

ÉIRE.

BILLE NA nUDARAS AITIULA (OIBREACHA), 1949. LOCAL AUTHORITIES (WORKS) BILL, 1949.

*Mar a leasaiodh i gCoiste.
As amended in Committee.*

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2. Execution of works by local authority.
3. Local authority unable or unwilling to execute works.
4. Power of entry on land.
5. Compensation.
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7. Short title.

ÉIRE.

BILLE NA nUDARAS AITIULA (OIBREACHA), 1949. LOCAL AUTHORITIES (WORKS) BILL, 1949.

BILL

entitled

5

AN ACT TO ENABLE CERTAIN LOCAL AUTHORITIES
TO EXECUTE WORKS AFFORDING RELIEF OR
PROTECTION FROM FLOODING, LANDSLIDE,
SUBSIDENCE AND SIMILAR OCCURRENCES AND
TO PROVIDE FOR MATTERS CONNECTED WITH
THE MATTERS AFORESAID. 10

BE IT ENACTED BY THE OIREACHTAS AS FOLLOWS :—

Interpretation.

1.—In this Act—

Minister.

the expression “the Minister” means the Minister for Local
Government ;

15

permanent
construction.

the expression “permanent construction” includes roads,
bridges, houses, buildings, walls and embankments ;

road.

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

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watercourse.

the word “watercourse” includes rivers, streams and other
natural watercourses, and also canals, drains, and other artificial
watercourses.

Execution of
works by local
authority.

2.—(1) This section applies to the following local authorities :

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

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(b) the council of a county or an urban district.

(2) Where a local authority to whom this section applies are
of opinion that—

(a) any land owned by them, or

(b) any permanent construction which was constructed
by them or which they are required by law to
maintain,

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has sustained or is likely to sustain damage from flooding,
landslide, subsidence or other similar occurrence, the local
authority may execute such works as they consider reasonable
for the purpose of affording relief or protection from the damage.

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(3) Where a local authority to whom this section applies
are of opinion that—

(a) any land in their functional area, not being land owned
by them, or

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(b) any permanent construction in their functional area, not being a permanent construction which was constructed by them or which they are required by law to maintain,

5 has sustained or is likely to sustain damage from flooding, landslide, subsidence or other similar occurrence and that it is in the public interest to afford relief or protection from the damage, the local authority may execute such works as they consider reasonable for the purpose of affording such relief or
10 protection.

(4) The works referred to in subsections (2) and (3) of this section shall include, in particular—

- (a) the making of drains,
- 15 (b) the removal of substances or things causing obstructions in watercourses,
- (c) the widening or deepening of watercourses,
- (d) the making or repairing of walls or embankments,
- (e) the diversion of water into watercourses.

(5) Where any substance or thing is removed under this
20 section from a watercourse, it may be deposited on land adjacent to the watercourse or the local authority may remove it, use it or dispose of it otherwise as they think fit.

3.—Where the Minister is satisfied—

- 25 (a) that particular works should be executed pursuant to this Act by a local authority, and
- (b) that the local authority are unable or unwilling to execute the works,

Local authority
unable or
unwilling to
execute works.

the Minister may by order nominate a person to execute the works and thereupon that person may execute the works in accordance
30 with the directions of the Minister, and in relation to the execution thereof, shall be deemed to be acting on behalf of the local authority and shall have all the powers conferred on them by this Act.

4.—(1) A local authority or person executing works pursuant
35 to this Act or an order made thereunder, or any officer, servant or agent of such authority or person, may, subject to the provisions of this section, enter on any land for the purposes of the execution of the works.

Power of entry
on land.

(2) Before entering on land under this section for a purpose
40 other than the execution of urgent works, a local authority or person executing works pursuant to this Act or an order made thereunder, shall either obtain the consent (in the case of occupied land) of the occupier, or (in the case of unoccupied land) of the owner or shall give not less than fourteen days' notice in writing
45 of the intention to make such entry.

(3) The notice referred to in subsection (2) of this section may be given to a person in any of the following ways :—

- (a) by delivering it to such person,
- (b) by leaving it at the address where such person ordinarily
50 resides,
- (c) by sending it by post in a prepaid registered letter addressed to such person at the address where he ordinarily resides, or
- (d) by posting it at or near the land concerned.

(4) In this section the expression "urgent works" means works the immediate execution of which is, in the opinion of the local authority, necessary to prevent serious injury to any person, land or permanent construction.

(5) A person who obstructs or interferes with the exercise of the power conferred by *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 ten pounds.

Compensation.

5.—(1) Any person who suffers damage by reason of any interference, caused by the execution of works pursuant to this Act or an order made thereunder, with any land owned or occupied by him or any easement, profit-a-prendre or other right belonging to him shall, subject to the provisions of this Act, be entitled to be paid by the local authority concerned compensation in respect of such damage.

(2) Every claim for compensation under this section shall be made in writing to the local authority concerned within eighteen months after the commencement of the works which caused the interference to which the claim relates.

(3) In default of agreement, the amount of any compensation payable by a local authority under this section shall, if the amount claimed in respect thereof does not exceed twenty pounds, be determined by the District Court or, in any other case, be determined by arbitration under the Acquisition of Land (Assessment of Compensation) Act, 1919 (as amended by subsequent enactments) as if the compensation were the price of land compulsorily acquired and the court or the arbitrator, as the case may be, shall have jurisdiction to determine whether compensation is, in the circumstances, payable at all.

(4) In determining compensation under this section, regard shall be had to any protection or benefit enuring to the claimant by reason of the execution of the works to which the claim relates.

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

(6) Where, in the case of an application to determine the compensation to be paid under this section by a local authority, the compensation determined by the court does not exceed that offered unconditionally by the local authority before the application was made, the court may order that the costs and expenses of the local authority shall be deducted from the compensation determined by the court.

(7) The jurisdiction conferred by this section on the District Court shall be exercised, at the election of the claimant, by the Justice within whose district the works or any part thereof were executed or by the Justice within whose district the interference or any part thereof occurred.

Protection of Fisheries.

6.—(1) It shall not be obligatory on a local authority or on a person nominated by the Minister under *section 3* of this Act, when executing works under this Act, to comply with the Fisheries Acts, 1842 to 1944.

(2) Notwithstanding the exemption conferred by *subsection (1)* of this section, a local authority or a person nominated by the Minister under *section 3* of this Act, shall, when executing works under this Act, take such precautions and make such provisions for the protection of fisheries as the Minister for Agriculture either generally or in particular cases may advise.

Short title.

7.—This Act may be cited as the Local Authorities (Works) Act, 1949.

PROJET DE LOI
RELATIF À LA
PROTECTION DES
BÂTIMENTS

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Le projet de loi a pour objet de modifier les dispositions relatives à la protection des bâtiments. Il est divisé en deux sections. La première section traite de la protection des bâtiments anciens et la seconde section traite de la protection des bâtiments modernes.

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BILLE NA nUDARAS AITIÚLA
(OIBREACHA), 1949.

BILLE

(*mar a leasaíodh i gCoiste*)

dá ngairmtear

Acht dá chumasú d'údaráis áitiúla áirithe oibreacha a dhéanamh chun faoiseamh nó caomhna a thabhairt maidir le tuiliú, sleamhnú talún, ísliú talún agus teagmhais dá samhail agus do dhéanamh socruithe i dtaobh nithe eile a bhaineas leis na nithe réamhráite.

An tAire Rialtais Aitiúil do thug isteach.

Do hordaíodh, ag Dáil Eireann, do chlóbhuailadh, Tú Meitheamh, 1949.

BAILL ÁTHA CLIATH:
ARNA FHOILSIU AG OIFIG AN tSOLÁTHAIR.

Le ceannach díreach ón Oifig Díolta Foilseachán Rialtais,
3-4 Sráid an Choláiste, Baile Átha Cliath, nó trí
aon díoltóir leabhar.

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[*Luach Rocl Glan.*]

Wt. 155—1283. 625. 6/49. C.&Co. (8043).

Éire.

LOCAL AUTHORITIES (WORKS) BILL, 1949.

BILL

(*as amended in Committee*)

entitled

An Act to enable certain local authorities to execute works affording relief or protection from flooding, landslide, subsidence and similar occurrences and to provide for matters connected with the matters aforesaid.

Introduced by the Minister for Local Government.

*Ordered by Dáil Eireann, to be printed,
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