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BILLE NA BTAILTE STAIT (TITHE OIBRE), 1961

STATE LANDS (WORKHOUSES) BILL, 1961

EXPLANATORY MEMORANDUM

1. The lands on which the workhouses were built under the Poor Relief (Ireland) Act, 1838, were vested at the time in the English Poor Law Commissioners. Later these lands became vested in turn in the Irish Poor Law Commissioners and the Irish Local Government Board. Under the Constitution of Saorstát Éireann, workhouse lands became State property. In 1924, they became subject to the provisions in the State Lands Act, 1924, on the leasing or licensing for use of State lands. This Act limited the period for which leases could be made or licences granted to ninety-nine years. Charges (at the discretion of the Minister for Finance) were to be imposed and the proceeds applied for the use of the Central Fund. The Act also provided that the proposed leases and licences should be laid before each House of the Oireachtas and should not be made until the expiry of specified periods after their being laid before the Houses of the Oireachtas, unless authorised by resolutions of both Houses.

2. By the State Lands (Workhouses) Act, 1930, the workhouse lands were removed from the ambit of the 1924 Act. Special provision was made for the leasing of such lands by the Minister for Local Government and Public Health or, for short periods, by the local public assistance authority as his agent. Under the 1930 Act, the net proceeds of rents or fines paid for workhouse lands are to be applied by the local public assistance authority "in aid of the expenses incurred in the relief of the poor". The Ministerial functions in relation to workhouse lands are now vested in the Minister for Health.

3. Article 10 of the Constitution includes provision relating to the alienation of State lands either temporarily or permanently. The State Property Act, 1954, provides, in relation to the general body of State lands, that such lands may be sold, exchanged or leased subject to specified conditions. This Act does not relate to workhouse property and there is no statutory power at present whereby the Minister for Health could dispose of the workhouse lands or transfer his functions in relation to the leasing of such lands. The purpose of this Bill is to transfer the ownership of the workhouse lands to the local health authorities. No financial change is involved as far as annual revenues are concerned—the net revenues from the leasing or licensing for use of the lands will, as at present, be applied to offsetting local expenditure on the health services. If lands are sold, the proceeds from the sale of the lands would be a capital gain to the health authority concerned.

4. Section 2 provides that, when the Act is commenced in relation to particular workhouse lands, the State's interest in them will be transferred to the health authority in whose area they are situated. The health authority concerned will be assigned the existing rights of the State in relation to any leases or licences to which the lands are subject. The health authority will be deemed to have acquired the lands for the purposes of the Health Act, 1947, and will thus be empowered after compliance with the normal procedures, to sell or let the lands subject to the consent

of the Minister. The section also provides that where, immediately before the commencement of the Act, particular lands were held by a county council for purposes other than health purposes, the lands will be regarded as having been acquired for those purposes. This will, inter alia, facilitate the making of tenant-purchase schemes under the Labourers Acts, 1883 to 1958, for cottages built on workhouse lands, where the interest acquired by the county council under this measure is freehold. (This provision will not apply to Dublin, Cork, Limerick and Waterford where the local health authorities are not the county councils but, in the event, similar provision is not necessary in regard to those areas). The State Lands (Workhouses) Act, 1930, will cease to apply to lands in respect of which this Act has been commenced.

5. Section 3 provides for the submission of reports to each House of the Oireachtas at half-yearly intervals regarding disposals for more than twenty-one years of parcels of land to which the Minister has consented during the preceding six months.

6. Under Section 4, the Act may be brought into operation either generally or for lands in specified areas. The intention is to bring the Act into operation generally, i.e. for all the lands concerned. The provision for bringing the Act into operation for lands in specified areas will, however, provide for the situation, should it arise, where, because of legal difficulties concerning particular lands, it is necessary to defer the application of the Act to such lands.

An Roinn Sláinte,
Eanáir, 1962.

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4. Section 2 provides that when the Act is commenced in relation to particular workhouse lands the State's interest in them will be transferred to the health authority in whose area they are situated. The health authority concerned will be assigned the existing rights of the State in relation to any lease of those lands which the lands are subject. The health authority will be deemed to have acquired the lands for the purposes of the Health Act, 1947, and will thus be empowered after compliance with the normal procedures to