section works required by a works order, were reasonably so incurred shall be determined by the Minister after consultation with the Minister for Industry and Commerce and such determination shall be final. 50

Undertaking of works jointly with harbour authority.

69.—(1) One or more than one road authority may, with the consent of the Minister, make and carry out an agreement with a harbour authority to undertake jointly with the harbour authority the doing of anything in relation to the harbour of the harbour authority which the harbour authority are for the time being authorised by law to do. 55

(2) A road authority may pay such proportion of the cost of anything undertaken jointly with a harbour authority in pursuance of an agreement under this section as is specified in the agreement.

5 (3) A road authority which is the council of a county or the corporation of a county borough, may for the purpose of defraying expenses incurred by them under this section, borrow money under Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898, in like manner as
10 if such purposes were mentioned in that Article, and money so borrowed shall not be reckoned as part of the debt of such authority for the purposes of the said Article.

15 (4) A road authority which is an urban authority may, for the purposes of defraying expenses incurred by them under this section, borrow money under the Public Health Acts, 1878 to 1931, as if such purposes were purposes for which such authority is authorised to borrow under those Acts, and money so borrowed shall not be reckoned as part of the debt of such authority for the purposes of any limitation on borrowing
20 imposed by those Acts.

(5) Money borrowed pursuant to this section may be lent to a road authority by means of an issue from the local loans fund as if such loan constituted a local loan within the meaning of the Local Loans Fund Acts, 1935 to 1945, and was authorised by an
25 Act of the Oireachtas.

(6) In this section, the expression "harbour authority" means a harbour authority within the meaning of the Harbours Act, 1946 (No. 9 of 1946).

30 **70.**—The Minister may prescribe scales of maximum expenses for elections regulated by rules framed under the Local Government (Application of Enactments) Order, 1898, and the amount of any expenses of any such election shall not exceed the amount fixed in respect thereof by whichever of such scales is appropriate. Scales of maximum expenses for elections.

35 **71.**—A local authority may insure against any risk of damage to their property or loss to their funds. Insurance against risk of damage or loss.

40 **72.**—It shall be the duty of a collector of rates of a local authority, when so required by the authority, to ascertain and check, and to furnish to the authority, the particulars which the authority require for the preparation of any rate books relating to the area in which he collects rates or for the preparation of any lists which the authority are required by the Valuation Acts to furnish to the Commissioner of Valuation in respect of that area. Duty of rate collector to furnish certain particulars.

45 **73.**—The council of a county, the corporation of a county borough or an urban authority may provide, or contribute towards the expenses of, a band to give public performances of music within the functional area of such corporation or authority. Band performances.

50 **74.**—(1) Subject to this section, the council of an urban district or the commissioners of a town may apply to the Government to make an order under this section changing the name of the urban district or town. Changing of name of urban district or town.

(2) The council of an urban district shall not make an application under this section unless—

- 55 (a) four-sevenths of the ratepayers in the urban district have consented to the application being made, and
(b) the council of the county in which the urban district is situate have also consented to the application being made.

- (3) The commissioners of a town shall not make an application under this section unless either—
- (a) (i) four-sevenths of the ratepayers in the town have consented to the application being made, and
 - (ii) the council of the county in which the town is situate have also consented to the application being made, or
 - (b) (i) the commissioners have by resolution passed before the commencement of this section, purported to change the name of the town, and
 - (ii) the Minister certifies that such resolution has been adopted by the commissioners and that the new name specified in such resolution has been used for official purposes.
- (4) (a) The power conferred by *subsection (1)* of this section shall be a reserved function.
- (b) the giving by the council of a county of consent to the making of an application under this section shall be a reserved function.
- (5) The Minister may make regulations prescribing the procedure to be followed in ascertaining for the purposes of this section whether not less than four-sevenths of the ratepayers of an urban district or a town consent to an application being made under this section for an order changing the name of the urban district or town.
- (6) The council of a county shall before consenting to an application being made under this section consult the prescribed persons.
- (7) (a) Where an application is duly made under this section by the council of an urban district or the commissioners of a town, the Government may by order change the name of the urban district or the town to such other name as they think fit.
- (b) An order under this subsection shall come into operation on the 1st day of January next following the expiration of six months from the date of the order.
- (8) Every order made under *subsection (7)* of this section shall be published in such manner and as often as the Minister may direct and shall be notified to the prescribed persons.
- (9) Where an order is made under this section changing the name of an urban district from its existing name to a new name, then, as on and from the date on which the order comes into operation every reference in any instrument, document or map to the existing name shall be construed as a reference to the new name.
- (10) A change of the name of an urban district or a town made by an order under this section shall not affect any rights or obligations of any authority or person or render defective any legal proceedings, and any legal proceedings may be continued or commenced as if there were no change of name.

Changing of name of townland or non-municipal town.

75.—(1) Where a townland or a non-municipal town is situate wholly within one county, the council of that county may, after consultation with the prescribed authorities and with the consent of four-sevenths of the ratepayers in the townland or non-municipal town, apply to the Government to make an order under this section changing the name of the townland or non-municipal town.

(2) Where a townland or a non-municipal town is situate partly in one county and partly in another county, the councils of those

counties may, after consultation with the prescribed authorities and with the consent of four-sevenths of the ratepayers in the townland or non-municipal town, jointly apply to the Government to make an order under this section changing the name of the
5 townland or non-municipal town.

(3) The power conferred by *subsection (1)* or *subsection (2)* of this section shall be a reserved function.

10 (4) (a) Where a non-municipal town is wholly situate in a particular county, the secretary of the council of the county shall, if and when so directed by the council, prepare and submit to the council a list of the ratepayers in the non-municipal town and such list when adopted, with or without alterations, by the council shall, for the purposes of this section, be the list of
15 ratepayers in the said non-municipal town.

(b) Where part only of a non municipal town is situate in a particular county, the secretary of the council of the county shall, if and when so directed by the council, prepare and submit to the council a list of the
20 ratepayers in the part of the municipal town which is situate in the county, and such list when adopted, with or without alterations, by the council shall, for the purposes of this section, be the list of ratepayers in the said part.

25 (5) The Minister may make regulations prescribing the procedure to be followed in ascertaining for the purposes of this section whether not less than four-sevenths of the ratepayers in a townland or non-municipal town consent to an application being made under this section for an order changing the name of the
30 townland or the non-municipal town.

(6) (a) Where an application, in relation to any townland or non-municipal town, is duly made under this section, the Government may by order change the name of the townland or non-municipal town to such other name as
35 they think fit.

(b) An order under this subsection shall come into operation on the 1st day of January next following the expiration of six months from the date of the order.

40 (7) Every order made under *subsection (6)* of this section shall be published in such manner and as often as the Minister may direct and shall be notified to the prescribed persons.

(8) Where an order is made under this section changing the name of a townland or non-municipal town from its existing name to a new name, then, as on and from the date on which the order
45 comes into operation, every reference in any instrument, document or map to the existing name shall be construed as reference to the new name.

(9) A change of the name of a townland or a non-municipal town made by an order under this section shall not affect any rights or
50 obligations of any authority or person or render defective any legal proceedings and any legal proceedings may be continued or commenced as if there were no change of name.

(10) In this section the expression "non-municipal town" means an area (not being a county borough, borough, urban district or
55 town in which the Towns Improvement (Ireland) Act, 1854, is in operation) which is designated a town in the report of the census of population which is for the time being the latest census of population.

76.—(1) The appropriate authority may, with the consent of
60 not less than four-sevenths of the ratepayers in a street, change the name of the street. Changing of
name of street.

(2) The power conferred by *subsection (1)* of this section shall be a reserved function.

(3) The Minister may make regulations prescribing the procedure to be followed by the appropriate authority in ascertaining for the purposes of this section whether not less than four-sevenths of the ratepayers in a street consent to the name of the street being changed. 5

(4) The appropriate authority may cause the name of a street to be displayed on a conspicuous part of any convenient building or other erection. 10

(5) In this section—

the word “ street ” includes part of a street and also the whole or part of any road, square, lane or other public place;

the expression “ the appropriate authority ” means—

(a) as respects a street in a county or other borough, the corporation of the borough, 15

(b) as respects a street in an urban district, the council of the urban district,

(c) as respects a street in a town, the commissioners of the town, and 20

(d) as respects any other street, the council of the county in which the street is situate.

Investment by local authority for the purposes of loan or sinking fund.

77.—A local authority may invest any money for the purposes of a loan or sinking fund in any of the stocks, funds, shares or securities in which trustees are, by any Act for the time being in force, authorised to invest, except stocks, funds, shares or securities created by such authority themselves or real or heritable securities. 25

Investment for permanent benefit of inhabitants of functional area of local authority.

78.—(1) Where—

(a) pursuant to any statutory or other enactment or the award of any arbitrator, a sum is received by a local authority in relation to the termination of any periodical payment previously made to them, and 30

(b) the Minister is satisfied that the sum should be treated as capital moneys, 35

the Minister may direct the local authority to invest the sum for the permanent benefit of the inhabitants of their functional area.

(2) A sum to which a direction given under this section to a local authority relates shall be kept invested by such authority in any of the stocks, funds, shares or securities in which trustees are, by any Act for the time being in force, authorised to invest, except stocks, funds, shares or securities created by such authority themselves or real or heritable securities. 40

Acquisition of land.

79.—(1) A local authority may, with the consent of and subject to any conditions imposed by the Minister, acquire by agreement, whether by way of purchase, lease or exchange, any land, whether situate within or outside their functional area, which in their opinion they will require in the future for the purposes of their powers and duties notwithstanding that they have not determined the manner in which or the purpose for which they will use the land. 50

(2) A local authority may use land acquired by them under *subsection (1)* of this section for any purpose connected with their powers and duties.

(3) A local authority may let land acquired by them under subsection (1) of this section pending its being required for use by them, and, if they become of opinion that they will not require the land, they may sell it with the consent of the Minister.

5 (4) Subject to subsection (5) of this section, a power conferred on a local authority by any Act, whether passed before or after this Act, to acquire land for a particular purpose shall be deemed to include a power to acquire land which the local authority do not require immediately for that purpose but which in their
10 opinion they will require for that purpose in the future.

(5) Subsection (4) of this section shall not apply to the power to acquire land conferred by section 8 of the Unemployment (Relief Works) Act, 1940 (No. 34 of 1940).

80.—(1) The following provisions shall have effect in relation
15 to any proposed disposal (not being by demise for a term not exceeding one year) of land which is held by a local authority and which is not required for the purposes of their powers and duties:—

Disposal of land not required.

20 (a) notices shall be sent by post on the same day to the members of the local authority giving particulars of—

(a) the land,

(b) the person to whom the land is to be disposed of,

(c) the consideration proposed in respect of the disposal,

25 (d) any covenants, conditions or agreements to have effect in connection with the disposal,

(b) at the first meeting of the local authority held after the expiration of ten clear days from the day on which such notices are sent, the local authority may resolve
30 that the disposal shall not be carried out or that it shall be carried out in accordance with terms specified in the resolution,

(c) if the local authority do not pass a resolution pursuant to paragraph (b) of this subsection, the disposal may, with
35 the consent of the Minister, be carried out,

(d) if the local authority resolve pursuant to paragraph (b) of this subsection that the disposal shall be carried out in accordance with terms specified in the resolution, the disposal may, with the consent of the Minister, be
40 carried out in accordance with those terms,

(e) if the local authority resolve pursuant to paragraph (b) of this subsection that the disposal shall not be carried out, it shall not be carried out,

45 (f) the disposal shall not be carried out save pursuant to paragraphs (c) or (d) of this subsection.

(2) In this section the word "land" does not include land the disposition of which under the Municipal Corporations (Ireland) Acts, 1840 to 1888 (otherwise than by demise for a term not exceeding one year) is a reserved function.

50 81.—(1) A road authority may, with the consent of the Minister, acquire by agreement or compulsorily—

Powers of road authorities in relation to land severed as the result of road operations and in relation to roads no longer required for public use.

(a) any land which has or will become severed by operations of the road authority under section 24 of the Local Government Act, 1925 (No. 5 of 1925), and which,
55 because of its shape or size, could not be used economically or has become or is likely to become derelict, or

(b) any land which forms the site of a road or any part of

a road which in the opinion of the road authority is no longer required for the public use, as if such land were required by such road authority for the construction of a road.

(2) Where a road authority— 5

- (a) has acquired any land under *subsection (1)* of this section, or
- (b) owns any land which has or will become severed by operations of the road authority under section 24 of the Local Government Act, 1925, and which, because of its shape or size could not be used economically or has become or is likely to become derelict, or 10
- (c) owns any land forming the site of a road or part of a road in respect of which the powers conferred by *subparagraph (1)* of *paragraph (a)* of *subsection (4)* of this section have been exercised, 15

the road authority may, after compliance with the provisions of this Act relating to the disposal of land not required, sell or transfer gratuitously such land (in this subsection referred to as the road authority's land) or any part thereof to any person, who is the owner of any land which adjoins, and is situate on the same side of the road as, the road authority's land, for the purpose of providing that person with alternative means of access to the road or for the purpose of enabling the road authority's land to be used economically or for the purpose of preventing the road authority's land becoming derelict. 20 25

(3) Where a road authority sell or transfer any land to a person under *subsection (2)* of this section, they may make the sale or transfer subject to such conditions (including conditions requiring that person to fence such land in with other lands and to permit it to be occupied with other lands) as the road authority think fit. 30

(4) (a) Where a road authority own any land forming the site of a road or part of a road which in their opinion is no longer required for use by the public— 35

- (i) the road authority may, with the consent of the Minister, extinguish the right of way of the public over such road or such part, and
- (ii) the road authority may by agreement with any person, who has a right of entry to adjoining private property through such road or such part, extinguish such right. 40

(b) The exercise of the powers conferred by *subparagraph (i)* of *paragraph (a)* of this subsection shall be a reserved function. 45.

Borrowing by urban authorities for purpose of construction and maintenance of roads.

82.—(1) An urban authority may borrow for the purposes of defraying any expenses incurred by them in the construction and maintenance of roads in the same manner in which a sanitary authority may borrow for the purposes of defraying expenses under the Public Health Acts, 1878 to 1931. 50

(2) The provisions of the Public Health Acts, 1878 to 1931, in relation to borrowing by a sanitary authority shall, with the necessary modifications, apply in relation to any borrowing under this section by an urban authority.

(3) Money borrowed under this section may be lent to an urban authority by means of an issue from the local loans fund as if such loan constituted a local loan within the meaning of the Local Loans Fund Acts, 1935 to 1945, and was authorised by an Act of the Oireachtas. 55

83.—A sum borrowed by the council of a county as a public assistance authority shall not be reckoned as part of the debt of the council for the purposes of Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898.

Borrowing by council of county as public assistance authority.

5 84.—(1) Where any council of a county, corporation of a county borough or urban authority have for the time being any power to borrow money, they may, with the consent of the Minister, exercise such power by the creation of stock to be created, issued, transferred, dealt with, redeemed and extinguished in such manner, on
10 such terms and in accordance with such provisions as may be prescribed.

Issue of stock.

(2) Without prejudice to the generality of *subsection (1)* of this section, regulations made for the purposes of this section may make provision in respect of any of the following matters:—

- 15 (a) the discharge of any loan raised by the stock issued in accordance with the regulations,
(b) in the case of consolidation of debt, for extending or varying the times within which loans may be discharged,
(c) consent of limited owners,
20 (d) the application of the Acts relating to stamp duties and to cheques,
(e) disposal of unclaimed dividends.

(3) Before making regulations for the purposes of this section, the Minister shall consult the Minister for Finance in relation to
25 such regulations.

(4) Every regulation made for the purposes of this section shall be laid before each House of the Oireachtas as soon as may be after it is made and if a resolution annulling the regulation is passed by either such House within the next subsequent thirty
30 days on which the House has sat after the regulation is laid before it, the regulation shall be annulled accordingly but without prejudice to the validity of anything previously done thereunder.

(5) If no such resolution as is mentioned in *subsection (4)* of this section is passed in relation to any regulation made for the purposes of this section, the regulation shall be deemed to have
35 been duly made and to be within the powers of this Act and shall be of the same force as if enacted in this Act.

(6) Every regulation which was made under section 52 (repealed by this Act) of the Public Health Acts Amendment Act, 1890, or
40 Article 23 (also repealed by this Act) of the Schedule to the Local Government (Application of Enactments) Order, 1898, and which was in force immediately before the commencement of this section shall continue in force and shall be capable of being amended or revoked as if it were made under this Act for the purposes of this
45 section.

85.—(1) Where the Minister proposes to cause a local inquiry to be held under section 83 of the Act of 1941 and is of opinion that the inspector to be appointed to hold the inquiry should possess special professional or technical qualifications, the
50 Minister may, with the consent of the Minister for Finance, appoint a person possessing such qualifications to be an inspector for the purpose of holding the inquiry and submitting his report thereon.

Temporary appointment of specially qualified inspector to hold local inquiry.

(2) The Minister may pay to a person appointed under this section such remuneration as the Minister, with the consent of the
55 Minister for Finance, determines.

(3) A person appointed under this section shall hold office for such period not exceeding thirty days as the Minister determines.

(4) Section 4 of the Civil Service Regulation Act, 1924 (No. 5 of 1924), shall not apply in relation to an appointment under this section.

Separate appearance at local inquiry by manager.

86.—(1) Where a local inquiry to be held under section 83 of the Act of 1941 is concerned with the whole or part of the functions of a local authority, the Minister may, if he so thinks fit, order that the manager for the local authority may appear separately at the inquiry. 5

(2) Where an order is made under *subsection (1)* of this section in relation to a local inquiry concerned with the whole or part of the functions of a local authority— 10

(a) the manager for the local authority may appear at the inquiry personally or by counsel or solicitor,

(b) where the manager appears at the inquiry by counsel or solicitor, the reasonable cost of the appearance (subject to such, if any, limit as the Minister may think proper to impose) shall be paid by the local authority, 15

(c) the employment and instruction of the counsel or solicitor appearing at the inquiry on behalf of the local authority shall be a reserved function. 20

(3) In this section, the expression “the manager” means—

(a) as respects the corporation of a county borough—the manager for the purposes of the Acts relating to the management of the borough, and

(b) as respects any other local authority—the manager for the local authority for the purposes of the County Management Acts, 1940 and 1942. 25

Contribution towards costs and expenses in relation to local inquiry.

87.—(1) Where a local inquiry has been held under section 83 of the Act of 1941 and the Minister considers it reasonable that a contribution shall be made towards the costs and expenses reasonably incurred by any person (other than a local authority or other body) in relation to the inquiry, the Minister may certify that the contribution shall be made and the certificate shall specify the amount of the contribution and direct its payment to such person— 30

(a) where one local authority or other body (and no more) is concerned in the inquiry, by such local authority or other body, and

(b) where more than one local authority or other body are concerned in the inquiry, by one of them or by all or any of them in specified proportions. 40

(2) A sum directed under this section to be paid by a local authority or other body to any person may be recovered by such person from such local authority or other body as a simple contract debt in any court of competent jurisdiction. 45

Application of section 83 of Act of 1941.

88.—For every application of Article 32 (repealed by the Act of 1941) of the Local Government (Application of Enactments) Order, 1898, by an enactment in force at the commencement of section 83 of the Act of 1941 to any inquiries to be ordered or caused to be held by the Minister, there shall be substituted an application of the said section 83 to such inquiries. 50

89.—Section 86 of the Act of 1941 is hereby amended as follows:

Notice by
inspector or
auditor
requiring
attendance
of witness.

5 (i) in paragraph (f) of subsection (3) the words “ the immediately preceding subsection of this section ” shall be substituted for the words “ this subsection ” where the latter words occur immediately before the words “ who refuses ”,

(ii) the following paragraph shall be added at the end of subsection (3):

10 “ (g) a notice under the immediately preceding subsection of this section may be given either by delivering it to the person to whom it relates or by sending it by post in a prepaid registered letter addressed to such person at
15 the address at which he ordinarily resides.”

90.—Paragraph A of section 77 of the Courts of Justice Act, 1924 (No. 10 of 1924), as amended by section 52 of the Courts of Justice Act, 1936 (No. 48 of 1936), is hereby further amended by the insertion at the end of the said paragraph of a new clause as follows, that is to say:

Jurisdiction
of District
Court in
proceedings
under section
71 of Act of
1941.

20 “ (vi) jurisdiction, without any limit as to the amount of the claim, in proceedings at the suit of an auditor or other person under subsection (3) of section 71 of the Local Government Act, 1941 (No. 23 of 1941).”

25

91.—The office of clerk to a local pensions committee under section 8 of the Old Age Pensions Act, 1908, shall be deemed for the purposes of section 2 of Local Authorities (Officers and Employees) Act, 1926 (No. 39 of 1926), not to be a chief executive office under a local authority.

Amendment of
section 2 of
Local Authorities
(Officers and
Employees) Act,
1926.

92.—Subsection (1) of section 3 of the Local Government (Collection of Rates) Act, 1924 (No. 11 of 1924), is hereby amended by the deletion of the words “ pursuant to his bond ”.

Amendment of
subsection (1)
of section 3
of Local
Government
(Collection of
Rates) Act, 1924.

35 93.—Section 34 of the Local Government Act, 1925 (No. 5 of 1925), is hereby amended by the deletion of subsections (8) and (9) and the substitution therefor of the following subsections:

Amendment of
section 34 of
Local Government
Act, 1925.

“ (8) Nothing in this section shall—

40 (a) authorise the county surveyor or urban district council to trim or cut a tree during any period beginning on a 1st day of April and ending on the next following 30th day of September, or

(b) authorise a person to be requested or ordered to trim or cut a tree during any such period,

45 unless failure to trim or cut the tree during that period would, in the opinion of the county surveyor or urban district council, involve serious risk of accident.

50 (9) Where the time limited by a request or order under this section for trimming or cutting a tree expires during any period beginning on a 1st day of April and ending on the next following 30th day of September, such time shall be deemed to be extended to the next following 7th day of October.”

Amendment of section 39 of the Act of 1941.

94.—Section 39 of the Act of 1941 is hereby amended by the deletion of the words “in like manner as they apply in respect of a municipal election”.

Application of section 80 of the Act of 1941.

95.—For every reference to section 63 (repealed by the Act of 1941) of the Local Government Act, 1925 (No. 5 of 1925), in an enactment relating to meetings of local authorities and in force at the commencement of section 80 of the Act of 1941, there shall be substituted a reference to the said section 80.

FIRST SCHEDULE.

Section 5.

ENACTMENTS REPEALED.

10

Session and Chapter or No. and Year	Short Title	Extent of Repeal
53 Geo. III, c. 77.	Bridges (Ireland) Act, 1813	The whole Act.
4 & 5 Will. IV, c. 61.	Bridges (Ireland) Act, 1834	The whole Act.
6 & 7 Will. IV, c. 116.	Grand Jury (Ireland) Act, 1836 (as adapted by the Local Government (Adaptation of Irish Enactments) Order, 1899).	Section 43 from the words “no person” to the end of the section; sections 57, 83, 85, 121, 155 and 167.
3 & 4 Vic., c. 108.	Municipal Corporations (Ireland) Act, 1840.	Sections 130, 131, 133 and 134.
6 & 7 Vic., c. 42.	Bridges (Ireland) Act, 1843.	The whole Act.
7 & 8 Vic., c. 106.	County Dublin Grand Jury Act, 1844 (as adapted by the Local Government (Adaptation of Irish Enactments) Order, 1899).	Sections 54 and 114.
10 & 11 Vic., c. 34.	Towns Improvement Clauses Act, 1847.	Section 167 to 184.
14 & 15 Vic., c. 21.	Bridges (Ireland) Act, 1851	The whole Act.
17 & 18 Vic., c. 103.	Towns Improvement (Ireland) Act, 1854.	Sections 60 to 65; the words “rate nor any” in section 96.
18 & 19 Vic., c. 40.	Public Libraries Act (Ireland), 1855.	All words in section 5 from the words “The expenses incurred” to the words “defraying such expenses, and”; sections 8 and 11.
30 & 31 Vic., c. 50.	Bridges (Ireland) Act, 1867.	The whole Act.
31 & 32 Vic., c. xxxiii.	Cork Improvement Act, 1868.	The words “and from time to time for good and sufficient reason may alter the name of any street or court, and” in section 139.
34 & 35 Vic., c. 109.	Local Government (Ireland) Act, 1871.	Sections 11, 13, 14, 15, 16, 17 and 29.
35 & 36 Vic., c. 69.	Local Government Board (Ireland) Act, 1872.	Section 6.
41 & 42 Vic., c. 52.	Public Health (Ireland) Act, 1878.	Section 248.
52 & 53 Vic., c. 32.	Trust Investment Act, 1889.	Section 7.
53 & 54 Vic., c. 59.	Public Health Acts Amendment Act, 1890.	Section 52.

Session and Chapter or No. and Year	Short Title	Extent of Repeal
53 & 54 Vic., c. 70.	Housing of the Working Classes Act, 1890.	Section 85.
53 & 54 Vic., c. cexlvi.	Dublin Corporation Act, 1890	The words "and may at the instance and with the consent of the majority in number and value of the ratepayers in any street alter the name of such street or of any part of a street" in section 42.
57 & 58 Vic., c. 38.	Public Libraries (Ireland) Act, 1894.	The words "and the limitation of the maximum rate to be levied for the purposes thereof may, within the limits fixed thereby, be fixed, raised, and removed" in subsection (1) of section 1.
59 & 60 Vic., c. cxxv.	Waterford Corporation Act, 1896.	Section 68 from the words "and may" to the end of the section.
61 & 62 Vic., c. 37.	Local Government (Ireland) Act, 1898.	Subsection (9) of section 15; sections 28, 45, 46, 47, 53, 56, 57; paragraph (c) of subsection (2) of section 63; section 64; subsection (16) of section 94.
	Local Government (Application of Enactments) Order, 1898.	The following portions of the Schedule: sub-article (1) of Article 6, Articles 14 and 18, sub-articles (1) and (2) of Article 19, sub-article (10) of Article 22, Article 23, sub-articles (3), (4) and (5) of Article 35, paragraph (XII) of sub-article (10) of Article 36.
1 Edw. VII, c. 28.	Local Government (Ireland) Act, 1901.	Sections 2 and 4.
2 Edw. VII, c. 20.	Public Libraries (Ireland) Act, 1902.	Sections 2, 3 and 4.
2 Edw. VII, c. 38.	Local Government (Ireland) Act, 1902.	The words "subsection (9) of" in section 2; section 17; the words "and every such application shall, for the purposes of section thirteen of the said Act, be deemed to be a notice of appeal" in section 19; the words "and thirteen" in subsection (2) of section 20; section 23.
6 Edw. VII, c. 31.	Local Government (Ireland) Act (1898) Amendment Act, 1906.	The whole Act.
7 Edw. VII, c. 53.	Public Health Acts Amendment Act, 1907.	Section 21.
1 & 2 Geo. V, c. 9.	Public Libraries (Art Galleries in County Boroughs) (Ireland) Act, 1911.	Subsection (2) of section 2.
9 & 10 Geo. V, c. 19.	Local Government (Ireland) Act, 1919.	Subsection (4) of section 1.
10 & 11 Geo V, c. 25.	Public Libraries (Ireland) Act, 1920.	The whole Act.
No. 5 of 1925	Local Government Act, 1925.	Section 31; paragraphs (b), (c) and (d) of subsection (1), subsection (2), paragraphs (b) and (c) of subsection (4) and subsections (5) (6) and (7) of section 36.
No. 32 of 1925.	Fisheries Act, 1925.	Subsection (4) of section 15.
No. 3 of 1927.	Local Government Act, 1927	Section 6.
No. 29 of 1930.	Vocational Education Act, 1930.	Subsection (2) of section 58.

Session and Chapter or No. and Year	Short Title	Extent of Repeal
No. 8. of 1931.	Agriculture Act, 1931.	Subsection (2) of section 31.
No. 11 of 1933	Road Traffic Act, 1933	Subsection (3) of section 48 ; subsections (3), (4) and (5) of section 147.
No. 22 of 1934.	Town and Regional Planning Act, 1934.	Subsection (2) of section 19.
No. 44 of 1935.	Cork Fever Hospital Act, 1935.	Subsection (4) of section 39.
No. 21 of 1936.	Dublin Fever Hospital Act, 1936.	Subsection (4) of section 33.
No. 55 of 1936.	Local Authorities (Miscellaneous Provisions) Act, 1936.	Section 7.
No. 23 of 1939	Rates on Agricultural Land (Relief) Act, 1939.	Section 11; the words "and for the purpose of the calculation of the additional allowance to be made to such person by the council of the urban district in which the urban portion is situate" in paragraph (a) and paragraph (b) of section 12; paragraph (c) of section 12; sections 16 and 19; the words "and to the councils of urban districts" in subsection (1) of section 20; the words "or of an urban district" in subsection (3) of section 20; the words "or an urban district" in subsection (4) of section 20.
No. 27 of 1939	Public Assistance Act, 1939	Section 60.
No. 23 of 1941	Local Government Act, 1941	Section 32.
No. 19 of 1945.	Mental Treatment Act, 1945.	Section 49.

SECOND SCHEDULE.

PROPORTIONATE REDUCTIONS OF VALUATION.

Section 21.

PART I.

Proportion of the valuation on which the hereditament is to be assessed	Nature of the hereditament
$\frac{3}{4}$	Land used solely for one or more of the following purposes, that is to say:—as arable, meadow or pasture ground or as woodlands, or market gardens, or nursery grounds.
$\frac{3}{4}$	Lands covered with water and used as a canal and any towing path to the same.
$\frac{3}{4}$	Lands used as a railway constructed under statutory powers for public conveyance.
$\frac{1}{2}$	Half-rents rateable to the poor rate under section 63 of the Poor Relief (Ireland) Act, 1838, and the enactments amending the same.

PART II.

Proportion of the valuation on which the hereditament is to be assessed	Nature of the hereditament
$\frac{3}{5}$	Land used solely for one or more of the following purposes, that is to say:—as arable, meadow or pasture ground or as woodlands, or market gardens, or nursery grounds.
$\frac{3}{5}$	Lands covered with water and used as a canal and any towing path to the same.
$\frac{3}{5}$	Lands used as a railway constructed under statutory powers for public conveyance.
$\frac{1}{2}$	Half-rents rateable to the poor rate under section 63 of the Poor Relief (Ireland) Act, 1838, and the enactments amending the same.

Éire.

AN BILLE RIALTAIS AITIUIL, 1945.

BILLE

(mar do leasaíodh ar Thuarascáil)

dá ngairmtear

Acht do dhéanamh soeruithe bhreise agus fheabhsa maidir le Rialtais Aitiúil agus do dhéanamh leasaithe áirithe ar an dlí a bhaineas le Rialtais Aitiúil.

An tAire Rialtais Aitiúil agus Sláinte Poiblí do thug isteach.

Do hordaíodh, ag Dáil Eireann, do chlóbhuailadh, 8ú Bealtaine, 1946.

BAILE ATHA CLIATH:
FOILLSITHE AG OIFIG AN tSOLATHAIR.

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

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Éire.

LOCAL GOVERNMENT BILL, 1945.

BILL

(as amended on Report)

entitled

An Act to make further and better provision in relation to Local Government and to make certain amendments in the law relating to Local Government.

Introduced by the Minister for Local Government and Public Health.

Ordered by Dáil Eireann, to be printed, 8th May, 1946.

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