

ÉIRE.

BILLE NA dTITHE (LEASU), 1947. HOUSING (AMENDMENT) BILL, 1947.

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

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ÉIRE.

BILLE NA dTITHE (LEASU), 1947. HOUSING (AMENDMENT) BILL, 1947.

BILL

entitled

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AN ACT TO MAKE FURTHER AND BETTER PROVISION
WITH RESPECT TO HOUSING, TO AMEND AND
EXTEND THE HOUSING (FINANCIAL AND MISCEL-
LANEOUS PROVISIONS) ACTS, 1932 TO 1946, THE
10 HOUSING OF THE WORKING CLASSES ACTS, 1890 TO
1931, THE LABOURERS ACTS, 1883 TO 1941 AND THE
SMALL DWELLINGS ACQUISITION ACTS, 1899 TO 1931,
TO MAKE FURTHER PROVISION FOR THE FINANCIAL
ASSISTANCE OF LOCAL AUTHORITIES IN THE PRO-
15 VISION OF HOUSING ACCOMMODATION AND TO
MAKE PROVISION WITH RESPECT TO OTHER
MATTERS CONNECTED WITH THE MATTERS
AFORESAID.

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS:—

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PART I

PRELIMINARY AND GENERAL.

1.—(1) This Act may be cited as the Housing (Amendment) Act,
1948.

Short title,
construction
and collective
citation.

(2) This Act in so far as it amends the Housing of the
25 Working Classes Acts, 1890 to 1931, the Labourers Acts, 1883 to
1941, the Small Dwellings Acquisition Acts, 1899 to 1931, and the
Housing (Financial and Miscellaneous Provisions) Acts, 1932 to
1946, shall be read and construed as one therewith respectively
and may be cited together therewith as the Housing of the Work-
30 ing Classes Acts, 1890, to 1948, the Labourers Acts, 1883 to 1948,
the Small Dwellings Acquisition Acts, 1899 to 1948, and the
Housing (Financial and Miscellaneous Provisions) Acts, 1932 to
1948.

2.—In this Act—

Definitions,

35 the expression "the Act of 1899" means the Small Dwellings Act of 1899,
Acquisition Act, 1899;

the expression "the Act of 1932" means the Housing (Financial Act of 1932,
and Miscellaneous Provisions) Act, 1932 (No. 19 of 1932);

40 the expression "the Act of 1937" means the Housing and Act of 1937,
Labourers Act, 1937 (No. 42 of 1937);

the word "dwellinghouse" means a building constructed or dwellinghouse,
adapted to be used wholly or principally for human habitation;

45 the expression "habitable house" means a house situate in the Habitable house.
functional area of a housing authority which, in the opinion of
such authority, is reasonably fit for human habitation or is
reasonably capable of being rendered so fit;

the expression "housing authority" means in the case of—

housing
authority.

- (a) a county health district (exclusive of any town having town commissioners under the Towns Improvement (Ireland) Act, 1854,) the council of the county in which such county health district is situate;
- (b) a county or other borough, the corporation of such 5 county or other borough;
- (c) an urban district, the council of such urban district, and
- (d) a town having town commissioners under the Towns Improvement (Ireland) Act, 1854, except as respects 10 sections 14, 19, 20, 21 and 41 of this Act, the commissioners of such town, and, as respects the said sections, the council of the county in which such town is situate,

and references to the functional area of a housing authority shall be construed accordingly.

Housing of the
Working Classes
Acts.

the expression "the Housing of the Working Classes Acts" 15 means the Housing of the Working Classes Acts, 1890 to 1931 as amended by this Act;

Labourers Acts.

the expression "the Labourers Acts" means the Labourers Acts, 1883 to 1941, as amended by this Act;

Minister.

the expression "the Minister" means the Minister for Local 20 Government.

Regulations.

3.—(1) 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 such regulation is passed by either such House within the next subsequent twenty-one 25 days on which such House has sat after such regulation is laid before it, such regulation shall be annulled accordingly but without prejudice to anything previously done under such regulation.

(2) No regulation which includes provision in respect of a payment to be made by the Minister shall be made by the Minister 30 under this Act without the consent to such provision of the Minister for Finance.

Expenses.

4.—The expenses incurred by the Minister in the administration of this Act shall, to such extent as may be sanctioned by the Minister for Finance, be paid out of moneys provided by the 35 Oireachtas.

Repeals.

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

Offences,
prosecutions and
punishments.

6.—(1) Where an offence under any section of this Act is committed by a body corporate and is proved to have been so committed with the consent or approval of, or to have been facilitated by any neglect on the part of, any director, manager, secretary, or other officer of such body corporate, such director, manager, secretary, or other officer shall also be deemed to have committed the said 40 offence and shall be liable to be proceeded against and punished accordingly. 45

(2) Proceedings in the District Court in relation to an offence under any section of this Act may be brought and prosecuted by a housing authority. 50

(3) An offence under section 8, 11, or 12 of this Act shall be a continuing offence and accordingly fresh proceedings in respect thereof may be taken from time to time.

(4) Notwithstanding subsection (4) of section 10 of the Petty Sessions (Ireland) Act, 1851, summary proceedings for an offence 55 under any section of this Act may be instituted within twelve months from the date of the offence.

PART II.

CONTROL OF CERTAIN PREMISES.

7.—(1) A housing authority may, as they think fit, grant or refuse permission to a person to demolish in whole or in part or use otherwise than as a dwelling house any habitable house.

Grant of permission by housing authority to demolish habitable houses.

(2) Any person to whom permission has been refused under subsection (1) of this section may appeal to the Minister who may on such appeal either confirm such refusal or give such permission as a housing authority may grant under subsection (1) of this section.

8.—(1) A person shall not demolish in whole or in part or use otherwise than as a dwellinghouse any habitable house unless he has the permission, given under subsection (1) of section 7 of this Act, of the housing authority in whose functional area the habitable house is situate or the permission of the Minister given under subsection (2) of section 7 of this Act.

Prohibition of demolition of certain habitable houses.

(2) A person who contravenes subsection (1) 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 one hundred pounds (together with, in the case of a continuing offence, a fine not exceeding five pounds for every day on which the offence is continued) or, at the discretion of the court, imprisonment for a term not exceeding six months or both such fine and imprisonment.

(3) This section shall continue in force until the 31st day of December, 1950, and shall then expire.

9.—Section 7 or section 8 of this Act shall not apply to the demolition in whole or in part or the use otherwise than as a dwellinghouse of any habitable house where such habitable house was occupied and used otherwise than as a dwellinghouse immediately before the passing of this Act or where such demolition or such use is required or authorised under or in pursuance of any enactment or for any statutory purpose.

Non-application of section 7 or 8 of this Act in certain cases.

10.—(1) Section 11 or 12 of this Act shall not apply outside—

Application of section 11 or 12 of this Act.

(a) the county boroughs of Dublin, Cork, Limerick and Waterford and the borough of Dún Laoghaire, and

(b) the functional area of any housing authority as respects which an order under subsection (2) of this section is in force.

(2) The Minister may by order apply sections 11 and 12 of this Act to the functional areas of housing authorities generally or to the functional area of a particular housing authority and may revoke such order.

(3) Every order made by the Minister under subsection (2) 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 such order is passed by either House within the next subsequent twenty-one days on which such House has sat after such order is laid before it, such order shall be annulled accordingly but without prejudice to anything previously done under such order.

11.—(1) After the coming into operation of this subsection, a person shall not permit premises to be used as a multiple dwelling (whether or not the premises are so used at such commencement or were previously so used) without the permission, in writing, of the housing authority in whose functional area the premises are situate and such permission shall not be unreasonably withheld.

Prohibition of use of certain premises as multiple dwellings.

(2) A person who contravenes subsection (1) 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 one hundred pounds (together with, in the case of a continuing offence, a fine not exceeding five pounds for every day on which

the offence is continued) or, at the discretion of the court, imprisonment for a term not exceeding six months or both such fine and imprisonment.

(3) In this section the expression "multiple dwelling" means premises let in parts to form two or more dwellings. 5

(4) *Subsection (1)* of this section shall come into operation on the 1st day of July, 1948.

Grant by housing authority of permission for purposes of *section 11* of this Act.

12.—(1) A housing authority may, from time to time, grant or refuse permission for the purposes of *section 11* of this Act.

(2) Where a housing authority grant permission under *subsection (1)* of this section (in this section referred to as the permission) they may attach all or any of the following conditions to the permission:— 14

(a) a condition as to the repair, alteration or reconditioning of the premises; 15

(b) a condition as to the number of dwellings which may be provided in the premises;

(c) a condition as to the maximum number of persons who may occupy each separate dwelling provided in the premises; 20

(d) a condition as to responsibility for maintenance of the premises.

(3) The permission shall commence on the date specified in that behalf therein and shall, unless previously withdrawn, continue in force for such period (not exceeding three years) as the housing authority may determine. 25

(4) A housing authority shall keep a record of the permissions granted under this section and such record shall be kept for inspection by any member of the public on payment by him of a fee of one shilling for each inspection. 30

(5) If a person, whether by act or omission, fails to comply with a condition attached to the permission granted to him, he shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding one hundred pounds (together with, in the case of a continuing offence, a fine not exceeding five pounds for every day on which the offence is continued) or, at the discretion of the court, imprisonment for a term not exceeding six months or both such fine and imprisonment and the housing authority may withdraw the permission which they granted to him. 40

(6) A person aggrieved by the refusal of a housing authority to grant permission under *subsection (1)* of this section or by a condition attached to the permission may appeal to the Circuit Court, within one month after he has received notice from the housing authority of such refusal or of such condition (as the case may be), 45 or such further time as the Court may allow, and the Court may—

(a) in the case of an appeal from a refusal to grant permission—dismiss the appeal or order the housing authority to grant permission;

(b) in the case of an appeal relating to a condition attached to the permission—dismiss the appeal or order the housing authority to modify or annul the condition. 50

Exclusion of furnished lettings.

13.—(1) In ascertaining, for the purposes of *section 11* of this Act, whether premises are a multiple dwelling, a part of the premises which is the subject of a furnished letting shall be disregarded if, in the opinion of the housing authority, the rent thereof is greater than the rent which a person of the working classes would be likely to pay for the letting. 55

(2) In subsection (1) of this section, the expression "furnished letting" means the letting of a dwelling at a rent which includes payments for board, attendance or the use of furniture, or for the supply to the dwelling of heat, hot water, fuel, electricity or any other commodity or for the rendering of any services in connection with the dwelling, unless, in the opinion of the housing authority, the portion of the rent attributable to the dwelling alone equals or exceeds three quarters of the rent.

14.—(1) A housing authority may, for the purpose of enabling them to determine the rent that shall be payable by a person to whom they have let or who has applied to have let to him a house, cottage or other accommodation provided under the Housing (Financial and Miscellaneous Provisions) Acts, 1932 to 1946, the Housing of the Working Classes Acts or the Labourers Acts, require such person to furnish particulars in writing of the following matters:—

Requiring information from tenants and persons applying for tenancies.

- (a) the number of members of such person's family residing with him, together with their ages, sex, occupations and condition of health;
- 20 (b) the weekly income of such person and of each of the members of his family residing with him;
- (c) any assistance, benefit or allowance received by or on behalf of such person or any member of his family residing with him from State funds or from any public assistance authority within the meaning of the Public Assistance Act, 1939 (No. 27 of 1939) or from any other source whatsoever excluding temporary allowances from any charitable organisation;
- 25 (d) the means of transport available to bring such person and the members of his family residing with him to their places of work, or in the case of children, to school, and the cost of such transport;
- 30 (e) the terms upon which premises are occupied by him, the amount of the rent payable in respect of such premises and the name and address of the person to whom such rent is payable.
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(2) Any person to whom a housing authority have let or who has applied to have let to him a house, cottage or other accommodation provided under the Housing (Financial and Miscellaneous Provisions) Acts, 1932 to 1946, the Housing of the Working Classes Acts or the Labourers Acts and who wilfully neglects or refuses to furnish any information required by a housing authority under this section or who furnishes false information shall be guilty of an offence under this section and shall be liable on summary conviction thereof to a fine not exceeding five pounds.

15.—A housing authority shall have the like powers of making and enforcing bye-laws respecting houses containing not more than two rooms and intended or used for occupation by members of the working classes which are occupied by not more than one family as are conferred, under section 20 of the Housing (Ireland) Act, 1919, on the local authority of an urban district or town in the case of houses intended or used for occupation by members of the working classes which are let in lodgings or occupied by members of more than one family and the provisions of the said section 20 shall have effect as if such bye-laws were made under that section.

Bye-laws respecting certain houses.

PART III.

FINANCIAL PROVISIONS.

16.—(1) The Minister may, with the consent of the Minister for Finance, and subject to regulations made under this section make, out of moneys to be provided by the Oireachtas, to any

Grants by Minister to persons and public utility societies.

person erecting or reconstructing or to any public utility society erecting, one or more than one house, a grant not exceeding the appropriate sum specified in the *Second Schedule* to this Act if—

- (a) erection or reconstruction commence on or after the 1st day of November, 1947, and is completed on or before the 1st day of April, 1950; 5
- (b) such house or houses complies or comply with the rules set out in the *First Schedule* to the Act of 1932;
- (c) such house or houses is or are occupied when completed by
 - (i) in case such house or houses is or are erected by a public utility society—a member of that society, 10
 - (ii) in any other case—the person who erected or reconstructed such house.

(2) The Minister shall not make a grant under this section and under section 5 of the Act of 1932 as amended by any subsequent enactment (including this Act) in respect of a house. 15

(3) The Minister shall not make a grant under this section in respect of a house in respect of which he is prohibited from making a grant under subsection (3) of section 5 of the Act of 1932 as amended by section 4 of the Act of 1937. 20

(4) The Minister may make regulations for the purposes of this section.

Grants by
Minister to
persons and
public utility
societies in
certain cases.

17.—(1) The Minister may, with the consent of the Minister for Finance, and subject to regulations made under this section make, out of moneys to be provided by the Oireachtas, to any person or public utility society erecting one or more than one house, a grant not exceeding the appropriate sum specified in the *Third Schedule* to this Act if— 25

- (a) erection commenced on or after the 1st day of November, 1945, and is completed on or before the 1st day of April, 1950; 30
- (b) such house or houses complies or comply with the rules set out in the *First Schedule* to the Act of 1932;
- (c) such house or houses was or were not occupied on or before the 1st day of November, 1947; 35
- (d) such house or houses is or are occupied when completed by
 - (i) in case such house or houses is or are erected by a public utility society—a member of that society,
 - (ii) in any other case—the person who erected such house. 40

(2) A grant under this section together with a grant under section 5 of the Act of 1932 as amended by any subsequent enactment (including this Act) shall not exceed the appropriate sum specified in the *Third Schedule* to this Act. 45

(3) The Minister shall not make a grant under this section in respect of a house in respect of which he is prohibited from making a grant under subsection (3) of section 5 of the Act of 1932 as amended by section 4 of the Act of 1937.

(4) The Minister may make regulations for the purposes of this section. 50

Increase of
grants under
section 5 (1) (h)
of Act of 1932.

18.—A grant payable, under paragraph (h) of subsection (1) of section 5 of the Act of 1932, to a person reconstructing a house may be increased to sixty pounds where—

- (a) the person applied for the grant before the 1st day of November, 1947, and 55
- (b) the reconstruction of the house was commenced but not completed before the 1st day of November, 1947.

19.—(1) A housing authority shall, subject to regulations made under this section, make to any person erecting one or more than one house in the functional area of the authority, a grant not exceeding the appropriate sum mentioned in the second column of the *Fourth Schedule* to this Act and each such grant shall be made (subject to the said regulations) in ten successive annual instalments not exceeding the appropriate sum mentioned in the third column of that Schedule.

Grants by
housing
authorities
to persons.

(2) Notwithstanding subsection (1) of this section a housing authority shall not make a grant under subsection (1) of this section in respect of the erection of a house unless:—

- (a) such house complies with the rules set out in the First Schedule to the Act of 1932;
- (b) such erection commenced on or after the 1st day of November, 1945, and is completed on or before the 1st day of April, 1950, and
- (c) the person erecting the house undertakes with the housing authority that, subject to such conditions as may be prescribed by regulations made under this section, he will not sell the house and that he will let the house subject to such conditions as may be so prescribed.

(3) The Minister may, with the consent of the Minister for Finance, and subject to regulations made under this section, recoup to a housing authority an amount not exceeding two-thirds of a grant made under subsection (1) of this section by the authority.

(4) A housing authority shall not make a grant under this section in respect of a house in respect of which a grant was made by the Minister under section 5 of the Act of 1932, as amended by any subsequent enactment (including this Act) and not refunded.

(5) Where a grant was made by the Minister under section 16 of this Act, a housing authority shall not make a grant under this section in respect of the house.

(6) The Minister may make regulations for the purposes of this section.

20.—(1) The Minister may, with the consent of the Minister for Finance, and subject to regulations made under this section make, out of moneys to be provided by the Oireachtas, to any public utility society erecting one or more than one house for occupation by a person of the working classes or an agricultural labourer, a grant not exceeding the appropriate sum specified in the *Fifth Schedule* to this Act, if:—

Grants by
Minister and
housing
authorities to
public utility
societies.

- (a) the erection of the house or houses was commenced on or after the 1st day of November, 1947, and is completed on or before the 1st day of April, 1950; and
- (b) such house or houses complies or comply with the rules set forth in the First Schedule to the Act of 1932; and
- (c) such public utility society undertakes with the Minister that such society will not sell such house or houses and will let such house or houses only at such rent and subject to such conditions as may be approved by the Minister.

(2) A housing authority shall, subject to regulations made under this section, make, to any public utility society erecting one or more than one house in respect of which a grant is made by the Minister under subsection (1) of this section a grant either by way of a grant of land as a site for such house or houses or by way of a grant of money in respect of such house or houses or partly in one such way and partly in the other such way, but in any case not exceeding in (as the case may be) the value of such land or the amount of such money or the total of such value and such amount the appropriate sum specified in the *Fifth Schedule* to this Act.

(3) For the purpose of making a grant under *subsection (2)* of this section a housing authority shall have the like powers of borrowing money as if the houses in respect of which the grants are made were erected by them under the Housing of the Working Classes Acts or the Labourers Acts.

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(4) The Minister may make regulations for the purposes of this section.

Grants by Minister and housing authorities to public utility societies in certain cases.

21.—(1) The Minister may, with the consent of the Minister for Finance, and subject to regulations made under this section make, out of moneys to be provided by the Oireachtas, to any public utility society erecting one or more than one house for occupation by a person of the working classes or an agricultural labourer, a grant not exceeding the appropriate sum specified in the *Sixth Schedule* to this Act, if—

- (a) erection commenced on or after the 1st day of November, 1945, and is completed on or before the 1st day of April, 1950; and,
- (b) such house or houses complies or comply with the rules set forth in the First Schedule to the Act of 1932; and
- (c) such house or houses was or were not occupied before the 1st day of November, 1947; and
- (d) such public utility society undertakes with the Minister that such society will not sell such house or houses and will let such house or houses only at such rent and subject to such conditions as may be approved by the Minister.

(2) A housing authority shall, subject to regulations made under this section, make, to any public utility society erecting one or more than one house in respect of which a grant is made by the Minister under *subsection (1)* of this section a grant in money not exceeding the appropriate sum specified in the *Sixth Schedule* to this Act.

(3) For the purpose of making a grant under *subsection (2)* of this section a housing authority shall have the like powers of borrowing money as if the houses in respect of which the grants are made were erected by them under the Housing of the Working Classes Acts or the Labourers Acts.

(4) The Minister may make regulations for the purposes of this section.

Amendment of subsection (1) of section 5 of the Act of 1932.

22.—(1) The reference to the 1st day of April, 1947, contained (by virtue of subsection (1) of section 2 of the Housing (Amendment) Act, 1946, (No. 2 of 1946) in each of the paragraphs (c), (d), (e), (f), (g), (h), (i) and (j) of subsection (1) of section 5 of the Act of 1932 shall be construed as a reference to the 1st day of April, 1950.

(2) This section shall have and be deemed to have had effect as on and from the 1st day of April, 1947.

(3) The Minister or a housing authority shall not make a grant under paragraphs (c), (d), (e), (f), (g), (h) or (i) of subsection (1) of section 5 of the Act of 1932 in respect of a house commenced on or after the 1st day of November, 1947.

Amendment of section 6 of the Act of 1932.

23.—(1) Subsection (1) of section 6 of the Act of 1932 is hereby amended—

- (a) by the substitution in paragraph (a) and in paragraph (b) of the word “fifty” for the word “thirty-five”,
- and

(b) by the insertion in subparagraph (i) of paragraph (a) after the word "displaced" of the words "by the collapse or destruction of their former dwellings or", and after the word "Acts" of the words "or sections 75 to 78 of the Towns Improvement Clauses Act, 1847, as incorporated with any enactment, section 20 of the Dublin Improvement Acts Amendment Act, 1864, or Part II of the Dublin Corporation Act, 1890".

(2) Where, before the commencement of this section, the Minister has—

(a) made a contribution towards the annual loan charges incurred by a housing authority in respect of money borrowed by them for the provision under the Housing of the Working Classes Acts or the Labourers Acts of houses to which section 6 of the Act of 1932 applies, and

(b) has determined the period (in this subsection called "the first period") during which such contribution shall be payable,

the Minister may, if he thinks fit, extend the first period by a further period but so that in no case shall the sum of the two periods when added together exceed fifty years.

24.—Section 14 of the Act of 1932 is hereby amended by the insertion of the following subsection at the end of the said section:—

Amendment of section 14 of the Act of 1932.

"(3) No regulation which includes provision in respect of a payment to be made by the Minister shall be made by the Minister under this Act without the consent to such provision of the Minister for Finance."

25.—(1) Subsection (2) of section 5 of the Act of 1937 is hereby amended:—

Amendment of section 5 of the Act of 1937.

(a) by the substitution in paragraph (a) of "£80" for "£40", and

(b) by the substitution in paragraph (b) of the words "one third" for the words "one quarter".

(2) This section shall have and be deemed to have had effect as on and from the 1st day of November, 1947.

26.—(1) The aggregate amount of grants to be made by the Minister under section 5 of the Act of 1932 as amended by any subsequent enactment (including this Act) and section 5 of the Act of 1937, shall not exceed the sum of three million five hundred and fifty thousand pounds.

Limit of grants under this Act, the Act of 1932 and the Act of 1937.

(2) The aggregate amount of grants to be made by the Minister under section 5 of the Act of 1937 as amended by section 25 of this Act and under sections 16, 17, 18, 19, 20 and 21 of this Act shall not exceed the sum of five hundred and eighty thousand pounds.

27.—(1) The Minister may, with the consent of the Minister for Finance, make out of moneys to be provided by the Oireachtas grants to a housing authority providing houses for occupation by persons of a class specified in regulations made under paragraph (b) of subsection (1) of section 29 of this Act, but no such grant shall exceed two hundred and fifty pounds in respect of each separate dwelling (whether a house or part of a house) so provided.

Grant in respect of houses reserved for occupation by persons of a particular class.

(2) The aggregate amount of grants to be made by the Minister under this section shall not exceed the sum of three hundred and forty-five thousand pounds.

Payment of certain grants where house ceases to be situate in a rural area.

28.—Where—

(a) the Minister has agreed to make a grant for the erection of a house in a rural area pursuant to paragraph (c), (d), (e), (f) or (g) of subsection (1) of section 5 of the Act of 1932, and

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(b) before such grant is paid, such house ceases to be in a rural area as a result of the constitution of a new urban district or an alteration of the boundary of a county or other borough, an urban district or a town,

the Minister may pay such grant notwithstanding that such house 10
has ceased to be situate in a rural area.

PART IV.

HOUSING OF THE WORKING CLASSES.

Regulations applicable to houses provided under the Housing of the Working Classes Acts.

29.—(1) The Minister may make regulations for the purpose of securing the proper and efficient management of houses provided under the Housing of the Working Classes Acts, providing for all or any of the following matters:— 15

(a) the maximum and minimum number of persons who shall be permitted to occupy such houses on any letting; 20

(b) the reservation of such houses (in this Act referred to as "reserved houses") for occupation by persons of a particular class and the number of houses and type of house that may be so reserved;

(c) the method of selection of tenants and the classes of persons to whom preference shall be given; 25

(d) the terms and conditions to be included in any agreement under which any person is permitted to occupy or use such house;

(e) such other matters as the Minister may consider necessary or expedient. 30

(2) Regulations under this section shall provide that in the letting of houses regard shall be had to the character, industry, occupation, family circumstances and existing housing conditions of the applicants and subject thereto first preference in the letting of houses which are not reserved houses shall, wherever practicable, be given to persons displaced from reserved houses, and second preference shall, wherever practicable, be given to persons with families living in one-roomed dwellings where:— 35

(i) one or more than one member of the family is suffering from tuberculosis; or 40

(ii) one or more than one member of the family (exclusive of the parents) has attained the age of sixteen years; or

(iii) the dwelling has been condemned as being unfit for human habitation. 45

(3) Regulations under this section may apply to housing authorities and houses generally or to a particular housing authority or to a particular class of house.

(4) Where regulations have been made under this section it shall not be lawful for the housing authority to whom the regulations apply to make a letting of a house to which the regulations apply save in accordance with such regulations. 50

30.—(1) A housing authority (being the corporation of a county borough or the corporation of the borough of Dun Laoghaire) may and, if required by the Minister, shall provide reserved houses for occupation by persons of a particular class.

Provision of reserved houses by certain housing authorities.

- 5 (2) A housing authority (being the corporation of a borough or the council of an urban district having a population of over twelve thousand) may provide reserved houses for occupation by persons of a particular class.

- 10 31.—Article 24 of the Second Schedule to the Housing of the Working Classes Act, 1890, is hereby amended by the substitution therein of three pounds *per centum per annum* for five pounds *per centum per annum* as the rate of interest to be paid by a housing authority upon the compensation money payable by them in respect of any lands entered on by virtue of the said article.

Amendment of Article 24 of the Second Schedule to the Housing of the Working Classes Act, 1890.

- 15 32.—Unless the Minister shall in any particular case otherwise direct or agree, the costs payable by a housing authority in respect of the acquisition of land for the purposes of the Housing of the Working Classes Acts, shall be regulated as follows:—

Remuneration of Solicitors for business arising under the Housing of the Working Classes Acts.

- 20 (a) where such land is registered land within the meaning of the Registration of Title Acts, 1891 and 1942, by the provisions of the Land Registration Rules, 1937;

- 25 (b) where such land is not registered land within the meaning of the Registration of Title Acts, 1891 and 1942 by the Solicitors' Remuneration General Orders, 1884 to 1947, with the exception of Clause 6 and Rule 11 in Part I of the Schedule to the Solicitors' Remuneration General Order, 1884.

PART V.

LABOURERS' COTTAGES.

- 30 33.—The expression "agricultural labourer" in the Labourers Acts shall include any man who:—

Extension of definition of "agricultural labourer."

- (a) is normally engaged in doing agricultural work on the land of a relative, and
35 (b) resided with that relative when he applied for, or became tenant of, a cottage provided by a council of a county under the Labourers Acts.

- 34.—(1) Where a cottage provided by the council of a county under the Labourers Acts is let to a tenant who is an agricultural labourer within the meaning of the said Acts because:—

Purchase scheme under the Labourers Act, 1936, not to be made in certain case.

- 40 (a) he is normally engaged in doing agricultural work on the land of a relative, and

- (b) he resided with that relative when he applied for, or became tenant of, such cottage,

- 45 such council shall not prepare a purchase scheme under the Labourers Act, 1936 (No. 24 of 1936) in relation to such cottage so long as such tenant is an agricultural labourer only because he is normally engaged in doing agricultural work on the land of a relative.

(2) Where:—

- 50 (a) any such tenant ceases to be normally engaged in doing agricultural work on the land of a relative but nevertheless continues to be an agricultural labourer, or
(b) where such cottage ceases to be occupied by any such tenant,

the council of a county may, and shall if the Minister so directs, prepare and submit to the Minister a purchase scheme under the Labourers Act, 1936 (No. 24 of 1936) in relation to such cottage.

Regulations
applicable to
cottages provided
under the
Labourers Acts.

35.—(1) The Minister may make regulations for the purpose of securing the proper and efficient management of cottages provided under the Labourers Acts providing for all or any of the following matters:— 5

- (a) the maximum and minimum number of persons who shall be permitted to occupy a cottage on any letting;
- (b) the method of selection of tenants and the classes of persons to whom preference shall be given; 10
- (c) the terms and conditions to be included in any agreement under which any person is permitted to occupy or use a cottage;
- (d) such other matters as the Minister may consider necessary or expedient. 15

(2) Regulations under this section shall provide that in the letting of cottages regard shall be had to the character, industry, occupation, family circumstances and existing housing conditions of the applicants and subject thereto first preference wherever practicable shall be given to applicants who are:— 20

- (a) persons normally engaged in doing agricultural work for hire on the land of some other person and whose principal means of living is such work, or
- (b) men normally engaged in doing agricultural work on the land of relatives with whom they reside, or 25
- (c) herdsmen,

and second preference shall wherever practicable be given to applicants with families living in one-roomed dwellings where:—

- (i) one or more than one member of the family is suffering from tuberculosis, or 30
- (ii) one or more than one member of the family (exclusive of the parents) has attained the age of sixteen years, or
- (iii) the dwelling has been condemned as being unfit for human habitation. 35

(3) Where regulations have been made under this section it shall not be lawful for the council of a county to whom the regulations apply to make a letting of a cottage to which the regulations apply save in accordance with such regulations. 40

Power of entry
on lands proposed
to be acquired.

36.—(1) Where a council of a county are by a compulsory purchase order made and confirmed under section 20 of the Act of 1932 authorised to purchase land compulsorily for the purposes of the Labourers Acts, the council may at any time after such order has become operative on giving not less than fourteen days notice in writing to the owner and occupier of the land enter on and take possession of the land or of such part thereof as may be specified in the notice without previous consent or compliance with the provisions of the Lands Clauses Acts as amended by the Labourers Acts relating to entry on lands and upon the service of any such notice the council shall be deemed to have signified their intention of purchasing the land and shall be liable to the payment of the like compensation, as if the said provisions of the Lands Clauses Acts had been complied with and to payment of interest upon such compensation as from the time of such entry. 45 50 55

(2) Where a council of a county have agreed to purchase land for the purposes of the Labourers Acts subject to the interest of the person in possession thereof, and that interest is not greater

than that of a tenant for a year or from year to year then, at any time after such agreement has been made the council may, after giving to the person so in possession twenty-one days' notice in writing, enter on and take possession of the land or such part thereof as is specified in the notice without previous consent but subject to the payment to the person so in possession of the like compensation, with interest thereon as aforesaid, as if the council had been authorised to purchase the land compulsorily and such person had in pursuance of such power been required to quit possession before the expiration of his term or interest in the land, but without the necessity of compliance with the provisions, relating to entry on lands, of the Lands Clauses Acts as amended by the Labourers Acts.

37.—(1) A council of a county may borrow for the purposes of defraying any expenses incurred by them in the execution of any of their powers and duties under the Labourers Acts 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.

Borrowing.

(2) The provisions of the Public Health Acts, 1878 to 1931, in relation to borrowing by a sanitary authority (except subsections (2) and (3) of section 238 of the Public Health (Ireland) Act, 1878) shall, with the necessary modifications, apply in relation to any borrowing by a council of a county under this section.

(3) Money borrowed under this section may be lent to a council of a county 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.

(4) Money borrowed under this section shall not be reckoned as part of the total debt of a council of a county for the purpose of the limitation on borrowing imposed by Article 22 of the Schedule to the Local Government (Application of Enactments) Order, 1898.

PART VI.

ACQUISITION OF SMALL DWELLINGS.

38.—(1) An advance shall not be made under section 1 of the Act of 1899 for the acquisition of the ownership or the erection of a house where in the opinion of the local authority the market value of the house exceeds or would exceed the maximum sum.

Value of houses in respect of which advances may be made under the Act of 1899.

(2) The Minister may, with the consent of the Minister for Finance, by order fix the maximum sum for the purpose of subsection (1) of this section and may, with such consent, amend or revoke any such order.

39.—(1) Subsection (4) of section 9 of the Act of 1899, is hereby amended by the substitution for the words "and not reimbursed by the receipts under this Act" of the following: "because of the default of persons, to whom advances have been made, to repay instalments of principal or interest on such advances".

Amendment of Section 9 (4) of Act of 1899.

(2) Subsection (1) of this section shall have and be deemed to have had effect as on and from the 1st day of January, 1942.

40.—The rate of interest on advances under section 1 of the Act of 1899, shall, as regards any advance made after the passing of this Act, be a rate of not more than one half of one

Rate of interest on advances under the Act of 1899.

per centum per annum in excess of the rate of interest at which the local authority borrowed the money for the purpose of making the advance.

PART VII.

MISCELLANEOUS.

5

Exemption of housing authorities from the provisions of section 201 of the Public Health (Ireland) Act, 1878, in certain cases.

41.—(1) The Minister may exempt a housing authority from compliance with all or any of the provisions of section 201 of the Public Health (Ireland) Act, 1878, as respects contracts to be entered into by the housing authority in the exercise of their powers and the performance of their duties under the Housing 10 of the Working Classes Acts or the Labourers Acts.

(2) An exemption granted under *subsection (1)* of this section as respects contracts to be entered into by a housing authority in the exercise of their powers and the performance of their duties under the Housing of the Working Classes Acts or the 15 Labourers Acts may relate to:—

(a) all contracts so to be entered into,

(b) contracts so to be entered into under a particular scheme,
or

(c) contracts so to be entered into in respect of a particular 20 area.

(3) The Minister may attach to an exemption granted under *subsection (1)* of this section such conditions as he thinks fit and may at any time amend or revoke such exemption.

Amendment of Third Schedule to Act of 1932.

42.—The Act of 1932 is hereby amended by the substitution, 25 for Article 4 of the *Third Schedule* thereto, of the following:—

“ 4. (a) If no objection is duly made by any of the persons upon whom notices are required to be served, or if all objections so made are withdrawn, the Minister may, if he thinks fit, annul the order or confirm the order 30 with or without modification.

(b) If an objection is duly made by any such person and such objection is not withdrawn and, as respects part of the land proposed to be acquired, no objection or only a withdrawn objection or withdrawn objections 35 has or have been made, the Minister may, if he thinks fit, annul the order or confirm the order forthwith with or without modification in so far only as it relates to land to the acquisition of which no objection or the withdrawn objection or withdrawn objections has or 40 have been made and, in so far as it relates to the remaining land proposed to be acquired, cause to be held a public local inquiry into any objection not withdrawn and, having considered such objection and the report of the person who held the inquiry, may 45 then annul the order or confirm the order with or without modification in so far as it relates to such land.

(c) In any other case, the Minister shall cause a public local inquiry to be held and, having considered any objection not withdrawn and the report of the person 50 who held the inquiry, may then annul the order or confirm the order either with or without modification:

Provided that—

(i) the Minister may require any person who has made 55

an objection to state in writing the grounds thereof, and may confirm the order without causing a public local inquiry to be held if he is satisfied that every objection duly made relates exclusively to matters which can be dealt with by the arbitrator by whom the compensation is to be assessed;

- (ii) the order as confirmed by the Minister shall not authorize the council of a county to purchase compulsorily any land which the order would not have authorized them so to purchase if it had been confirmed without modification."

43.—(1) This section applies to a compulsory purchase order made under section 20 of the Act of 1932, as respects which an objection was duly made by any of the persons upon whom notices are required by that Act to be served and such objection was not withdrawn and which has been confirmed by the Minister firstly in so far only as it related to land to the acquisition of which no objection or only a withdrawn objection or withdrawn objections had been made (in this section referred to as "the first confirmation") and secondly in so far as it related to the remaining land acquired (in this section called "the second confirmation").

Validity and date of operation of certain compulsory purchase orders.

(2) The provisions of this section shall have effect with respect to the validity of an order to which this section applies and the date on which such an order is to come into operation.

(3) As soon as may be after the first confirmation of an order to which this section applies, the council of a county shall publish in one or more than one newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed in so far as it related to land to the acquisition of which no objection or only a withdrawn objection or withdrawn objections was or were made.

(4) As soon as may be after the second confirmation of an order to which this section applies the council of a county shall publish in one or more than one newspaper circulating in their district a notice in the prescribed form stating that the order has been confirmed, and naming a place where a copy of the order as confirmed, and of the map referred to therein may be seen at all reasonable hours, and shall serve a like notice on every person, who, having given notice to the Minister of his objection to the order, appeared at the public local inquiry in support of his objection.

(5) If any person aggrieved by the second confirmation of an order to which this section applies desires to question its validity on the ground that it is not within the powers of the Labourers Acts or that any requirement of those Acts has not been complied with, he may, within three weeks after the publication of the notice of confirmation, make an application for the purpose to the High Court, and where any such application is duly made the Court:—

(a) may by interim order suspend the operation of the order in so far as it affects any property of the applicant until the final determination of the proceedings; and

(b) if satisfied upon the hearing of the application that the order is not within the powers of the Labourers Acts or that the interests of the applicant have been substantially prejudiced by any requirement of the said Acts not having been complied with may quash the order in so far as it affects any property of the applicant.

(6) Subject to the provisions of subsection (5) of this section any person aggrieved by the first or second confirmation of an order

to which this section applies shall not, either before or after such confirmation, question such order by prohibition or *certiorari* or in any legal proceedings whatsoever and such order shall, as respects land to the acquisition of which no objection was made, become operative at the expiration of three weeks from the date on which notice of its confirmation is published in accordance with the provisions of subsection (3) of this section, and, as respects land to the acquisition of which objection was made, become operative at the expiration of four weeks from the date on which notice of its confirmation is published in accordance with the provisions of subsection (4) of this section.

(7) The provisions of section 17 of the Housing (Miscellaneous Provisions) Act, 1931 (No. 50 of 1931) as applied by subsection (2) of section 20 of the Act of 1932 to compulsory purchase orders made under the said section 20 shall not apply to an order to which this section applies.

Relief from rates.

44.—(1) In every case in which a grant for the erection of a house is made under section 16 of this Act to a person or public utility society and an increase in the valuation of the tenement, consisting of or including such house, is made on an application for the revision of such valuation by reason solely of such erection, the valuation of such tenement shall be deemed to be reduced for rating purposes by two-thirds of such increase.

(2) In every case in which a grant for the erection of a house is made under section 16 of this Act to a person or public utility society and an increase in the valuation of the tenement consisting of or including such house is made on an application for the revision of such valuation by reason partly of such erection the valuation of such tenement shall be deemed to be reduced for rating purposes by two-thirds of so much of such increase as is attributable to such erection.

(3) Where a grant is made under section 16 of this Act in respect of the reconstruction of a house, the valuation of the tenement consisting of or including such house shall not, on any valuation or revision of the valuation thereof coming into force within seven years after the completion of such reconstruction be increased on account of any increase in the value of such tenement arising from such reconstruction.

(4) In this section the expression "rating purposes" means the following (and no other) purposes, that is to say, the purpose of the assessment and levying of any rate raised by a local authority for the service of the local financial year commencing next after the completion of the erection of the relevant house or for the service of any of the next following six local financial years.

(5) Without prejudice to the generality of the provisions of the immediately preceding subsection of this section restricting the meaning of the expression "rating purposes", it is hereby enacted in particular that notwithstanding the valuation (in this subsection referred to as the full valuation) of a tenement being deemed under this section to be reduced in relation to any local financial year, every computation for the purposes of the Income Tax Acts of the annual value of such tenement shall be made in like manner as if the full valuation were in force for the purposes of county rate in relation to that local financial year.

Rates of wages, conditions of labour and enforcement of undertakings.

45.—(1) The Minister under section 16 or 20 of this Act, or the housing authority, under section 19 of this Act, shall not make a grant in respect of the erection of a house where it is shown to his or their satisfaction that throughout such erection rates of wages have not been paid or conditions of labour observed at least as advantageous to the persons employed in such erection as the

appropriate rates of wages or conditions of labour generally recognised by trade unions, in the area in which such house is erected, at the commencement of such erection and the Minister or the housing authority may as a condition of his or their making
5 any such grant require a person or a public utility society (as the case may be) to enter into any undertaking which seems proper to the Minister or to such housing authority as to the rates of wages to be paid or the conditions of labour to be observed in such erection.

10 (2) Where the Minister or a housing authority has or have made to any person or public utility society under *section 16, 19* or *20* of this Act any grant on condition that the person or the society receiving the grant enter into an undertaking with him or them and such undertaking has not been complied with, the
15 following provisions shall have effect:—

(a) such person or public utility society (as the case may be) shall be liable to repay the Minister or the housing authority the amount of such grant;

20 (b) such amount may be recovered from such person or public utility society (as the case may be) as a civil debt in any court of competent jurisdiction.

FIRST SCHEDULE.

Section 5

ENACTMENTS REPEALED.

Session and Chapter or Number and Year	Short title	Extent of Repeal
46 & 47 Vict. c. 60	The Labourers (Ireland) Act, 1883.	Section 17.
53 & 54 Vict. c. 70	The Housing of the Working Classes Act, 1890.	Sections 26 and 63.
53 & 54 Vict. c. cxxlvi.	The Dublin Corporation Act, 1890.	Sections 29 and 30.
59 & 60 Vict. c. 53	The Labourers (Ireland) Act, 1896.	Section 4.
62 & 63 Vict., c. 44	The Small Dwellings Acquisition Act, 1899.	Subsection (1) of section 1 from the words "and an advance" to the end of the subsection.
6 Edw. 7, c. 37 ...	The Labourers (Ireland) Act, 1906.	Subsection (1) of section 2 from the words "and they may borrow" to the end of the subsection: sections 10, 12 and 29.
8 Edw. 7, c. 61 ...	The Housing of the Working Classes (Ireland) Act, 1908.	Subsection (2) of section 1.
11 & 12 Geo. 5, c. 19	The Housing Act, 1921	Section 5.
No. 25 of 1930	The Labourers Act, 1930.	The whole Act.
No. 50 of 1931 ...	The Housing (Miscellaneous Provisions) Act, 1931.	Sections 48, 55, 57 and 60.
No. 19 of 1932 ...	The Housing (Financial and Miscellaneous Provisions) Act, 1932.	Subsection (5) of section 6.
No. 42 of 1937 ...	The Housing and Labourers Act, 1937.	Paragraphs (a) and (b) of subsection (8) of section 5.
No. 2 of 1946 ...	The Housing (Amendment) Act, 1946.	Section 2.

SECOND SCHEDULE.

GRANTS TO BE MADE BY THE MINISTER.

Persons to whom grants will be made by Minister	Where sewerage and piped water supply are not available			Where sewerage and piped water supply are available		
	Number of rooms in house			Number of rooms in house		
	3	4	5 or more	3	4	5 or more
	£	£	£	£	£	£
Person erecting house for own occupation	125	175	225	175	225	275
Public utility society building house for occupation by member	135	185	235	185	235	285
Agricultural labourer or any other person who derives his livelihood solely or mainly from the pursuit of agriculture and is in occupation of land and buildings whose rateable value or the aggregate of whose rateable value does not exceed £35, reconstructing house in own occupation ...	80	80	80	80	80	80

THIRD SCHEDULE.

GRANTS TO BE MADE BY THE MINISTER IN CERTAIN CASES.

Person to whom grants will be made by the Minister	Where sewerage and piped water supply are not available			Where sewerage and piped water supply are available		
	Number of rooms in house			Number of rooms in house		
	3	4	5 or more	3	4	5 or more
	£	£	£	£	£	£
Person erecting house for own occupation	87·10	122·10	157·10	122·10	157·10	192·10
Public utility society building house for occupation by member	94·10	129·10	164·10	129·10	164·10	199·10

FOURTH SCHEDULE.

GRANTS TO BE MADE BY HOUSING AUTHORITIES.

Number of rooms in house	Maximum grant by housing authority	Maximum annual instalment by housing authority
(1)	(2)	(3)
	£	£
3 rooms	250	25
4 rooms	350	35
5 rooms or more ...	400	40

FIFTH SCHEDULE.

GRANTS TO BE MADE BY THE MINISTER AND HOUSING AUTHORITIES.

Type of House	Maximum grant by Minister	Maximum grant by Housing Authority
	£	£
House with three rooms ...	150	75
House with four rooms ...	200	100
House with five or more rooms	250	125

SIXTH SCHEDULE.

Section 21.

GRANTS TO BE MADE BY THE MINISTER AND BY HOUSING
AUTHORITIES IN CERTAIN CASES.

Type of House	Maximum grant by Minister	Maximum grant by Housing Authority
House with three rooms ...	£ 105	£ 52·10
House with four rooms ...	140	70
House with five or more rooms	175	87·10

Éire.

BILLE NA dTITHE (LEASU), 1947.

BILLE

dá ngairmtear

Acht do dhéanamh socrúithe bhreise agus fheabhsa maidir le tithe, do leasú agus do leathnú Acht na dTithe (Forála Airgid agus Forála Ilghnéitheacha), 1932 go 1946, Acht Tithe an Lucht Oibre, 1890 go 1931, Achth na Sclábhaithe, 1883 go 1941, agus na nAcht um Thithe Beaga Cónaithe a Fháil, 1899 go 1931, do dhéanamh socrúithe bhreise chun cúnamh airgid a thabhairt d'údaráis áitiúla maidir le tithe a sholáthar, agus do dhéanamh socrúithe maidir le nithe eile a bhaineas leis na nithe réamhráite.

*Rite ag dhá Thigh an Oireachtais,
7ú Eanáir, 1948.*

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Éire.

HOUSING (AMENDMENT) BILL, 1947.

BILL

entitled

An Act to make further and better provision with respect to housing, to amend and extend the Housing (Financial and Miscellaneous Provisions) Acts, 1932 to 1946, the Housing of the Working Classes Acts, 1890 to 1931, the Labourers Acts, 1883 to 1941, and the Small Dwellings Acquisition Acts, 1899 to 1931, to make further provision for the financial assistance of local authorities in the provision of housing accommodation and to make provision with respect to other matters connected with the matters aforesaid.

*Passed by both Houses of the Oireachtas,
7th January, 1948.*

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