

ÉIRE.

AN BILLE RIALTAIS AITIUIL (SEIRBHISI SLAINTIOCHTA), 1947.

LOCAL GOVERNMENT (SANITARY SERVICES) BILL, 1947.

Mar do ritheadh ag Dáil Éireann.

As passed by Dáil Éireann.

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[No. 12a of 1947.]

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ÉIRE.

AN BILLE RIALTAIS AITIUIL (SEIRBHISI SLAINTIOCHTA), 1947.

LOCAL GOVERNMENT (SANITARY SERVICES) BILL, 1947.

BILL

5

entitled

AN ACT TO AMEND AND EXTEND THE PUBLIC HEALTH
ACTS, 1878 TO 1931.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

PART I.

10

PRELIMINARY AND GENERAL.

Short title,
construction
and collective
citation.

1.—(1) This Act may be cited as the Local Government
(Sanitary Services) Act, 1947.

(2) This Act shall be construed as one with the Public Health
Acts, 1878 to 1931.

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(3) The Public Health Acts, 1878 to 1931, and this Act may be
cited together as the Local Government (Sanitary Services) Acts,
1878 to 1947.

Definitions.

2.—(1) In this Act—

Act of 1878.

the expression "the Act of 1878" means the Public Health 20
(Ireland) Act, 1878;

Acts.

the expression "the Acts" means the Local Government (Sanitary
Services) Acts, 1878 to 1947;

enactment.

the word "enactment" includes any instrument made under an
Act;

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Minister.

the expression "the Minister" means the Minister for Local
Government;

temporary
dwelling.

the expression "temporary dwelling" means any—

(a) tent, or

(b) van or other conveyance (whether on wheels or not), or

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(c) shed, hut or similar structure, or

(d) vessel on inland waters,

used for human habitation or constructed or adapted for such use;

vessel.

the word "vessel" includes any ship, boat, barge or lighter.

(2) A reference in this Act to contravention of any provision in-
cludes, where appropriate, a reference to contravention of that pro-
vision by failing or refusing to comply therewith.

35

Commencement.

3.—This Act (except *section 3A*) shall come into operation on such
day or days as, by order or orders made by the Minister under this

section, may be fixed therefor either generally or with reference to any particular purpose or provision and different days may be so fixed for different purposes and different provisions.

5 4.—The enactments mentioned in the *First Schedule* to this Act are hereby repealed to the extent mentioned in the third column of that Schedule.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.

5.—Sections 219 to 223 of the Act of 1878 shall apply in relation to bye-laws made under this Act. Application of sections 219 to 223 of Act of 1878.

6.—Every regulation or bye-law which was made under an enactment repealed by this Act and which was in force immediately before such repeal shall, upon and after such repeal, be deemed to be a regulation or bye-law (as the case may be) made under the appropriate section of this Act and shall have effect and be capable of being amended or revoked accordingly. Continuation of existing regulations and bye-laws.

15 7.—Every regulation made by the Minister under this Act 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 twenty-one days on which that 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 there-
20 under. Laying of regulations before Houses of Oireachtas.

25 8.—Every power conferred by this Act on the Minister to make any order shall be construed as including a power to revoke or amend any order made under such power and to make another order in lieu of any order so revoked. Revocation or amendment of order made by the Minister under this Act.

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

PART II.

DRAINAGE.

10.—In this Part of this Act—
35 the expression “combined drain” means a single private drain used for the drainage of two or more separate premises; Definitions for Part II. combined drain.
the expression “drainage order” means an order under *section 12* of this Act which is in force; drainage order.
40 the expression “drainage works” includes the provision, construction, laying down, repair or improvement of any of the following things: drainage works.
(a) drains, soil pipes and waterpipes,
(b) connections with drains and sewers,
(c) ventilating shafts and manholes,
(d) septic tanks and cesspools,
45 (e) water closets and sinks,
(f) any other constructions, works, pipes or appliances required for the proper and efficient drainage of premises;

provisional drainage order. the expression "provisional drainage order" means an order under *section 12* of this Act which is not for the time being in force;

separate drain. the expression "separate drain" means a drain used for the drainage of the whole or part of one separate premises only; 5

separate premises. the expression "separate premises" means a separate building with its curtilage (if any) or a separate plot of ground not being the curtilage of any buildings.

Combined drains. **11.**—(1) A combined drain shall, for the purposes of the Acts, be deemed to be a drain and not to be a sewer. 10

(2) Every combined drain which was, immediately before the commencement of this Part of this Act, vested in a sanitary authority by virtue of section 15 of the Act of 1878 shall, on such commencement, cease to be so vested.

(3) Nothing in *subsection (2)* of this section shall be construed 15 as entitling any person to terminate, prevent, or interfere with the drainage by means of a combined drain of any land or premises drained immediately before the commencement of this Part of this Act by that drain.

Provisional drainage order. **12.**—(1) Where any separate premises in a sanitary district 20 appear to the sanitary authority of that district not to be drained in a satisfactory manner, the authority may, subject to the provisions of this section, by order require the execution, within a specified period after the coming into force of the order, of any specified drainage works which, in the opinion of the authority, are 25 necessary in order to provide such premises with a satisfactory drainage system.

(2) Where two or more separate premises in a sanitary district appear to the sanitary authority of that district not to be drained 30 in a satisfactory manner and the authority are of opinion that such premises can be drained more economically or advantageously in combination rather than separately, the authority may, subject to the provisions of this section, by order require the execution, within a specified period after the coming into force of the order, of 35 any specified drainage works which, in the opinion of the authority, are necessary in order to provide such premises with a satisfactory combined drainage system.

(3) In considering for the purposes of this section whether the drainage of any premises is satisfactory or what drainage works are 40 necessary in order to provide any premises with satisfactory drainage, a sanitary authority shall, in particular, have regard to the character of the area in which the premises are situate, the situation and nature of the sewerage system (if any) in that area and the purposes for which the premises are used.

(4) An order under *subsection (2)* of this section shall state the 45 separate premises for the drainage of which each portion of the drainage works specified in the order is required.

(5) An order under this section, in lieu of specifying a time for the completion of the whole of the drainage works required thereby, may divide those works into two or more parts or stages and specify 50 a time for the completion of each part or stage.

(6) An order under this section shall specify separately any portion of the drainage works required thereby which is to be executed under *section 15* of this Act by the sanitary authority making the order. 55

(7) An order under this section shall not provide for the drainage of any separate premises by means of an existing drain which is the property of a person not the owner of such premises unless either that person has consented to such provision or he is under an obligation enforceable at law to allow the drainage of such premises by means of such drain.

(8) Copies of an order under this section shall, within seven days after the day on which the order is made, be served on the owner and on the occupier of every premises to which the order relates and on any other person who is the owner or occupier of land on which any drainage works are to be executed under the order.

13.—(1) The owner or occupier of any separate premises to which a provisional drainage order relates or any other person who is the owner or occupier of land on which any drainage works are to be executed under the order 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 shall contain a statement of the grounds of such objection.

Objection to provisional drainage order.

(2) Where a notice of objection to a provisional drainage order is given under this section, the Minister, after consideration of the objection and after consultation with the sanitary authority who made the order, shall either—

(a) confirm the order without amendment or with such amendments as he thinks proper, or

(b) annul the order.

14.—(1) Where no objection is made under section 13 of this Act to a provisional drainage order, the order shall come into force thirty-seven days after the day on which the order was made.

Coming into force of provisional drainage order.

(2) Where a provisional drainage order is confirmed without amendment on an objection under section 13 of this Act, the order shall come into force on the date on which it is confirmed.

(3) Where a provisional drainage order is confirmed with amendments on an objection under section 13 of this Act, the order as so amended shall come into force on the date on which it is confirmed.

15.—(1) In this section the word "system" means a system of drains for the connection of any separate premises with a sewer, combined drain, cesspool or septic tank.

Portion of drainage works to be executed by sanitary authority.

(2) Where a drainage order requires the making of a system passing through land of which the owner is not an owner of separate premises to which the order relates, the sanitary authority who made the order shall themselves make so much of the system as lies within that land.

(3) Where a drainage order requires the making of a system for one separate premises only and the total length of the drains in the system exceeds one hundred feet, the sanitary authority shall themselves make every portion of the system which is more than one hundred feet (measured along the system) from such premises.

(4) Where a drainage order requires the making of a system for two or more separate premises and the total length of the drains in the system exceeds one hundred feet multiplied by the number of such premises, the sanitary authority who made the order shall themselves make the portion of the system equal in length (measured along the system) to such excess and nearest to the sewer, combined drain, cesspool or septic tank to which the system is connected.

(5) Any doubt, dispute or question which may arise as to the portion of a system to be made by a sanitary authority pursuant to *subsection (4)* of this section shall be decided by the Minister and his decision shall be final.

(6) For the purposes of making any drain forming part of drainage works under this section, a sanitary authority shall have the powers mentioned in section 18 of the Act of 1878 as if the drain were a sewer and, on exercising any such power, shall be liable to pay such (if any) compensation as if the power had been exercised under that section.

Execution of drainage works by sanitary authority.

16.—(1) Where—

- (a) a drainage order specifies a period for the completion of the whole of the drainage works required thereby and
- (b) on the expiration of that period, such drainage works (other than works to be executed under *section 15* of this Act) have not been begun or, if begun, have not been completed,

the sanitary authority who made the order may themselves execute or complete (as may be appropriate) such drainage works.

(2) Where—

- (a) a drainage order divides the drainage works required thereby into two or more parts or stages, and
- (b) any such stage or part (other than any works to be executed under *section 15* of this Act) has, on the expiration of the period specified in the order for its completion, not been begun or, if begun, has not been completed,

the sanitary authority who made the order may themselves execute or complete (as may be appropriate) the whole of such drainage works.

(3) Any officer, servant or agent of a sanitary authority may, for the purposes of the execution or completion under this section on any land of any drainage works required by a drainage order made by the authority, enter on such land and there do all things reasonably necessary for the execution or completion thereof.

(4) Any person who wilfully obstructs an officer, servant or agent of a sanitary authority in the lawful exercise of any power conferred by *subsection (3)* of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for every day on which the offence is continued.

Payment to sanitary authority of their expenses in executing drainage works.

17.—(1) Where a drainage order relates only to one separate premises or only to two or more separate premises having the same owner, the owner of the premises shall, subject to *subsection (3)* of this section, pay to the sanitary authority who made the order the amount of any expenses incurred by them in the execution of the whole or any part of the drainage works required by the order.

(2) Where a drainage order relates to two or more separate premises not having the same owner, the sanitary authority who made the order shall, subject to *subsection (3)* of this section, apportion any expenses incurred by them in the execution of the whole or any part of the drainage works required by the order between the owners of the premises and the following provisions shall have effect in connection with the apportionment:

- (a) the authority shall, within seven days after the day on which they make the apportionment, serve notice thereof on every such owner,

5 (b) any such owner may object to the apportionment by giving notice in that behalf to the Minister within twenty-one days after the apportionment was made and the notice shall be in writing and shall contain a statement of the grounds of such objection,

(c) on such notice of objection being given, the Minister, after consideration of the objection and after consultation with the authority, shall either confirm the apportionment or make a new apportionment,

10 (d) where no objection is made under *paragraph (b)* of this subsection to the apportionment made by the authority or where, on an objection under that paragraph, that apportionment is confirmed, the amount apportioned to each such owner by that apportionment shall be paid by him to the authority,

15 (e) where, on an objection under *paragraph (b)* of this subsection to the apportionment made by the authority, a new apportionment is made, the amount apportioned to each such owner by the new apportionment shall be paid by him to the authority.

20 (3) Where a portion of the drainage works required by a drainage order has been executed by virtue of *subsection (3)* or *subsection (4)* of *section 15* of this Act by the sanitary authority who made the order, the expenses incurred by the authority in the execution of such portion shall not be included in the expenses to be paid to or apportioned by the authority under this section.

30 (4) Any doubt, dispute or question which arises as to the amount of the expenses which are to be paid to or apportioned by a sanitary authority under this section shall be decided by the Minister and his decision shall be final.

(5) An amount payable to a sanitary authority under this section—

35 (a) may, without prejudice to the application of *section 255* of the Act of 1878, be recovered by the authority as a simple contract debt in any court of competent jurisdiction, or

40 (b) may be declared by the authority to be private improvement expenses under the Acts, and may be recovered accordingly.

18.—(1) Where a sanitary authority become aware or suspect that the drainage system of one or more than one separate premises or any part of such system is so defective, foul or neglected as to be or to be likely to become a nuisance or injurious to health, it shall be lawful for the authority after seven days' notice in writing to the occupier of the land in which such system or part thereof is situate or, in case of emergency, without notice or after shorter notice, to cause such system or part thereof to be opened up and examined and for that purpose to cause any necessary openings and excavations to be made.

Nuisances
in drains.

55 (2) If a drainage system or part thereof is found on an examination under *subsection (1)* of this section not to be defective, foul or neglected, the sanitary authority who authorised the examination shall, subject to *subsection (6)* of this section, cause such system to be restored and any openings or excavations made in connection with the examination to be closed or filled up and any damage done to be made good.

60 (3) If a drainage system or part thereof is found on an examination under *subsection (1)* of this section to be defective, foul or neglected and any works are necessary for the abatement or

prevention of a nuisance or injury to health, the following provisions shall have effect:

- (a) subject to *subsection (6)* of this section, the sanitary authority who authorised the examination shall carry out such works, 5
- (b) such sanitary authority may recover the cost of such works (including the cost of the examination) from the owner of the separate premises drained by such system or, where such system or part thereof is used for the drainage of two or more separate premises not having the same owner, from the several owners of such premises in the proportion determined under *paragraph (c)* of this subsection, 10
- (c) where such system or part thereof is used for the drainage of two or more separate premises not having the same owner, such sanitary authority, or, in case of dispute, the Minister shall apportion the cost of such works (including the cost of the examination) between the several owners of such premises having due regard to their respective responsibilities for the defective, foul or neglected condition of such system. 15 20
- (4) If a drainage system or part thereof is found on an examination under *subsection (1)* of this section not to be defective, foul or neglected but it appears to the sanitary authority who authorised the examination that any separate premises drained by such system or part thereof are not drained satisfactorily, such sanitary authority may serve on the owner of such separate premises a notice stating that they intend to make a provisional drainage order in respect of such premises. 25
- (5) If a drainage system or part thereof is found on an examination under *subsection (1)* of this section to be defective, foul or neglected and it appears to the sanitary authority who authorised the examination that, after carrying out the works necessary for the prevention of a nuisance or injury to health, any separate premises drained by such system or part thereof would still not be drained satisfactorily, such sanitary authority may serve on the owner of such separate premises a notice stating that they intend to make a provisional drainage order in respect of such premises. 30 35
- (6) Where a sanitary authority serve a notice under *subsection (4)* or *(5)* of this section, they shall take all reasonable steps to prevent injury to health or inconvenience arising during the period before the provisional drainage order referred to in the notice comes into force but shall not be obliged to comply with *subsection (2)* or *paragraph (a)* of *subsection (3)* (as the case may be) of this section unless and until either— 40 45
- (a) one month elapses after the service of the notice and the intended order has not been made in the meantime, or
- (b) the intended order is made but is annulled on an objection, or
- (c) the owner of such separate premises expressly requires such compliance. 50
- (7) Any cost incurred by a sanitary authority in complying with a requisition made under *paragraph (c)* of *subsection (6)* of this section by the owner of any premises shall, if a drainage order is made in respect of such premises, be deemed to be part of the cost of the execution of the drainage works required by such order. 55
- (8) Any officer, servant or agent of a sanitary authority may, for the purpose of carrying out the provisions of this section, enter on any land and there do all things reasonably necessary for that purpose. 60
- (9) Any person who wilfully obstructs an officer, servant or agent

of a sanitary authority in the lawful exercise of any power conferred by subsection (8) of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for every day on which the offence is continued.

(10) For the purposes of this section, a closet, privy or sink shall be regarded as part of the drainage system of the premises which it serves.

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PART III.

WATER SUPPLY.

19.—In this Part of this Act—

the expression “provisional water supply order” means an order under section 20 of this Act which is not for the time being in force;

Definitions for Part III.
provisional water supply order.

the expression “water supply order” means an order under section 20 of this Act which is in force.

water supply order.

20.—(1) Where any building in a sanitary district appears to the sanitary authority of that district not to be provided with a satisfactory supply of water for domestic purposes, the authority may, by order, require such building to be connected, in a specified manner and within a specified time after the coming into force of the order, with a public water supply or with an existing pipe which is itself connected with a public water supply.

Provisional water supply order.

(2) In considering for the purposes of this section whether an existing supply of water to a building is satisfactory, a sanitary authority shall, in particular, have regard to the character of the area in which the building is situate, the situation and nature of any public water supply or sewerage system available in that area and the purposes for which the building is used.

(3) An order under this section shall specify separately any portion of the work required by the order to be done which is to be executed under section 23 of this Act by the sanitary authority making the order.

(4) An order under this section may relate to two or more buildings and may require the provision of pipes for use, wholly or in part, in common by two or more of such buildings.

(5) An order under this section shall not require the connection of a building with an existing pipe which is itself connected with a public water supply, such pipe being the property of a person who is not the owner of such building, unless either that person has consented to such connection or he is under an obligation enforceable at law to allow such connection.

(6) Copies of an order under this section shall, within seven days after the day on which the order is made, be served on the owner and the occupier of every building to which the order relates and on any other person who is the owner or occupier of land through which any pipes are required by the order to pass.

21.—(1) The owner or occupier of a building to which a provisional water supply order relates and any other person who is the owner or occupier of land through which any pipes are required by the order to pass 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 shall contain a statement of the grounds of such objection.

Objection to provisional water supply order.

(2) Where a notice of objection to a provisional water supply order is given under this section, the Minister, after consideration of the objection and after consultation with the sanitary authority who made the order, shall either—

- (a) confirm the order without amendment or with such amendments as he thinks proper, or 5
- (b) annul the order.

Coming into force of provisional water supply order.

22.—(1) Where no objection is made under *section 21* of this Act to a provisional water supply order, the order shall come into force thirty-seven days after the day on which the order was made. 10

(2) Where a provisional water supply order is confirmed without amendment on an objection under *section 21* of this Act, the order shall come into force on the day on which it is confirmed.

(3) Where a provisional water supply order is confirmed with amendments on an objection under *section 21* of this Act, the order as so amended shall come into force on the day on which it is confirmed. 15

Portion of system of pipes to be made by sanitary authority.

23.—(1) In this section the word “ system ” means a system of pipes for the connection of a building or buildings with a public water supply or with an existing pipe, itself connected with a public water supply. 20

(2) Where a water supply order requires the making of a system passing through land of which the owner is not an owner of a building to which the order relates, the sanitary authority who made the order shall themselves make so much of the system as lies within that land. 25

(3) Where a water supply order requires the making of a system for one building only and the total length of the pipes in the system exceeds one hundred feet, the sanitary authority shall themselves make every portion of the system which is more than one hundred feet (measured along the system) from that building. 30

(4) Where a water supply order requires the making of a system for two or more buildings and the total length of the pipes in the system exceeds one hundred feet multiplied by the number of such buildings, the sanitary authority who made the order shall themselves make the portion of the system equal in length (measured along the system) to such excess and nearest to the supply or pipe to which the system is connected. 35

(5) Any doubt, dispute or question which may arise as to the portion of a system to be made by a sanitary authority pursuant to *subsection (4)* of this section shall be decided by the Minister and his decision shall be final. 40

(6) For the purpose of laying any pipe under this section, a sanitary authority shall have the powers mentioned in *section 18* of the Act of 1878, as applied by *section 64* of that Act, as if the pipe were a water main and, on exercising any such power, shall be liable to pay such (if any) compensation as if the power had been exercised under that section. 45

Making of system of pipes by sanitary authority.

24.—(1) Where—

- (a) a water supply order specifies a period for the making of the system of pipes required thereby, and 50
- (b) on the expiration of that period, such system (other than any portion to be made under *section 23* of this Act) has not been begun, or if begun, has not been

completed, the sanitary authority who made the order may themselves make or complete (as may be appropriate) such system.

5 (2) Any officer, servant or agent of a sanitary authority may, for the purposes of the making or completion under this section on any land of any system required by a water supply order made by the authority, enter on such land and there do all things reasonably necessary for the making or completion thereof.

10 (3) Any person who wilfully obstructs an officer, servant or agent of a sanitary authority in the lawful exercise of any power conferred by *subsection (2)* of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds
15 and, in the case of a continuing offence, to a further fine not exceeding five pounds for every day on which the offence is continued.

25.—(1) Where a water supply order relates only to one building or only to two or more buildings having the same owner, the
20 owner of the building or buildings shall, subject to *subsection (3)* of this section, pay to the sanitary authority who made the order the amount of any expenses incurred by them in the making of the whole or any part of the system of pipes required by the order.

Payment to sanitary authority of their expenses in making system of pipes.

25 (2) Where a water supply order relates to two or more separate buildings not having the same owner, the sanitary authority who made the order shall, subject to *subsection (3)* of this section, apportion any expenses incurred by them in making the whole or any part of the system of pipes required by the
30 order between the owners of the buildings and the following provisions shall have effect in connection with the apportionment:

(a) the authority shall, within seven days after the day on which they make the apportionment, serve notice
35 thereof on every such owner,

(b) any such owner may object to the apportionment by giving notice in that behalf to the Minister within twenty-one days after the apportionment was made and the notice shall be in writing and shall contain a
40 statement of the grounds of such objection,

(c) on such notice of objection being given, the Minister, after consideration of the objection and after consultation with the authority, shall either confirm the apportionment or make a new apportionment,

45 (d) where no objection is made under *paragraph (b)* of this subsection to the apportionment made by the authority or where, on an objection under that paragraph, that apportionment is confirmed, the amount apportioned to each such owner by that apportionment shall be paid
50 by him to the authority,

(e) where, on an objection under *paragraph (b)* of this subsection to the apportionment made by the authority, a new apportionment is made, the amount apportioned to each such owner by the new apportionment shall be paid
55 by him to the authority.

(3) Where a portion of the system of pipes required by a water supply order has been made by virtue of *subsection (3)* or *subsection (4)* of *section 23* of this Act by the sanitary authority who made the order, the expenses incurred by the authority in the making of such
60 portion shall not be included in the expenses to be paid to or apportioned by the authority under this section.

(4) Any doubt, dispute or question which arises as to the amount of the expenses which are to be paid to or apportioned by a sanitary authority under this section shall be decided by the Minister and his decision shall be final.

(5) An amount payable to a sanitary authority under this section— 5

(a) may, without prejudice to the application of section 255 of the Act of 1878, be recovered by the authority as a simple contract debt in any court of competent jurisdiction, or 10

(b) may be declared by the authority to be private improvement expenses under the Acts, and may be recovered accordingly.

Contribution to private water supplies.

26.—Where the sanitary authority having jurisdiction in any particular area have not provided a public water supply in the area or have provided a public water supply in the area which is insufficient to meet wholly the needs of the inhabitants of the area, the sanitary authority, with the consent of the Minister, may, in lieu of providing a public water supply in the area or improving the existing public water supply therein (as the case may be), themselves expend money, or make a grant of money to any person, for the purpose of the provision, improvement or maintenance of any water supply other than a public water supply. 15 20

Taking of samples of water.

27.—(1) A sanitary authority may take samples of water from any water supply (whether public or private) serving any inhabitants of their sanitary district for the purpose of the analysis of such samples. 25

(2) Where on analysis of samples of water taken by a sanitary authority under this section from a water supply, it is found that the water is unfit for human consumption, the sanitary authority shall take all reasonable steps to warn users of the water supply that the water therefrom is unfit for human consumption. 30

(3) Any officer, servant or agent of a sanitary authority may enter on any land for the purposes of this section.

Repairs to water pipes.

28.—(1) Where any building in a sanitary district is connected to a public water supply by means of a pipe passing through land of which the owner is not the owner of the building, the sanitary authority of that district may, on the request of the owner of the building, carry out on such land any necessary repairs of such pipe and for that purpose any officer, servant or agent of the sanitary authority may, after seven days' notice in writing to the owner of such land, or in case of emergency without notice or after shorter notice, enter on such land and there do all things reasonably necessary for the purpose of the repair. 35 40

(2) Any expenses incurred by a sanitary authority under this section at the request of the owner of a building shall be repaid to the authority by such owner. 45

(3) An amount payable to a sanitary authority under this section—

(a) may be recovered by the authority as a simple contract debt in any court of competent jurisdiction, or 50

(b) may be declared by the authority to be private improvement expenses under the Acts, and may be recovered accordingly.

29.—(1) The Minister may, on the application of a sanitary authority, by order—

Charges by
sanitary
authority for
supplying water.

5 (a) modify the provisions of any enactment regulating the charges to be made by such sanitary authority for supplying water either within or without its district or to another sanitary authority and may make provision for the modification of any enactment consequential on or supplemental to such provisions;

10 (b) modify the provisions of any award or agreement which determines the price to be charged by a sanitary authority for the supply of water either within or without its district or to another sanitary authority.

15 (2) Every order in force at the commencement of this section and made under the Statutory Undertakers (Temporary Increase of Charges) Act, 1918, modifying any statutory provisions regulating the charges to be made for the supply of water shall be deemed to have been made under this section and shall continue in force and have effect accordingly.

20 (3) Before making an order under this section, or amending or revoking any such order or any order deemed to have been made under this section, the Minister may, if he thinks fit, cause a local inquiry to be held.

PART IV.

TEMPORARY DWELLINGS AND USE OF LAND FOR CAMPING.

25 30.—(1) A sanitary authority may make bye-laws regulating the use of temporary dwellings in their sanitary district and the bye-laws may, in particular, provide for all or any of the matters mentioned in the *Second Schedule* to this Act.

Eye-laws in
respect of
use of
temporary
dwellings.

30 (2) Bye-laws under this section may make provision in respect of the use in coastal waters adjoining a sanitary district of vessels which are used primarily for human habitation as if the coastal waters were inland waters in the sanitary district.

35 (3) Where any coastal waters adjoin two or more sanitary districts, the Minister may by order provide that, for the purposes of *subsection (2)* of this section, the whole or a specified part of the coastal waters shall be regarded as adjoining any one of the sanitary districts and no other, and the said *subsection (2)* shall have effect accordingly.

40 31.—(1) A sanitary authority may by order prohibit the erection or retention of temporary dwellings on any land or water in their sanitary district if they are of opinion that such erection or retention would be prejudicial to public health or the amenities of the locality or would interfere to an unreasonable extent with traffic on any road.

Prohibition
by sanitary
authority of
temporary
dwellings.

45 (2) A prohibition under this section may relate either to specified land or water or all land or water of a specified class and, in particular, may relate to all land or water within a specified distance of the centre line of any road or a specified road.

(3) Where a person is aggrieved by an order under this section--

50 (a) such person may, within fourteen days after a copy of the order is published pursuant to *subsection (9)* of this section, send to the Minister an application in writing (which shall include a statement of the reasons therefor) for the annulment of the order,

55 (b) the Minister, after consideration of the application and such representations in regard thereto as the sanitary

authority concerned may think fit to make, may either annul the order, confirm the order without variation or confirm the order with variations by way of reduction of the land or water to which it relates.

(4) A person who erects or retains a temporary dwelling in contravention of an order in force under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding twenty-five pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day on which the offence is continued. 5
10

(5) Where a person is convicted on a second or subsequent occasion of an offence under this section in relation to the same temporary dwelling, the Court may, in addition to or in lieu of imposing a fine, order the forfeiture of the temporary dwelling to the sanitary authority concerned and thereupon that authority may take possession of the temporary dwelling and dispose of it by sale, destruction or otherwise as they think fit. 15

(6) A prohibition under this section may be made in respect of the retention in coastal waters adjoining a sanitary district of vessels which are used primarily for human habitation as if the coastal waters were inland waters in the sanitary district. 20

(7) Where any coastal waters adjoin two or more sanitary districts, the Minister may by order provide that, for the purposes of subsection (6) of this section, the whole or a specified part of the coastal waters shall be regarded as adjoining any one of the sanitary districts and no other, and the said subsection (6) shall have effect accordingly. 25

(8) An order under this section shall come into force—

(a) if no application is made for the annulment of the order—thirty days after a copy of the order is published pursuant to subsection (9) of this section, and 30

(b) if an application is made for the annulment of the order and the order is not annulled thereon—fourteen days after the determination of the application.

(9) Where a sanitary authority make an order under this section, they shall, within fourteen days after the order is made, cause to be published, in a daily newspaper circulating in their sanitary district, a copy of the order and a statement of the right conferred by this section to apply for the annulment of the order. 35
40

(10) Where an order under this section has come into force, the sanitary authority who made the order shall, within fourteen days after the order has come into force, cause to be published, in a daily newspaper circulating in their sanitary district, a copy of the order (as made by the sanitary authority or as confirmed by the Minister, whichever is appropriate) and a statement that it has come into force. 45

Nuisances in relation to temporary dwellings.

32.—(1) If a temporary dwelling is in such a state as to be a nuisance or injurious to health or if the use of a temporary dwelling, whether by reason of the absence of proper sanitary conveniences, overcrowding or other cause, gives rise to a nuisance or conditions injurious to health, the temporary dwelling shall be deemed to be a nuisance within the meaning of section 107 of the Act of 1878 and the provisions of that Act relating to nuisances shall apply accordingly and for that purpose the person in charge of the temporary dwelling shall be regarded as the occupier thereof. 50
55

(2) Where a temporary dwelling is deemed pursuant to this section to be a nuisance, a notice requiring the abatement of the

nuisance may, without prejudice to the liability of the person in charge of the dwelling, be served under section 110 of the Act of 1878 on the occupier of the site of the temporary dwelling and proceedings for the abatement of the nuisance may be taken
5 against such occupier.

33.—(1) The powers of a court before which proceedings are brought in respect of—

Extension of powers of court in certain proceedings.

(a) a nuisance in relation to a temporary dwelling, or

10 (b) a contravention in relation to a temporary dwelling or vessel in coastal waters of a bye-law made under this Part of this Act,

shall include power to make an order prohibiting or restricting the erection or retention of the temporary dwelling or vessel at such places or within such area as may be specified in the order.

15 (2) A person who contravenes an order made by virtue of this section, or who, being the occupier of land, permits such a contravention to take place on that land, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding ten pounds and, in the
20 case of a continuing offence, to a further fine not exceeding two pounds for each day on which the offence is continued.

34.—(1) This section shall come into operation as provided by the orders made under *subsection (2)* of this section.

Use of land for camping.

25 (2) The Minister may by order provide that this section shall come into operation in a specified sanitary district or part of a sanitary district on a specified day.

30 (3) An order under *subsection (2)* of this section shall be published by the sanitary authority for the sanitary district to the whole or part of which the order relates in such manner as the Minister directs.

35 (4) A sanitary authority may, if they so think fit, but subject to the provisions of *subsection (5)* of this section, grant to the occupier of land, being land within their sanitary district or the part thereof as respects which this section is in operation, or, with the consent of such occupier to a camping organisation a licence authorising the use during a specified period of twelve consecutive months of such land for camping.

40 (5) Before granting a licence under this section in relation to land situated within an area to which Part IV of the Tourist Traffic Act, 1939 (No. 24 of 1939) applies, a sanitary authority shall consult with the Irish Tourist Board.

45 (6) Where a licence is granted under this section by a sanitary authority in relation to land, the sanitary authority shall attach to the licence specified conditions with respect to all of the following matters :

(a) the maximum number of temporary dwellings to be kept on the land at the same time,

(b) the manner in which the land is to be laid out,

50 (c) the nature, external appearance and size of the temporary dwellings to be kept on the land,

(d) the space to be kept free between any two temporary dwellings on the land or between a temporary dwelling on the land and any other structure thereon,

55 (e) the distance to be maintained between any temporary dwelling on the land and any public road,

- (f) water supply,
- (g) sanitary conveniences,
- (h) disposal of filth, refuse, litter or other débris,
- (i) means of ingress, egress and internal communication,
- (j) orderly and decent behaviour by the inhabitants of temporary dwellings on the land, 5
- (k) the securing of healthy conditions and the preserving of amenities,
- (l) the supervision of temporary dwellings on the land (including, where necessary in the opinion of the sanitary authority, the employment of a warden for that purpose), 10
- (m) the keeping and production for inspection by officers of the sanitary authority granting the licence of records with respect to temporary dwellings on the land. 15

(7) A licence granted by a sanitary authority under this section shall come into force—

- (a) if no objection to such grant has been made under *subsection (8)* of this section during fifteen days after such grant—at the expiration of the said fifteen days, and 20
- (b) if an objection has been so made during the said fifteen days and such licence is not directed to be withdrawn—on the decision of such objection.

(8) Any person who is aggrieved by—

- (a) the grant or refusal by a sanitary authority of a licence under this section, or 25
- (b) a condition attached by a sanitary authority to a licence under this section

may object to such grant, refusal or condition by giving notice in that behalf to the Minister within fifteen days of the day on which notice was given by the sanitary authority to the applicant for the licence that the licence was granted or refused (as the case may be), and the notice shall be in writing and shall contain a statement of the grounds of such objection. 30

(9) Where a notice of objection in relation to a grant of or a refusal to grant a licence under this section or to a condition attached to any such licence is given under this section, the Minister, after consideration of the objection and after consultation with the sanitary authority concerned, shall either reject the objection or direct the sanitary authority (who shall comply with such direction) to withdraw the licence granted or to grant the licence refused or to vary in a specified manner the condition objected to (as may be appropriate). 35 40

(10) Subject to *subsection (12)* of this section, the occupier of land shall not use the land for camping, or permit it to be so used, on more than— 45

- (a) eighteen consecutive days, or
- (b) thirty-six days within a period of twelve consecutive months,

unless a licence is in force under this section relating to the land. 50

(11) Subject to *subsection (12)* of this section, the holder of a licence under this section shall comply with every condition attached to the licence.

(12) Nothing in this section shall prohibit or restrict the use of land for camping— 55

- (a) if the land is agricultural land and the camping is carried on during the same seasons in each year by persons engaged in farming operations on the land, or
- 5 (b) if the land is occupied in connection with a permanent dwelling situate on or in the vicinity of such land, and the camping is carried on by no persons other than the occupier of the permanent dwelling and members of his household.
- 10 (13) A person who contravenes *subsection (10) or (11)* of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds and, in the case of a continuing offence, to a further fine not exceeding five pounds for each day on which the contravention is continued.
- 15 (14) For the purposes of this section, land (in this subsection referred to as the site) which is the site of a temporary dwelling and all land which is within one hundred yards of the site and of which the occupier is the occupier of the site shall be land used for camping.
- 20 (15) *Subsection (14)* of this section shall not be construed as preventing the keeping of a temporary dwelling on a site which is on land to which a licence under this section relates and which is within one hundred yards of any boundary of that land.
- (16) For the purposes of this section—
- 25 (a) the owner of land which is not let shall be deemed to be the occupier thereof;
- (b) if a temporary dwelling is removed from the site on which it stands, but within forty-eight hours is brought back to the same site or another site within one hundred yards
30 thereof, then for the purpose of reckoning any such period of eighteen consecutive days as is mentioned in *subsection (10)* of this section, it shall be deemed not to have been removed;
- 35 (c) the expression "camping organisation" means an organisation recognised by the Minister as a camping organisation.

PART V.

BATHS, WASHHOUSES, BATHING PLACES, ETC.

- 35.—(1) A sanitary authority may provide and maintain—
- 40 (a) public baths, Provision of public baths, etc.
- (b) public swimming baths or public bathing places,
- (c) conveniences for bathers (including, in particular, dressing accommodation, sanitary conveniences, shower baths, first-aid equipment and refreshments), or
- 45 (d) public washhouses,
- either within their sanitary district or, subject to *subsection (3)* of this section, outside their sanitary district but at a convenient distance therefrom.
- (2) Where a sanitary authority maintain a washhouse, they
50 may provide thereat facilities for drying and ironing clothes and other articles.

(3) A bath, swimming bath, bathing place, convenience or washhouse shall not be provided under this section by a sanitary authority in the sanitary district of another sanitary authority save either with the consent of the other sanitary authority or, where such consent is refused or is not given within three months of being sought, with the consent of the Minister. 5

(4) Where a sanitary authority provide or maintain under this section outside their sanitary district a bath, swimming bath, bathing place, convenience or washhouse, they shall, for any purpose ancillary to such provision or maintenance, have the same powers (inclusive, in particular, of powers for the acquisition of land, the obtaining of water, the disposal of water or sewerage and the laying of water pipes and sewers) and shall be subject to the same restrictions as they would have and be subject to for that purpose if the bath, swimming bath, bathing place, convenience or washhouse were provided in their sanitary district. 10 15

(5) A bath, swimming bath, bathing place, convenience for bathers, or washhouse which is at the commencement of this section maintained by a sanitary authority shall be deemed to have been provided under this section by that authority. 20

Charges for use of public bath, etc.

36.—A sanitary authority may make, at their discretion, charges for the use of or admission to a bath, swimming bath, bathing place, convenience for bathers or washhouse maintained by them. 25

Life-guards and life-saving equipment.

37.—(1) A sanitary authority may employ one or more than one life-guard at—

- (a) a bathing place or swimming bath maintained by them, or
- (b) a bathing place or swimming bath situate in their sanitary district to which the public are admitted free of charge and which is maintained neither by them, by any other sanitary authority nor by the commissioners of any town. 30

(2) A sanitary authority may provide and maintain equipment and appliances for saving persons from drowning at— 35

- (a) a bathing place or swimming bath maintained by them,
- (b) a bathing place or swimming bath situate in their sanitary district to which the public are admitted free of charge and which is maintained neither by them, by any other sanitary authority nor by the commissioners of any town, or 40
- (c) any place situate in their sanitary district where they think those appliances are likely to be of use.

(3) A person who wrongfully removes, interferes with or damages equipment or apparatus provided under this section shall be guilty of an offence under this section and 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. 45

Use of swimming baths and bathing places for entertainment.

38.—(1) Where a sanitary authority maintain a swimming bath or bathing place, they may use it exclusively, or permit, either gratuitously or on payment, its exclusive use, for swimming practices, swimming contests, galas, or other entertainments. 50

(2) During the period between the 1st day of May and the 30th day of September in any year, a swimming bath or bathing place shall not be used or permitted to be used under this section for 55

entertainments for a period exceeding twenty-one days or for a number of periods exceeding in the aggregate twenty-one days.

5 (3) A sanitary authority may make or authorise the making of special charges for admission to or for the use of a swimming bath or bathing place while used or permitted to be used under this section for entertainments.

39.—(1) A sanitary authority may arrange for the giving of instruction in swimming and saving persons from drowning. Instruction in life saving.

10 (2) A sanitary authority may, at their discretion, make a charge for any instruction given in pursuance of an arrangement made by them under this section.

40.—A sanitary authority may, with the consent of the Minister, contribute to the funds of a society having as or among its objects the saving of persons from drowning. Contribution to certain societies.

15 41.—(1) A sanitary authority may make bye-laws for the regulation of public bathing within their sanitary district or in coastal waters adjoining their sanitary district, and the bye-laws may, in particular, provide for all or any of the matters mentioned in the *Third Schedule* to this Act. Bye-laws in respect of public bathing.

20 (2) Where any coastal waters adjoin two or more sanitary districts, the Minister may by order provide that, for the purposes of *subsection (1)* of this section, the whole or a specified part of the coastal waters shall be regarded as adjoining any one of the sanitary districts and no other, and the said *subsection (1)* shall have effect accordingly.

42.—(1) A sanitary authority may make bye-laws for the regulation of a swimming bath, bathing place or washhouse maintained by them, for the regulation of persons resorting to the swimming bath, bathing place or washhouse and for the exclusion therefrom of undesirable persons, and the bye-laws may empower any officer of the sanitary authority or any member of the *Gárda Síochána* to request any person contravening any of the bye-laws to leave the swimming bath, bathing place or washhouse and to remove him therefrom if he does not comply with such request. Bye-laws for regulation of swimming baths and bathing places.

35 (2) A sanitary authority may make bye-laws for the regulation of a swimming bath or bathing place situate in their sanitary district to which the public are admitted free of charge or on payment of charges and which is maintained neither by them, by any other sanitary authority nor by the commissioners of any town, and the
40 bye-laws may, in particular, provide for all or any of the matters mentioned in the *Fourth Schedule* to this Act.

(3) Where a bye-law is made under *subsection (1)* of this section in relation to any swimming bath, bathing place or wash house—

45 (a) such bye-law shall be posted and kept posted at such swimming bath, bathing place or wash house by the sanitary authority by whom the bye-law was made,

50 (b) if such sanitary authority fails or neglects to comply with *paragraph (a)* of this subsection, such sanitary authority shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding five pounds and, in the case of a continuing offence, to a further fine not exceeding one pound for each day on which the offence is continued.

55 (4) Where a bye-law is made under *subsection (2)* of this section in relation to any swimming bath or bathing place—

- (a) such bye-law shall be posted and kept posted at such swimming bath or bathing place by the owner thereof,
- (b) if such owner fails or neglects to comply with *paragraph (a)* of this subsection, such owner shall be guilty of an offence under this subsection and shall be liable on summary conviction thereof to a fine not exceeding five pounds and, in the case of a continuing offence, to a further fine not exceeding one pound for each day on which the offence is continued.

Public baths, etc., maintained by commissioners of a town not an urban district.

43.—(1) Where the commissioners of a town which is not an urban district were, immediately before the commencement of this section, maintaining under the Act of 1846, a public bath, washhouse or open bathing place, the following provisions shall, on and after such commencement, have effect—

- (a) the commissioners may, notwithstanding the repeal of the Act of 1846, continue to maintain such public bath, washhouse or open bathing place, and may, with the consent of the Minister, improve or extend it;
- (b) *section 36* of this Act shall apply, in respect of any public bath, washhouse or open bathing place the maintenance of which is continued, under *paragraph (a)* of this subsection, by the Commissioners, as if—
 - (i) the references therein to a sanitary authority were construed as references to the commissioners, and
 - (ii) the references therein to a bath, swimming bath, bathing place, convenience for bathers or washhouse were construed as references to such public bath, washhouse, or open bathing place.
- (c) *sections 37 and 38* of this Act shall apply in respect of any open bathing place the maintenance of which is so continued as if—
 - (i) the references therein to a sanitary authority were construed as references to the commissioners, and
 - (ii) the references therein to a bathing place or swimming bath were construed as references to such open bathing place;
- (d) *section 39* of this Act shall be construed as if the reference therein to a sanitary authority included a reference to the commissioners;
- (e) *subsections (1) and (3)* of *section 42* of this Act shall apply, in respect of any public bath, washhouse or open bathing place the maintenance of which is so continued, as if—
 - (i) the references therein to a sanitary authority were construed as references to the commissioners, and
 - (ii) the references therein to a swimming bath, bathing place or washhouse were construed as references to such public bath, washhouse or open bathing place;
- (f) if the commissioners continue to maintain any washhouse, they may provide thereat facilities for drying and ironing clothes and other articles;
- (g) if, immediately before the commencement of this Part of this Act, the commissioners were not for all purposes a body corporate, then, notwithstanding the repeal of the Act of 1846, the commissioners shall, for the purposes of this section, continue to be a body corporate by the name assigned to them by *section 6* of the Act of 1846;
- (h) the commissioners may, with the consent of the Minister, transfer to the sanitary authority for the sanitary district in which such town is situate, any public bath,

washhouse or open bathing place the maintenance of which is so continued.

(2) In this section the expression "the Act of 1846" means the Baths and Washhouses (Ireland) Act, 1846.

5

PART VI.

DISPOSAL OF BODIES.

44.—(1) Subject to the provisions of *subsection (4)* of this section a person shall not, without the consent of the Minister, bury the body of a deceased person in a place which is not a
10 burial ground for the purposes of this section.

Restriction on places in which bodies may be buried.

(2) The following (and no other) places shall be burial grounds for the purposes of this section—

(a) a place which is in lawful use as a burial ground and which was, immediately before the commencement of
15 this section, in lawful use as a burial ground,

(b) a place as respects which the Minister has, after the commencement of this section, given his approval to its being used as a burial ground,

(c) a burial ground provided by a burial board under the
20 Acts.

(3) Subject to the provisions of *subsection (4)* of this section a person shall not bury the body of a deceased person within the limits in which burials have by order under section 162 of the Act of 1878 been ordered to be discontinued in violation of
25 the provisions of such order.

(4) Nothing in *subsection (1)* or (3) of this section shall prevent the burial of a clergyman in or adjacent to a church.

(5) A person who contravenes *subsection (1)* or *subsection (3)* of this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not
30 exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

45.—Where a person requests a burial board under the Acts, to maintain in proper order, either in perpetuity or for a limited
35 period, a grave in a burial ground provided by the board, the board may, in consideration of such payment or payments as they consider reasonable, make and carry out an agreement for that purpose with such person.

Maintenance by burial board of grave.

46.—(1) The Minister may grant a licence for the exhumation of the body of a deceased person.

Restriction on exhumations.

(2) The Minister may attach to a licence under this section such conditions as he thinks proper including, in particular—

(a) conditions requiring re-interment at a specified place or
45 within a specified period,

(b) conditions for securing that the exhumation and any re-interment required by the conditions shall be carried out with due care and decency and in such a manner as not to endanger public health.

(3) A licence under this section may be granted in respect of
50 a particular body or in respect of all or any of the bodies buried in a particular place.

(4) A person shall not exhume from a burial ground the body of a deceased person save under a licence granted under this section or pursuant to an order of the Minister for Justice under section 15 of the Coroners (Amendment) Act, 1927 (No. 1 of 1927).

(5) A person who contravenes *subsection* (4) of this section or who, on or after the exhumation of a body under the authority of a licence under this section, does not comply with a condition attached to the licence, shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(6) A person shall not be entitled solely by reason of a licence granted under this section to carry out any exhumation or reinterment.

Disposal of bodies otherwise than by burial.

47.—(1) The Minister may make regulations in relation to the disposal of human remains otherwise than by burial.

(2) Regulations under this section may, in particular, apply any statutory or other enactment, relating to the burial of bodies of deceased persons, to the disposal of such bodies otherwise than by burial and may so apply the enactment either with or without modifications.

(3) A person who contravenes any regulation under this section shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding fifty pounds or, at the discretion of the Court, to imprisonment for a term not exceeding six months or to both such fine and such imprisonment.

(4) Compliance with regulations under this section shall not of itself render lawful the disposal of the body of a deceased person.

PART VII.

30

MISCELLANEOUS.

Facilities for games or other recreation.

48.—(1) A sanitary authority may provide facilities for games or other recreation and for that purpose may, in particular, do all or any of the following:

(a) acquire land in their district or at a convenient distance therefrom,

(b) appropriate land held by them which is not required for the purpose for which it is held,

(c) themselves manage any land so acquired or appropriated,

(d) provide equipment, appliances, boats, animals and other things for games or recreation on any land so acquired or appropriated and make charges for the use of such things,

(e) let any land so acquired or appropriated to any person for use for games or other recreation,

(f) contribute, subject to such conditions (if any) as they think proper, to the provision of land in their district or at a convenient distance therefrom for use for games or other recreation and to the provision of equipment for games or other recreation on any such land.

(2) A sanitary authority may make bye-laws for the regulation of any land managed by them under this section.

(3) A sanitary authority may on such days as they think fit (not exceeding twelve days in any one year nor four consecutive days on any one occasion) close to the public any land managed by them under this section or any part thereof and grant the use of such land or such part, either gratuitously or for payment, to any person for the purposes of any sport or entertainment.

(4) In this section—

the word "land" includes land covered with water and tidal lands within the meaning of the Foreshore Act, 1933 (No. 12 of 1933);

the word "equipment" includes buildings and other structures and also the laying out of land in any manner suitable for games or other recreation.

49.—A sanitary authority may take such steps as are reasonably necessary to prevent injury being caused to public health or the amenities of any locality by reason of obstructions in any river or watercourse.

Obstructions in rivers and watercourses.

50.—(1) Expenses (other than expenses to which an order under subsection (2) of this section relates or expenses declared by or under the Acts, to be private improvement expenses) incurred by the council of a county as the rural sanitary authority of a county health district or which are to be raised and defrayed as if they had been so incurred shall be charged on the whole of such county health district.

General expenses and special expenses of rural sanitary authority.

(2) The Minister, on the application of the council of a county as the rural sanitary authority of a county health district, may by order provide that the whole or a part of any expenses incurred by such council as such authority for a particular purpose shall be charged on a particular part only of such district.

(3) Expenses to which subsection (1) of this section relates shall be known as general expenses and expenses to which an order under subsection (2) of this section relates shall be known as special expenses.

(4) Every reference to special expenses contained in any enactment which is in force at the commencement of this section and which relates to sanitary authorities shall be construed as a reference to expenses to which an order under subsection (2) of this section relates.

(5) The making of an application under subsection (2) of this section shall be a reserved function for the purposes of the County Management Acts, 1940 and 1942.

51.—The provisions of section 29 of the Act of 1878 shall apply where a person causes a building to be newly erected over a sewer of a rural sanitary authority or over a water main of an urban or rural sanitary authority in like manner as they apply where a person causes a building to be newly erected over a sewer of an urban sanitary authority.

Restriction on building over sewer or water main.

52.—In any prosecution for an offence under this Act, it shall not be necessary to negative by evidence any permit, licence or exemption under this Act or under any regulations under this Act, and the onus of proving any such permit, licence or exemption shall be on the person seeking to avail himself thereof.

Onus of proof.

53.—Notwithstanding anything contained in the Public Health Acts Amendment Act, 1890, the whole of Part III of that Act (except sections 28 and 32 repealed by the Health Act, 1947, and sections 19 and 49 repealed by this Act) shall have effect in

General application of Part III of Public Health Acts Amendment Act, 1890.

every sanitary district, whether rural or urban, without being adopted under that Act therein.

General application of Parts II, III, V, VI and X of Public Health Acts Amendment Act, 1907. |

54.—Notwithstanding anything contained in the Public Health Acts Amendment Act, 1907—

- (a) Parts II, III, V, VI and X of that Act (except section 50 5 repealed by the Health Act, 1947, and sections 34, 75, 92 and 93 repealed by this Act) shall have effect in every sanitary district, whether rural or urban, without being declared under that Act to be in force therein,
- (b) any reference in Part III of that Act to the medical officer 10 shall be construed as a reference to the appropriate district medical officer under section 73 of the Health Act, 1947, and
- (c) any reference in Part III of that Act to the inspector of nuisances shall be construed as a reference to any officer 15 of the local authority to whom the Minister, or the local authority with the consent of the Minister, may assign the duty of acting as inspector of nuisances.

Restriction of application of section 251 of Act of 1878.

55.—Section 251 of the Act of 1878 shall not apply in relation to a prosecution by the Minister or a sanitary authority of an offence 20 under any section of this Act.

Section 4.

FIRST SCHEDULE.

ENACTMENTS REPEALED.

Session and Chapter or Number and Year	Short Title	Extent of Repeal
9 & 10 Vic., c. 87	Baths and Washhouses (Ireland) Act, 1846.	The whole Act.
17 & 18 Vic., c. 103	Towns Improvement (Ireland) Act, 1854.	The incorporation by section 55 of sections 136 to 141 of the Towns Improvement Clauses Act, 1847; section 77.
41 & 42 Vic., c. 52	Public Health (Ireland) Act, 1878.	Sections 25, 26, 51, 72, 167 and 232.
53 & 54 Vic., c. 59	Public Health Acts Amendment Act, 1890.	Sections 19 and 49.
63 & 64 Vic., c. 10	Public Health (Ireland) Act, 1900.	The whole Act.
63 & 64 Vic., c. 63	Local Government (Ireland) Act, 1900.	The words " by section ten of the Baths and Washhouses (Ireland) Act, 1846 " in section 9.
7 Edw. VII., c. 53	Public Health Acts Amendment Act, 1907.	Sections 34, 75, 92 and 93.
8 & 9 Geo. V., c. 34	Statutory Undertakings (Temporary Increase of Charges) Act, 1918.	The whole Act.
No. 5 of 1925	Local Government Act, 1925.	Sections 10, 12 to 14, 17 and 20; the Fourth Schedule.

FIRST SCHEDULE.

ENACTMENTS REPEALED—*continued*

Session Chapter or Number and Year	Short Title	Extent of Repeal
No. 3 of 1927	Local Government Act, 1927.	Section 2; the First Schedule; the first four amendments specified in the Third Schedule, that is to say, the amendments relating to sections 10 and 13 of the Local Government Act, 1925.
No. 3 of 1931	Public Health (Special Expenses) Act, 1931.	The whole Act.

SECOND SCHEDULE.

Section 30.

MATTERS FOR WHICH PROVISION MAY BE MADE BY BYE-LAWS IN
RESPECT OF THE USE OF TEMPORARY DWELLINGS.

1. The securing of the habitable condition of temporary dwellings and the cleanliness of temporary dwellings and their surroundings.
2. The prevention of injury to the amenities of any locality by reason of filth, refuse, litter or other débris or noise from temporary dwellings.
3. The securing of orderly and decent behaviour by the inhabitants of temporary dwellings.
4. The prevention of nuisances in relation to temporary dwellings.

THIRD SCHEDULE.

Section 41

MATTERS FOR WHICH PROVISION MAY BE MADE BY BYE-LAWS IN
RESPECT OF PUBLIC BATHING.

1. The prohibition of public bathing except in specified areas.
2. The prohibition of public bathing within specified hours applicable either generally or in respect of one or more than one specified area.
3. The prohibition of erecting bathing huts or tents except in specified places.
4. The regulation of the manner in which bathing machines, huts, or tents may be used and the charges which may be made for their use.
5. The regulation of the conduct of persons resorting to any area allotted for public bathing during the hours allowed for public bathing.
6. The regulation, so far as decency requires, of the costumes worn by bathers and persons exposing their bodies to sun or air.
7. The reservation of areas for bathing by males.
8. The reservation of areas for bathing by boys under eight years of age and females.
9. The reservation of areas for undressing and dressing by males.
10. The reservation of areas for undressing and dressing by boys under eight years of age and females.
11. The regulation, so far as is necessary for preventing danger or annoyance to bathers, of the navigation of pleasure craft within or in the neighbourhood of any area allotted for public bathing during the hours allowed for public bathing.

FOURTH SCHEDULE.

MATTERS FOR WHICH PROVISION MAY BE MADE BY BYE-LAWS IN
RESPECT OF A SWIMMING BATH OR BATHING PLACE NOT MAINTAINED
BY A SANITARY AUTHORITY.

1. The regulation of the conduct of persons resorting to the swimming bath or bathing place.
2. The ensuring that the water in the swimming bath or bathing place is pure and that the accommodation provided therein is adequate and clean.
3. The provision, and enforcement of the use of, adequate facilities for cleansing persons before they use the swimming bath or bathing place.
4. The provision of life-guards and equipment and appliances for saving persons from drowning and the taking of precautions against dangers arising from accidents.
5. The provision of separate accommodation for undressing and dressing by males.
6. The provision of separate accommodation for undressing and dressing by boys under eight years of age and females.

Éire.

AN BILLE RIALTAIS AITIUIL (SEIR-
BHISI SLAINTEOCHTA), 1947.

BILLE

dá ngairmtear

Acht do leasú agus do leathnú na nAcht Sláinte
Poiblí, 1878 go 1931.

Rite ag Dáil Éireann, 10ú Nollaig, 1947.

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Éire.

LOCAL GOVERNMENT (SANITARY SER-
VICES) BILL, 1947.

BILL

entitled

An Act to amend and extend the Public Health
Acts, 1878 to 1931.

Passed by Dáil Éireann, 10th December, 1947.

DUBLIN:
PUBLISHED BY THE STATIONERY OFFICE.

To be purchased through any bookseller, or directly
from the Government Publications Sale Office,
3-4 College Street, Dublin.

Printed by CAHILL & Co., LTD.

[*One Shilling and Sixpence Net.*]